

1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

Prior to the state board granting authorization for any programs authorized under section 1 of this 1973 act, the state board shall determine that such authorization will not deter from the primary functions of the community college system within the state of Washington as prescribed by chapter 28B.50 RCW.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

The costs of funding programs authorized by this 1973 act shall ultimately be borne by grants or fees derived from nonstate treasury sources.

NEW SECTION. Sec. 4. This 1973 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 31, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 106

[Senate Bill No. 2341]

STATE AUDITOR--STATUTORY DUTIES--TRANSFER

AN ACT Relating to state government; transferring certain statutory duties of the state auditor; amending section 4, page 322, Laws of 1890 as amended by section 1, chapter 38, Laws of 1955 and RCW 2.04.031; amending section 1, chapter 144, Laws of 1953 as last amended by section 1, chapter 100, Laws of 1972 ex. sess. and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as amended by section 2, chapter 100, Laws of 1972 ex. sess. and RCW 2.06.060; amending section 1, chapter 229, Laws of 1937 as last amended by section 1, chapter 30, Laws of 1971 and RCW 2.12.010; amending section 2, chapter 229, Laws of 1937 as amended by section 4, chapter 30, Laws of 1971 and RCW 2.12.020; amending section 6, chapter 229, Laws of 1937, as last amended by section 1, chapter (HB....), Laws of 1973 and RCW 2.12.060; amending section 9, chapter 259, Laws of 1957 and RCW 2.56.090; amending section 4, chapter 213, Laws of 1955 and RCW 8.04.090; amending section 10, chapter 74, Laws of 1891 and RCW 8.04.160;

amending section 2, page 284, Laws of 1877 as amended by section 1291, Code of 1881 and RCW 10.85.025; amending section 49, chapter 256, Laws of 1961 and RCW 15.65.490; amending section 8, chapter 152, Laws of 1919 and RCW 17.12.080; amending section 11, chapter 119, Laws of 1935 and RCW 27.08.010; amending section 28A.04.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.110; amending section 42, chapter 130, Laws of 1943 and RCW 38.24.010; amending section 1, chapter 70, Laws of 1947 and RCW 41.04.020; amending section 2, chapter 208, Laws of 1957 and RCW 41.04.036; amending section 1, page 6, Laws of 1890 and RCW 44.04.040; amending section 1, page 3, Laws of 1890 and RCW 44.04.050; amending section 1, page 10, Laws of 1890 and RCW 44.04.060; amending section 2, chapter 173, Laws of 1941 and RCW 44.04.090; amending section 47.01.160, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1971 ex. sess. and RCW 47.01.160; amending section 47.08.080, chapter 13, Laws of 1961 and RCW 47.08.080; amending section 47.08.090, chapter 13, Laws of 1961 and RCW 47.08.090; amending section 47.08.100, chapter 13, Laws of 1961 and RCW 47.08.100; amending section 47.56.050, chapter 13, Laws of 1961 and RCW 47.56.050; amending section 47.56.180, chapter 13, Laws of 1961 and RCW 47.56.180; amending section 47.58.040, chapter 13, Laws of 1961 as last amended by section 64, chapter 56, Laws of 1970 ex. sess. and RCW 47.58.040; amending section 47.60.060, chapter 13, Laws of 1961 as last amended by section 65, chapter 56, Laws of 1970 ex. sess. and RCW 47.60.060; amending section 51.40.040, chapter 23, Laws of 1961 and RCW 51.40.040; amending section 51.44.110, chapter 23, Laws of 1961 and RCW 51.44.110; amending section 15, chapter 197, Laws of 1949 as amended by section 11, chapter 252, Laws of 1959 and RCW 70.40.150; amending section 72.08.170, chapter 28, Laws of 1959 and RCW 72.08.170; amending section 74.08.370, chapter 26, Laws of 1959 and RCW 74.08.370; amending section 75.08.250, chapter 12, Laws of 1955 and RCW 75.08.250; amending section 77.12.390, chapter 36, Laws of 1955 and RCW 77.12.390; amending section 6, chapter 175, Laws of 1939 as last amended by section 1, chapter 49, Laws of 1951 and RCW 78.48.080; amending section 7, chapter 69, Laws of 1909 as last amended by section 43, chapter 257, Laws of 1959 and RCW 79.24.030; amending section 13, chapter 240, Laws of 1951 and RCW 86.26.110; amending section 3, chapter 105, Laws of 1929 as amended by section 1, chapter 209, Laws of 1939 and RCW 90.16.090; and repealing section 6, chapter 58, Laws of 1933 ex. sess., section 11,

chapter 38, Laws of 1955, section 10, chapter 259, Laws of 1957 and RCW 2.16.060.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 4, page 322, Laws of 1890 as amended by section 1, chapter 38, Laws of 1955 and RCW 2.04.031 are each amended to read as follows:

If proper rooms in which to hold the court, and for the accommodation of the officers thereof, are not provided by the state, together with attendants, furniture, fuel, lights, record books and stationery, suitable and sufficient for the transaction of business, the court, or any three justices thereof, may direct the clerk of the supreme court to provide the same; and the expense thereof, certified by any three justices to be correct, shall be paid out of the state treasury out of any funds therein not otherwise appropriated. Such moneys shall be subject to the order of the clerk of the supreme court, and be by him disbursed on proper vouchers, and accounted for by him in annual settlements with the ((state auditor)) governor.

Sec. 2. Section 1, chapter 144, Laws of 1953 as last amended by section 1, chapter 100, Laws of 1972 ex. sess. and RCW 2.04.090 are each amended to read as follows:

Each justice of the supreme court shall receive an annual salary of thirty-three thousand dollars, but no salary warrant shall be issued to any judge of the supreme court until he shall have made and filed with the state ((auditor)) treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months.

Sec. 3. Section 6, chapter 221, Laws of 1969 ex. sess. as amended by section 2, chapter 100, Laws of 1972 ex. sess. and RCW 2.06.060 are each amended to read as follows:

Each judge of the court shall receive an annual salary of thirty thousand dollars, but no salary warrant shall be issued to any judge until he shall have made and filed with the state ((auditor)) treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted by him for more than three months.

Sec. 4. Section 1, chapter 229, Laws of 1937 as last amended by section 1, chapter 30, Laws of 1971 and RCW 2.12.010 are each amended to read as follows:

Any judge of the supreme court, court of appeals, or superior court of the state of Washington who heretofore and/or hereafter shall have served as a judge of any such courts for eighteen years in the aggregate or who shall have served ten years in the aggregate and shall have attained the age of seventy years or more may, during or at the expiration of his term of office, in accordance with the provisions of this chapter, be retired and receive the retirement pay herein provided for. In computing such term of service, there shall

be counted the time spent by such judge in active service in the armed forces of the United States of America, under leave of absence from his judicial duties as provided for under chapter 201, Laws of 1941 [chapter 73.16 RCW]: PROVIDED, HOWEVER, That in computing such credit for such service in the armed forces of the United States of America no allowance shall be made for service beyond the date of the expiration of the term for which such judge was elected. Any judge desiring to retire under the provisions of this section shall file with the state treasurer, who is hereby created treasurer, ex officio, of the fund hereinafter established, and who is hereinafter referred to as "the treasurer," a notice in duplicate in writing, verified by his affidavit, fixing a date when he desires his retirement to commence, one copy of which the treasurer shall forthwith file with the ~~((state auditor))~~ administrator for the courts. The notice shall state his name, the court or courts of which he has served as judge, the period of service thereon and the dates of such service. No retirement shall be made within a period of less than thirty days after such statement is filed, and no retirement after separation from office by expiration of term shall be allowed unless the statement be filed within thirty days thereafter.

Sec. 5. Section 2, chapter 229, Laws of 1937 as amended by section 4, chapter 30, Laws of 1971 and RCW 2.12.020 are each amended to read as follows:

Any judge of the supreme court, court of appeals, or superior court of the state of Washington, who heretofore and/or hereafter shall have served as a judge of any such courts for a period of ten years in the aggregate, and who shall believe he has become physically or otherwise permanently incapacitated for the full and efficient performance of the duties of his office, may file with the treasurer an application in duplicate in writing, asking for retirement, which application shall be signed and verified by the affidavit of the applicant or by someone in his behalf and which shall set forth his name, the office then held, the court or courts of which he has served as judge, the period of service thereon, the dates of such service and the reasons why he believes himself to be, or why they believe him to be incapacitated. Upon filing of such application the treasurer shall forthwith transmit a copy thereof to the governor who shall appoint three physicians of skill and repute, duly licensed to practice their professions in the state of Washington, who shall, within fifteen days thereafter, for such compensation as may be fixed by the governor, to be paid out of the fund hereinafter created, examine said judge and report, in writing, to the governor their findings in the matter. If a majority of such physicians shall report that in their opinion said judge has become

permanently incapacitated for the full and efficient performance of the duties of his office, and if the governor shall approve such report, he shall file the report, with his approval endorsed thereon, in the office of the treasurer and a duplicate copy thereof with the ((state auditor)) administrator for the courts, and from the date of such filing the applicant shall be deemed to have retired from office and be entitled to the benefits of this chapter to the same extent as if he had retired under the provisions of RCW 2.12.010.

Sec. 6. Section 6, chapter 229, Laws of 1937 as last amended by section 1, chapter (HB ...), Laws of 1973 and RCW 2.12.060 are each amended to read as follows:

For the purpose of providing moneys in said judges' retirement fund, concurrent monthly deductions from judges' salaries and portions thereof payable from the state treasury and withdrawals from the general fund of the state treasury shall be made as follows: Six and one-half percent shall be deducted from the monthly salary of each justice of the supreme court, six and one-half percent shall be deducted from the monthly salary of each judge of the court of appeals, and six and one-half percent of the total salaries of each judge of the superior court shall be deducted from that portion of the salary of such justices or judges payable from the state treasury; and a sum equal to six and one-half percent of the combined salaries of the justices of the supreme court, the judges of the court of appeals, and the judges of the superior court shall be withdrawn from the general fund of the state treasury. In consideration of the contributions made by the judges and justices to the judges' retirement fund, the state hereby undertakes to guarantee the solvency of said fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for if the money in the judges' retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judges' retirement fund shall become insufficient to meet the retirement payments. The deductions and withdrawals herein directed shall be made on or before the tenth day of each month and shall be based on the salaries of the next preceding calendar month. The ((state auditor)) administrator for the courts shall issue warrants payable to the treasurer to accomplish the deductions and withdrawals herein directed, and shall issue the monthly salary warrants of the judges and justices for the amount of salary payable from the state treasury after such deductions have been made. The treasurer shall cash the warrants made payable to him hereunder and place the proceeds thereof in the judges' retirement fund for disbursement as authorized in this chapter.

Sec. 7. Section 4, chapter 213, Laws of 1955 and RCW 8.04.090 are each amended to read as follows:

In case the state shall require immediate possession and use of the property sought to be condemned, and an order of necessity shall have been granted, and no review has been taken therefrom, the attorney general may stipulate with respondents in accordance with the provisions of this section and RCW 8.04.092 and (~~8.04.093~~ [~~8.04.094~~]) 8.04.094 for an order of immediate possession and use, and file with the clerk of the court wherein the action is pending, a certificate of the state's requirement of immediate possession and use of the land, which shall state the amount of money offered to the respondents and shall further state that such offer constitutes a continuing tender of such amount. The attorney general shall file a copy of the certificate with the (~~state auditor~~) office of program planning and fiscal management, who forthwith shall issue and deliver to him a warrant payable to the order of the clerk of the court wherein the action is pending in a sum sufficient to pay the amount offered, which shall forthwith be paid into the registry of the court. The court without further notice to respondent shall enter an order granting to the state the immediate possession and use of the property described in the order of necessity, which order shall bind the petitioner to pay the full amount of any final judgment of compensation and damages which may thereafter be awarded for the taking and appropriation of the lands, real estate, premises, or other property described in the petition and for the injury, if any, to the remainder of the lands, real estate, premises, or other property from which they are to be taken by reason of such taking and appropriation, after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and use by the state of the lands, real estate, premises, or other property described in the petition. The moneys paid into court may at any time after entry of the order of immediate possession, be withdrawn by respondents, by order of the court, as their interests shall appear.

Sec. 8. Section 10, chapter 74, Laws of 1891 and RCW 8.04.160 are each amended to read as follows:

Whenever the attorney general shall file with the (~~auditor of this state~~) director of the office of program planning and fiscal management a certificate setting forth the amount of any award found against the state of Washington under the provisions of RCW 8.04.010 through 8.04.160, together with the costs of said proceeding, and a description of the lands and premises sought to be appropriated and acquired, and the title of the action or proceeding in which said award is rendered, it shall be the duty of the (~~state auditor~~) office of program planning and fiscal management to forthwith issue a

warrant upon the state treasury to the order of the attorney general in a sum sufficient to make payment in money of said award and the costs of said proceeding, and thereupon it shall be the duty of said attorney general to forthwith pay to the clerk of said court in money the amount of said award and costs.

Sec. 9. Section 2, page 284, Laws of 1877 as amended by section 1291, Code of 1881 and RCW 10.85.025 are each amended to read as follows:

The ((auditor)) governor of the state shall ((draw a warrant upon)) prepare a voucher for the treasurer for the amount of the reward upon presentation to him of a certificate of the clerk of the court where the conviction was had of such conviction and the finding of the court that the satisfactory proof was made that the person claiming the reward is entitled thereto, under RCW 10.85.020 and the treasurer shall issue a warrant for such amount.

Sec. 10. Section 49, chapter 256, Laws of 1961 and RCW 15.65.490 are each amended to read as follows:

The director and each of his designees shall keep or cause to be kept separately for each agreement and order in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to such order or agreement, and the same shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. The books and accounts maintained under every such agreement and order shall be closed as of the last day of each fiscal year of the state of Washington. A copy of every such audit shall be delivered within thirty days after the completion thereof to the governor((, the director, the state auditor)) and the commodity board of the agreement or order concerned. The ((state auditor)) department of agriculture shall make at least annually a composite financial statement showing the financial position under all such orders and agreements as of the last day of the fiscal year of the state of Washington and a copy of such composite financial statement shall be delivered within thirty days after completion thereof to the governor ((and the director of agriculture)).

Sec. 11. Section 8, chapter 152, Laws of 1919 and RCW 17.12.080 are each amended to read as follows:

Whenever there shall be included within any pest district lands belonging to the state or to the county the board of county commissioners shall determine the amount of the tax or assessment for which such land would be liable if the same were in private ownership for each subdivision of forty acres or fraction thereof. The assessor shall transmit to the county commissioners a statement of

the amounts so due from county lands and the county commissioners shall appropriate from the current expense fund of the county sufficient money to pay such amounts. A statement of the amounts due from state lands within each county shall be annually forwarded to the commissioner of public lands who shall examine the same and if he finds the same correct and that the determination was made according to law, he shall certify the same ((to the state auditor who shall))and issue a warrant for the payment of same against any funds in the state treasury appropriated for such purposes.

The commissioner of public lands shall keep a record of the amounts so paid on account of any state lands which are under lease or contract of sale and such amounts shall be added to and become a part of the annual rental or purchase price of the land, and shall be paid annually at the time of payment of rent or payment of interest or purchase price of such land. When such amounts shall be collected by the commissioner of public lands it shall be paid into the general fund in the state treasury.

Sec. 12. Section 11, chapter 119, Laws of 1935 and RCW 27.08.010 are each amended to read as follows:

(1) There is hereby created a state board for the certification of librarians, which shall consist of the state librarian, the executive officer of the department of librarianship of the University of Washington, and one other member to be appointed by the governor for a term of three years from a list of three persons nominated by the executive committee of the Washington library association. The members of the board shall serve without salary, shall have authority to establish rules and regulations for their own government and procedure, and shall prescribe and hold examinations to test the qualifications of those seeking certificates as librarians.

(2) The board shall grant librarians' certificates without examination to applicants who are graduates of library schools accredited by the American library association for general library training, and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities equivalent to those of a library school graduate and is qualified to carry on library work ably and efficiently.

(3) Any person not a graduate of a library school accredited by the American library association, but who has served as a librarian or a full time professional assistant in any library in this state for at least one year or the equivalent thereof prior to midnight, June 12, 1935, shall be granted a librarian's certificate without examination, but such certificate shall be good only for the position specified therein, unless specifically extended by the

board.

(4) The board shall require a fee of not less than one dollar nor more than five dollars to be paid by each applicant for a librarian's certificate. Money paid as fees shall be deposited with the state treasurer. All necessary expenses of the board shall be paid from funds appropriated by the legislature ((upon warrants drawn by the state auditor)) upon the presentation of proper vouchers approved by the board.

(5) After January 1, 1937, a library serving a community having over four thousand population shall not have in its employ, in the position of librarian or in any other full time professional library position, a person who does not hold a librarian's certificate issued by the board.

(6) A full time professional library position, as intended by this section, is one that requires, in the opinion of the state board for the certification of librarians, a knowledge of books and of library technique equivalent to that required for graduation from an accredited library school.

(7) The provisions in this section shall apply to every library serving a community having over four thousand population and to every library operated by the state or under its authority, including libraries of institutions of higher learning: PROVIDED, That nothing in this section shall apply to the state law library or to county law libraries.

Sec. 13. Section 28A.04.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.110 are each amended to read as follows:

The state board of education shall hold an annual meeting and such other regular meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business, such special meetings to be called by the superintendent of public instruction, or by a majority of the board. The persons serving as members of the state board of education shall be reimbursed by the superintendent of public instruction for the actual expenses incurred in the performance of their duties which expenses shall be paid by the state treasurer on warrants ((of the state auditor)) out of funds not otherwise appropriated, upon the order of the superintendent.

Sec. 14. Section 42, chapter 130, Laws of 1943 and RCW 38.24.010 are each amended to read as follows:

All bills, claims and demands for military purposes shall be certified or verified and audited in the manner prescribed by regulations promulgated by the governor and shall be paid by the state treasurer ((upon the warrant of the state auditor)) from funds available for that purpose: PROVIDED, HOWEVER, That in all cases where the organized militia, or any part thereof, is called into the

service of the state in case of war, riot, insurrection, invasion, breach of the peace, or to execute or enforce the laws, warrants for allowed pay and expenses for such services or compensation for injuries or death shall be drawn upon the general fund of the state treasury and paid out of any moneys in said fund not otherwise appropriated. All such warrants shall be the obligation of the state and shall bear interest at the legal rate from the date of their presentation for payment.

Sec. 15. Section 1, chapter 70, Laws of 1947 and RCW 41.04.020 are each amended to read as follows:

Any employee or group of employees of the state of Washington or any of its political subdivisions, or of any institution supported, in whole or in part, by the state or any of its political subdivisions, may authorize the deduction from his or their salaries or wages, the amount or amounts of his or their subscription payments or contributions to any person, firm or corporation furnishing or providing medical, surgical and hospital care or either of them, or life insurance or accident and health disability insurance: PROVIDED, That such authorization by said employee or group of employees, shall be first approved by the head of the department, division office or institution of the state or any political subdivision thereof, employing such person or group of persons, and filed with the ((state auditor)) department of personnel; or in the case of political subdivisions of the state of Washington, with the auditor of such political subdivision or the person authorized by law to draw warrants against the funds of said political subdivision.

Sec. 16. Section 2, chapter 208, Laws of 1957 and RCW 41.04.036 are each amended to read as follows:

Any official of the state or of any of its political subdivisions authorized to disburse funds in payment of salaries or wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salary or wages of the officer or employee the amount of money designated by the officer or employee for payment to the United Fund.

The moneys so deducted shall be paid over promptly to the United Fund designated by the officer or employee. Subject to any regulations prescribed by the ((state auditor)) office of program planning and fiscal management, the official authorized to disburse the funds in payment of salaries or wages may prescribe any procedures necessary to carry out RCW 41.04.035 and 41.04.036.

Sec. 17. Section 1, page 6, Laws of 1890 and RCW 44.04.040 are each amended to read as follows:

The ((state auditor is)) chief clerk of the house of representatives and the secretary of the senate are hereby directed to ((draw warrants on)) prepare vouchers for the state treasurer for

the mileage and daily pay of members of the legislature on presentation of certificates showing amounts due for miles traveled and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the chief clerk or secretary, respectively, of the body to which the members belong. The ~~((warrants))~~ state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates.

Sec. 18. Section 1, page 3, Laws of 1890 and RCW 44.04.050 are each amended to read as follows:

The ~~((state auditor shall draw warrants on))~~ chief clerk of the house of representatives and the secretary of the senate shall prepare vouchers for the state treasurer for sums covering amounts due officers and employees of the legislature on presentation of certificates signed by the speaker or president, and countersigned by the chief clerk or secretary of the body in which the service of the officer or employee is rendered, and showing amounts due to dates specified. ~~((Each of said warrants))~~ The state treasurer shall issue warrants which shall be drawn in favor and be made payable to the order of the officer or employee named in each certificate.

Sec. 19. Section 1, page 10, Laws of 1890 and RCW 44.04.060 are each amended to read as follows:

The ~~((state auditor is))~~ chief clerk of the house of representatives and the secretary of the senate are hereby directed to ~~((draw warrants on))~~ prepare vouchers for the state treasurer for the incidental expenses of the legislature, on presentation of certificates showing amounts due for material furnished and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the sergeant-at-arms, respectively, of the body ordering the expenditures. The ~~((warrants))~~ state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates.

Sec. 20. Section 2, chapter 173, Laws of 1941 and RCW 44.04.090 are each amended to read as follows:

The state ~~((auditor))~~ treasurer shall issue warrants for said reimbursement ~~((on vouchers))~~ supported by affidavits that the reimbursement is claimed for expenses of subsistence and lodging actually incurred without itemization and without receipts. Such warrants shall be immediately paid from any funds appropriated for the purpose.

Sec. 21. Section 47.01.160, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1971 ex. sess. and RCW 47.01.160 are each amended to read as follows:

The state highway commission shall have the power and it shall

be its duty:

(1) To conduct, control and supervise the state department of highways, and to designate and establish such department of highway district or branch offices as may be necessary and convenient, and, subject to the provisions of chapter 41.06 RCW, to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of its duties as the state highway commission: PROVIDED, That the highway commission may delegate to the director of highways the authority to employ, appoint, discipline, or discharge employees of the department of highways: PROVIDED FURTHER, That the director may delegate, by order, this authority to his subordinates as he deems appropriate, but the director shall be responsible for the official acts of such subordinates.

(2) To keep at the office of the commission in the highway building at the state capitol a record of all proceedings and orders pertaining to the matters under its direction and copies of all maps, plans and specifications prepared by it, and to prepare and submit to the governor thirty days before each regular session of the legislature of the state of Washington a report of work constructed or under construction and to make recommendations as to needed state highways and improvements of the state highway system, together with estimated cost thereof.

(3) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the commission and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the state highways.

(4) To employ such qualified engineers who shall be registered professional engineers under the laws of the state of Washington, assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of state highways.

(5) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any state highway, and of any bridges, culverts

and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state (~~auditor~~) treasurer.

(6) To publish biennially and before the end of each even numbered year a report of the commission with such cumulative information as may be deemed important and such recommendations as may be deemed desirable for the future operation of the commission.

(7) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the state of Washington and conducting investigations and research thereof in the state of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs.

(8) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer.

(9) To exercise all other powers and perform all other duties now or hereafter provided by law.

Sec. 22. Section 47.08.080, chapter 13, Laws of 1961 and RCW 47.08.080 are each amended to read as follows:

In the event that any funds should become available from the federal government, or otherwise, for expenditure in conjunction with county funds, for the construction, alteration, repair or improvement of any county road of any county and the same is to be performed by the highway commission, the state (~~auditor~~) treasurer shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to any such county, the cost thereof, together with the cost of engineering, supervision, and other proper items, or so much of the money in the state treasury to the credit of such county as may be necessary for use in conjunction with funds from the federal government to accomplish such work, the same to be performed by the highway commission and paid from the money so set aside upon vouchers approved and submitted by the

highway commission in the same manner as payment is made for such work on state highways: PROVIDED, That the board of county commissioners of any such county shall have, by proper resolution, filed in duplicate in the office of the highway commission and approved by it, determined the county road construction, alteration, repair or improvement to be performed in such county and the same is found to conform in all respects to the requirements necessary for the use of such funds of the federal government.

Sec. 23. Section 47.08.090, chapter 13, Laws of 1961 and RCW 47.08.090 are each amended to read as follows:

In the event that any funds should become available from the federal government or otherwise for expenditure in conjunction with funds accruing to any incorporated city or town for the construction, alteration, repair or improvement of its city streets designated as forming a part of the route of any state highway through such incorporated city or town and the same is to be performed by the highway commission, the state ~~((auditor))~~ treasurer shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to such incorporated city or town, the cost thereof or so much money in the state treasury to the credit of such incorporated city or town as may be necessary in conjunction with such funds from the federal government or otherwise to accomplish such work, the same to be paid by the state auditor from the money so set aside upon vouchers approved and submitted by the highway commission in the same manner as payment is made for work on state highways. In the event that any such incorporated city or town shall have agreed with the state of Washington or the federal government as a condition precedent to the acquiring of federal funds for construction on any city street of such incorporated city or town designated as forming a part of the route of any state highways, that the same will be maintained to a standard and such incorporated city or town fails to so maintain such city street, then the highway commission may perform such maintenance and the state auditor is authorized to deduct the cost thereof from any funds credited or to be credited to such incorporated city or town and pay the same on vouchers approved and submitted by the highway commission in the same manner as payment is made for work performed on state highways.

Sec. 24. Section 47.08.100, chapter 13, Laws of 1961 and RCW 47.08.100 are each amended to read as follows:

The highway commission is authorized from time to time to investigate expenditures from the county road fund and the city street fund; and if it determines that unauthorized, illegal or wrongful expenditures are being or have been made from said fund it is authorized to proceed as follows: If the county road fund is involved it shall notify in writing the board of county commissioners

and the county treasurer of its determination; and if the city street fund is involved it shall notify the city council or commission and the mayor and city treasurer of the city or town of its determination. In its determination the highway commission is authorized to demand of said officials that the wrongful or illegal expenditures shall be stopped, adjusted, or remedied and that restitution of any wrongful or illegal diversion or use shall be made; and it may notify said officials that if the wrong is not stopped, remedied, or adjusted, or restitution made to its satisfaction within a specified period fixed by it, it will direct the withholding of further payments to the county or city from the motor vehicle fund. The county or city shall have ten days after such notice is given within which to correct or remedy the wrong, or wrongful and illegal practices, to make restitution or to adjust the matter to the satisfaction of the highway commission.

If no correction, remedy, adjustment or restitution is made within said ten days to the satisfaction of the commission it shall have power to request in writing that ((the state auditor and)) the state treasurer withhold further payments from the motor vehicle fund to such county or city; and it shall be the duty of ((the state auditor and)) the state treasurer upon being so notified to withhold further payments from the motor vehicle fund to the county or city involved until such officials are notified in writing by the commission that payments may be resumed.

The commission is also authorized to notify in writing the prosecuting attorney of the county in which such violation occurs of the facts, and it shall be the duty of the prosecuting attorney to file charges and to criminally prosecute any and all persons guilty of any such violation.

Sec. 25. Section 47.56.050, chapter 13, Laws of 1961 and RCW 47.56.050 are each amended to read as follows:

(1) The Washington toll bridge authority, whenever it is considered necessary or advantageous and practicable, is empowered to provide for the acquisition by purchase of, and to acquire by purchase, (a) any bridge or bridges or ferries which connect with or may be connected with the public highways of this state, and (b) together with approaches thereto.

(2) In connection with the acquisition by purchase of any bridge or bridges or ferries pursuant to the provisions of subsection (1) of this section, the Washington toll bridge authority, the state highway commission, the state treasurer, ((the state auditor,)) any city, county or other political subdivision of this state, and all said officers--

(a) are empowered and required to do all acts and things as in this chapter provided for the establishing and constructing of toll

bridges and operating, financing and maintaining such bridges insofar as such powers and requirements are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance; and

(b) in purchasing, operating, financing and maintaining any bridge or bridges or ferries acquired or to be acquired by purchase pursuant to the provisions of this section, shall act in the same manner and under the same procedures as are provided in this chapter for the establishing, constructing, operating, financing and maintaining of toll bridges insofar as such manner and procedure are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance.

(3) Without limiting the generality of the provisions contained in subsections (1) and (2) hereof, the Washington toll bridge authority is empowered (a) to cause surveys to be made for the purpose of investigating the propriety of acquiring by purchase any such bridge or bridges or ferries and the right of way necessary or proper for said bridge or bridges or ferries, and other facilities necessary to carry out the provisions of this chapter; (b) to issue, sell and redeem bonds and to deposit and pay out the proceeds of said bonds for the financing thereof; (c) to collect, deposit, and expend toll therefrom; (d) to secure and remit financial and other assistance in the purchase thereof; and (e) to carry insurance thereon.

(4) The provisions of RCW 47.56.220 shall apply when any such bridge or bridges or ferries are acquired by purchase pursuant to this section.

Sec. 26. Section 47.56.180, chapter 13, Laws of 1961 and RCW 47.56.180 are each amended to read as follows:

Warrants for payments to be made on account of such bonds shall be duly drawn by the state (~~(auditor)~~) treasurer on vouchers approved by the Washington toll bridge authority.

Moneys required to meet the costs of construction and all expenses and costs incidental to the construction of any particular toll bridge or toll bridges or to meet the costs of operating, maintaining and repairing the same, shall be paid from the proper fund therefor by the state (~~(auditor)~~) treasurer upon voucher submitted by the highway commission approved by the Washington toll bridge authority.

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues.

Sec. 27. Section 47.58.040, chapter 13, Laws of 1961 as last amended by section 64, chapter 56, Laws of 1970 ex. sess. and RCW 47.58.040 are each amended to read as follows:

For the purpose of paying the cost of all or any part of such improvement and reconstruction work and the construction of any such additional bridge, approaches thereto and connecting highways, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable from any funds available, except that portion of the motor vehicle fund allocated by law to the Washington state highway commission, and except revenue from the general fund, including but not limited to the revenues and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the ((member of the authority who is state auditor)) state treasurer and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state ((auditor)) treasurer: PROVIDED, That the countersignature of the governor on such bonds and the signature of the state ((auditor)) treasurer on such coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder at such price or prices, at such rate or rates of interest and after such advertising for bids as the authority may deem proper: PROVIDED, That the authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the authority may deem advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee

designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority.

Sec. 28. Section 47.60.060, chapter 13, Laws of 1961 as last amended by section 65, chapter 56, Laws of 1970 ex. sess. and RCW 47.60.060 are each amended to read as follows:

For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging or improving all or any part of said system, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by such resolution.

Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington.

The authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking.

Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the ((member of the authority who is state auditor)) state treasurer and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state ((auditor)) treasurer: PROVIDED, That the countersignature of the governor on such bonds and the signature of the state ((auditor)) treasurer on such coupons may be their printed or lithographed facsimile signatures.

Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or

without coupons attached may be issued as may be provided by said resolution.

Sec. 29. Section 51.40.040, chapter 23, Laws of 1961 and RCW 51.40.040 are each amended to read as follows:

The employer shall pay monthly into the medical aid fund ten percent of the amount he would have been required to pay in that month if such contract had not been made, and of that ten percent he shall collect one-half from his said workmen by proper deduction from the daily wage of each and, in addition thereto, every classification and subclassification of industries whose employer and employees are under medical aid contract, shall pay into the surplus fund hereby created a further sum to be determined by the director, through the division of industrial insurance, not exceeding ten percent of the amount that would have been required to be paid into the medical aid fund if such contract had not been made and the employer shall collect such sum from the party agreeing to furnish such medical aid and hospital service. The surplus fund shall be used by the director only for the purpose of furnishing medical aid to workmen included in the contract provided for in this section, where the necessity therefor arises after the expiration or cancellation of such medical aid contract, in those instances where the medical aid contractor has become deceased, insolvent, dissolved or, in the opinion of the director, otherwise incapable of rendering the required medical aid to the injured workmen. The amount at which such surplus fund shall be maintained in each classification and subclassification shall be determined by the director, through the division of industrial insurance, based upon the estimated costs of such future medical treatment required to be furnished after the expiration or cancellation of the medical aid contract, except as in this chapter provided. When adequate reserves for such purpose have been accumulated to the credit of any classification and subclassification the levy therefor may be suspended in the discretion of the director. Disbursements from said surplus fund shall be made by warrants drawn against the same by the ((state auditor)) department upon certificate thereof, or requisition therefor((, by the director,)) through the division of industrial insurance. Payment into the surplus fund shall not relieve the party agreeing to furnish such medical aid and hospital service from his obligation so to do at any time during or after the expiration of his medical aid contract except as in this section provided: PROVIDED, That if, upon the expiration of any medical aid contract, the medical aid contractor does not renew it and forthwith and thereafter ceases the performance of all medical aid contracts as in this chapter provided, he shall be relieved from all liability to furnish future medical aid to the injured workman arising after the expiration of such contract or contracts, if he has

paid all levies theretofore made during the existence of such contract or contracts into the surplus fund.

Sec. 30. Section 51.44.110, chapter 23, Laws of 1961 and RCW 51.44.110 are each amended to read as follows:

Disbursement out of the several funds shall be made only upon warrants drawn by the ((state auditor upon vouchers therefor transmitted to him by the)) department ((and audited by him)). The state treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money in the fund on which any such warrant is drawn wherewith to pay the same, the employer on account of whose workman it was that the warrant was drawn shall pay the same, and he shall be credited upon his next following contribution to such fund the amount so paid with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable and, if the amount of the credit shall exceed the amount of the contribution, he shall have a warrant upon the same fund for the excess and, if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of the fund.

Sec. 31. Section 15, chapter 197, Laws of 1949 as amended by section 11, chapter 252, Laws of 1959 and RCW 70.40.150 are each amended to read as follows:

The ((director)) secretary is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants or to approve applicants for federal funds and authorize the payment of such funds directly to such applicants as may be allowed by federal law. To achieve that end there is hereby established, separate and apart from all public moneys and funds of this state, a trust fund to be known as the "hospital and medical facility construction fund", of which the state treasurer shall ex officio be custodian. Moneys received from the federal government for construction projects approved by the surgeon general shall be deposited to the credit of this fund, shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. Vouchers covering all payments from the hospital and medical facility construction fund shall be prepared by the department of social and health services and shall bear the signature of the ((director)) secretary or his duly authorized agent for such purpose, and warrants therefor shall be ((drawn)) signed by the state ((auditor as ex officio auditor of the fund)) treasurer.

Sec. 32. Section 72.08.170, chapter 28, Laws of 1959 and RCW 72.08.170 are each amended to read as follows:

The ((director)) secretary of the department of social and health services or his designee shall have power to offer rewards not exceeding two hundred dollars, in the one case for the return of

escaped convicts, and to pay the expenses of the apprehension, safekeeping and return of all escaped convicts by the officers of the penitentiary. He shall certify the amount of reward allowed and expenses incurred ~~((to))~~ and prepare a voucher for the state ~~((auditor))~~ treasurer, who shall draw his warrant for the amount found due ~~((on the state treasurer; who shall pay the same))~~ out of any funds available therefor.

Sec. 33. Section 74.08.370, chapter 26, Laws of 1959 and RCW 74.08.370 are each amended to read as follows:

All old age assistance grants under this title shall be a charge against and payable out of the general fund of the state. Payment thereof shall be by warrant ~~((of the state auditor to be))~~ drawn upon vouchers duly prepared and verified by the ~~((director of public assistance))~~ secretary of the department of social and health services or his official representative.

Sec. 34. Section 75.08.250, chapter 12, Laws of 1955 and RCW 75.08.250 are each amended to read as follows:

All expenses incurred under the provisions of this title shall be audited by the state auditor, upon bills presented, properly certified by the director, or his duly authorized assistant ~~((; and the said auditor shall draw warrants upon the state treasurer for the amount))~~ and vouchers shall be prepared by the department and forwarded to the state treasurer for payment.

Sec. 35. Section 77.12.390, chapter 36, Laws of 1955 and RCW 77.12.390 are each amended to read as follows:

Upon receipt of any voucher, the commissioner of public lands shall immediately execute the same and cause such lands to be withdrawn from lease. The said commissioner shall thereupon forward to the state ~~((auditor))~~ treasurer the said voucher and the state ~~((auditor))~~ treasurer shall thereupon draw a warrant against the state game fund and in favor of the particular fund for which the withdrawn lands have been theretofore held.

Sec. 36. Section 6, chapter 175, Laws of 1939 as last amended by section 1, chapter 49, Laws of 1951 and RCW 78.48.080 are each amended to read as follows:

In the event that any funds are made available from the federal government or from any department, division or agency thereof for the purpose of paying the cost of the establishment, location and construction of any mine to market road or trail, such funds shall be received by the state treasurer of the state of Washington and deposited by him in the motor vehicle fund: PROVIDED, That the director of highways and all officers, departments, boards or commissions of the state of Washington shall have the power to receive and use such federal funds in such manner as the federal agency making such contributions shall provide. In the event that

any private individual, firm, corporation or association may desire to make any contribution to aid in the cost of construction of any mine to market road or trail, such contribution shall be made in lawful money of the United States by delivery to the state treasurer and by him deposited to the credit of the motor vehicle fund for the use of the director of highways to defray the cost of establishment, location and construction of the mine to market road or trail, or that portion thereof for which such contribution was made.

Whenever, upon completion of a mine to market road or trail, there shall be an unexpended balance of a contribution received from a private individual, firm, corporation or association in aid of the construction of such mine to market road or trail the director of highways shall ~~((submit))~~ prepare a voucher to the state ~~((auditor))~~ treasurer for the issuance of a warrant in favor of the donor against the motor vehicle fund in the amount of such unexpended balance.

In the event that any private individual, firm, corporation or association desires to donate labor, machinery or equipment in aid of the location or construction of a mine to market road or trail the director of highways is authorized to accept and use the same.

Sec. 37. Section 7, chapter 69, Laws of 1909 as last amended by section 43, chapter 257, Laws of 1959 and RCW 79.24.030 are each amended to read as follows:

The board of natural resources and the state capitol committee may employ such cruisers, draughtsmen, engineers, architects or other assistants as may be necessary for the best interests of the state in carrying out the provisions of this act, and all expenses incurred by the board and committee, and all claims against the general fund--capitol building construction account shall be audited by the state capitol committee and presented in vouchers to the state ~~((auditor))~~ treasurer, who shall draw a warrant therefor against the general fund--capitol building construction account as herein provided or out of any appropriation made for such purpose.

Sec. 38. Section 13, chapter 240, Laws of 1951 and RCW 86.26.110 are each amended to read as follows:

No warrant shall be drawn ~~((by the state auditor))~~ to the credit of the flood control maintenance account of any participating local agency except on vouchers for reimbursement of expenditures therefor made and properly supported and approved by the local flood control engineer and by the supervisor of flood control.

Sec. 39. Section 3, chapter 105, Laws of 1929 as amended by section 1, chapter 209, Laws of 1939 and RCW 90.16.090 are each amended to read as follows:

All fees paid under provisions of this chapter, shall be credited by the state treasurer to the reclamation revolving fund and subject to legislative appropriation, be allocated and expended by

the director of the department of conservation for investigations and surveys of natural resources in cooperation with the federal government, or independently thereof, including stream gaging, hydrographic, topographic, river, underground water, mineral and geological surveys(~~(; the state auditor may anticipate receipts and issue warrants to cover such expenditures in any amount not exceeding twenty-five thousand dollars)~~): PROVIDED, That in any one biennium all said expenditures shall not exceed total receipts from said power license fees collected during said biennium: AND PROVIDED FURTHER, That the portion of money allocated by said director to be expended in cooperation with the federal government shall be contingent upon the federal government making available equal amounts for such investigations and surveys.

NEW SECTION. Sec. 40. Section 6, chapter 58, Laws of 1933 ex. sess., section 11, chapter 38, Laws of 1955, section 10, chapter 259, Laws of 1957 and RCW 2.16.060 are each repealed.

Passed the Senate February 18, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 107

[Engrossed Senate Bill No. 2342]

SCHOOL DISTRICTS--ELDERLY--NONPROFIT

MEAL PROGRAMS

AN ACT Relating to school districts; amending section 28A.58.136, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.136; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The legislature finds that many elderly persons suffer dietary deficiencies and malnutrition due to inadequate financial resources, immobility, lack of interest due to isolation and loneliness, and characteristics of the aging process, such as physiological, social, and psychological changes which result in a way of life too often leading to feelings of rejection, abandonment, and despair. There is a real need as a matter of public policy to provide the elderly citizens with adequate nutritionally sound meals, through which their isolation may be penetrated with the company and the social contacts of their own. It is the declared purpose of this 1973 amendatory act to raise the level of dignity of the aged population where their remaining years can be lived in a