

CHAPTER 164.

[S. B. 357.]

WASHINGTON PRODUCED FUEL.

AN ACT relating to the use of Washington state products for fuel by the state, municipalities and political subdivisions therein; making an appropriation therefor; and amending section 1 of chapter 179 of the Laws of 1933 (section 10322-11 of Remington's Revised Statutes).

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1 of chapter 179 of the Laws of 1933 (section 10322-11 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 10322-11,
Rem. Rev.
Stat. (§ 5527-
4a P. C.)

Section 1. No fuel shall be purchased for use or used in any plant, building, institution or establishment of any kind owned or operated by the State of Washington, or by any county, city, town, school district, or other municipal corporation or agency of any kind, in the State of Washington, unless the same shall have been wholly mined or produced within the State of Washington: *Provided*, That nothing herein contained shall be construed to impair any valid contract existing or in force on February 1, 1937: *And provided also*, No such existing contract shall be extended or renewed unless it complies herewith: *Provided*, That, no such plant, building, institution or establishment of any kind, which, at the time of the passage of this act, is using and/or burning fuel therein, mined or produced outside of the State of Washington, shall be compelled to comply with the provisions of this act, if the director of the department of finance, budget and business of the State of Washington determines and finds the cost of heating such plant, building, institution or establishment by the use of fuels wholly mined or produced within the State of Washington is over five per cent (5%) greater than the "cost" of heating

State institu-
tions and
municipal
corporations
to use state
produced
fuel.

Existing
contracts.

Application.

such plant, building, institution or establishment by the use of fuels wholly mined or produced outside the State of Washington, and written permission shall be issued by the director of the department of finance, budget and business to continue the use of out-of-state fuel. An application shall be filed with the director of the department of finance, budget and business, by the state, municipality, or political subdivision owning or operating such plant, building, institution or establishment, before January 1, 1938, for permission to continue the use of out-of-state fuel therein and for a hearing for such a determination and find, and a hearing shall be had upon such application. Upon the filing of such application, the director of the department of finance, budget and business shall cause a hearing to be had thereon on or before June 1, 1938, and shall cause to be published in some newspaper printed in the vicinity of the place where such plant, building, institution or establishment is located, a notice stating the name of the applicant, the purpose, nature and object of the application, the plant, building, institution or establishment involved, and the time and place of the hearing of such application. Such notice shall be published once in each week for three successive weeks. Proof of such publication shall be made by affidavit of the publisher of the newspaper. Such hearing shall be had upon sworn testimony. The director of the department of finance, budget and business or his assistants may administer oaths and issue subpoenas to enforce the attendance of all necessary witnesses. The director of the department of finance, budget and business shall have full power after such hearing to determine and find whether the cost of heating such a plant, building, institution or establishment by the use of fuels wholly mined or produced in the State of Washington is over five per cent (5%) greater than the cost of heating such a

plant, building, institution or establishment by the use of fuels wholly mined or produced outside the State of Washington, and such determination and finding shall be final and conclusive, and shall be made within thirty (30) days after the close of such hearing. If the director of the department of finance, budget and business denies the application for permission to continue the use of out-of-state fuels and makes a determination or finding adverse to the applicant, the applicant shall have until September 1, 1938, within which to make necessary changes in plant or equipment. Pending the filing of the application for such hearing, the giving of notice, the holding of such hearing, and the rendition of a decision, no such plant, building, institution or establishment shall be required to change from the use of out-of-state fuels to the use of fuels wholly mined or produced within the state.

SEC. 2. There is hereby appropriated out of the general fund of the State of Washington, the sum of five thousand dollars (\$5,000.00) to be available to the director of the department of finance, budget and business for administrative expenses under this act.

Appropriation.

Passed the Senate March 5, 1937.

Passed the House March 10, 1937.

Approved by the Governor March 16, 1937.