

ously used cartons, bags or other containers bearing the Washington state egg seal or a permanent egg establishment permit number or any similar identification whatsoever, but this section shall not affect the sale of eggs in quantities of fifteen dozen or more.

Unlawful  
to use  
seals twice.

SEC. 4. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Partial  
invalidity.

Passed the House February 19, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.

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## CHAPTER 117.

[ H. B. 161. ]

### PUBLIC SERVICE COMMISSION.

AN ACT relating to state government; creating a Public Service Commission; providing for the appointment of Public Service Commissioners, and prescribing their powers and duties; abolishing the Department of Transportation and Department of Public Utilities; creating a Public Service Revolving Fund and abolishing the Transportation Revolving Fund and the Public Utilities Revolving Fund; providing for the transfer of property and business of such departments to the commission created by this act, and declaring that this act shall take effect on April 1, 1949.

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

SECTION 1. There is hereby created a State Commission to be known and designated as the Washington Public Service Commission. The Public Service Commission shall consist of three members, who shall be appointed by the Governor, with the consent of the Senate. If the Senate is not in session when this act takes effect or if a vacancy occurs

Washington  
Public  
Service  
Commission.

Governor  
to appoint  
members.

Temporary  
appoint-  
ments.

while the Senate is not in session, the Governor shall make a temporary appointment for the full or unexpired term, as the case may be, until the next meeting of the Senate, when the Governor shall present to the Senate his nomination for the office. Immediately after this act shall take effect, the Governor shall, with the consent of the Senate, appoint one (1) member for a term of two (2) years, and two (2) members for terms of four (4) years each, or until their successors are appointed and qualified. Thereafter each member shall be appointed and confirmed for a term of four (4) years, or until his respective successor is duly appointed and qualified. One of such Commissioners, to be designated by the Governor, shall, during the term of the appointing Governor, be the chairman of the Commission.

Terms of  
office.

Oath of  
office.

Bond.

Qualifications  
for Commis-  
sioners.

SEC. 2. Each Commissioner shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and furnish bond to the state in the sum of twenty thousand dollars conditioned for the faithful discharge of the duties of his office and for the proper accounting for all funds that may come into his possession by virtue of his office. Each Commissioner shall be a qualified elector of this state and no person in the employ of or holding any official relation to any corporation or person, which corporation or person is subject in whole or in part to regulation by the Commission, and no person owning stocks or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed or hold the office of Commissioner or be appointed or employed by the Commission: *Provided*, That if any such person shall become the owner of such stocks or bonds or become pecuniarily interested in such corporation otherwise than voluntarily, he shall within a reasonable time divest himself of such ownership or

interest, and failing to do so his office or employment shall become vacant.

SEC. 3. The Commission shall have power and it shall be its duty: Powers and duties of Commission.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the Director of Transportation and the Director of Public Utilities;

(2) To exercise such other powers and perform such other duties as may be prescribed by law;

(3) To make such rules and regulations as may be necessary to carry out its other powers and duties.

SEC. 4. The Commission shall appoint and employ a Secretary and such other qualified assistants as may be necessary to carry on the administrative work of the Commission. The Secretary shall be the custodian of the Commission's official seal, and shall keep full and accurate minutes of all transactions, proceedings and determinations of the Commission and perform such other duties as may be required by the Commission. Appointment of Secretary and assistants.  
Duties of Secretary.

SEC. 5. All proceedings of the Commission and all documents and records in its possession shall be public records, and it shall adopt and use an official seal. The Commission shall make and submit to the Governor and the Legislature a biennial report containing a statement of the transactions and proceedings of its office, together with the information gathered by the Commission and such other facts, suggestions and recommendations as may be by it deemed necessary. Proceedings, documents and records.  
Official seal.  
Biennial report.

SEC. 6. A majority of the Commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the Commission, and may hold hearings at any time or place within or with- Quorum.  
Hearings may be held outside state.

Investiga-  
tions, in-  
quiries and  
hearings.

out the state. Any investigation, inquiry or hearing which the Commission has power to undertake or to hold may be undertaken or held by or before any Commissioner or any examiner designated and authorized by the Commission as provided in section 1, chapter 164 of the Laws of the Extraordinary Session of 1925. All investigations, inquiries and hearings of the Commission, and all findings, orders or decisions, made by a Commissioner, when approved and confirmed by the Commission and filed in its office, shall be and be deemed to be the orders or decisions of the Commission.

Orders or  
decisions of  
Commission.

Joint Investi-  
gations,  
hearings and  
orders.

SEC. 7. The Commission shall have full power to make joint or concurrent investigations, hold joint or concurrent hearings, and issue joint or concurrent orders in conjunction or concurrence with any official, board, or Commission of any state or of the United States, whether in the holding of such investigations or hearings or in the making of such orders the Commission functions under agreements or compacts between states or under the concurrent power of states to regulate interstate commerce or as an agency of the Federal government or otherwise. When necessary the Commission may hold such joint hearing or investigation outside the state.

May be held  
outside state

Effective  
date of act.

SEC. 8. This act is necessary for the support of the state government and its existing public institutions and shall take effect April 1, 1949, on which date all powers heretofore exercised and all duties heretofore performed by the Department of Transportation and by the Department of Public Utilities shall devolve upon the Commission created by this act. The Department of Transportation and the Department of Public Utilities are hereby abolished, but such abolishment shall not in any way affect, impair or abrogate any of the powers conferred by the statutes whereby such departments were created

Departments  
of Transpor-  
tation and  
Public Utili-  
ties abolished  
and powers  
transferred  
to Com-  
mission.

or those conferred by any other statute heretofore enacted pertaining to the regulation of public service companies. The incumbents of the Department of Transportation and the Department of Public Utilities abolished by this act may continue to hold office and perform any act required of them by law until such time after April 1, 1949, as the Washington Public Service Commission is organized and the Commission members thereof are duly appointed and qualified and any act performed by them prior to that time shall be valid and binding.

Incumbents shall hold office until Commission is organized.

Acts binding on Commission.

SEC. 9. This act shall not affect pending actions or proceedings, civil or criminal, brought by or on behalf of the Department of Transportation or Department of Public Utilities, or any other person or corporation, under the provisions of chapter 117, Laws of 1911, or acts amendatory thereof or supplemental thereto. Any investigation or examination undertaken by said Departments prior to the taking effect of this act may be conducted and continued to a final determination by the Commission in the same manner, under the same terms and conditions, and with the same effect as the same could have been conducted and continued by the Departments but for the passage of this act. All findings, orders and rules made, issued and promulgated by the Department of Transportation or Department of Public Utilities shall continue in force and have the same effect as if this act had not been passed, and the Commission is empowered to enforce such findings, orders and rules in the same manner and under the same conditions as if they had been made, issued and promulgated by it. This act shall be construed as a continuation of chapter 81, Laws of 1905, chapter 117, Laws of 1911, and the acts amendatory thereof and supplemental thereto.

Pending actions not affected.

Investigations and examinations may be continued.

Findings, orders and rules shall continue in force.

Funds and documents to be transferred to Commission.

SEC. 10. Upon the organization of the Commission created by this act and the appointment and qualification of the Commissioners, as herein provided, all funds, books, papers, documents, records, data, files and all other equipment and property belonging to the Department of Transportation and the Department of Public Utilities abolished by this act, together with pending business pertaining thereto, shall be delivered to the Commission.

Revolving funds abolished and "Public Service Revolving Fund" created.

SEC. 11. The Transportation Revolving Fund and the Public Utilities Revolving Fund are abolished as of April 1, 1949, and as of such date there is created in the state treasury a "Public Service Revolving Fund" to which shall be transferred all monies which then remain on hand to the credit of the Transportation Revolving Fund and the Public Utilities Revolving Fund, subject, however, to outstanding warrants and other obligations chargeable to appropriations made from such funds. From and after the effective date of this act, regulatory fees payable by all types of public service companies shall be deposited to the credit of the Public Service Revolving Fund. All expense of operation of the Washington Public Service Commission shall be payable out of the Public Service Revolving Fund.

Monies to be transferred.

Conflicting acts superseded.

SEC. 12. If any of the provisions of this act conflict with any of the provisions of chapter 117, Laws of 1911, or of chapter 7, Laws of 1921, or acts amendatory thereof or supplemental thereto, this act shall supersede any such conflicting provisions.

Passed the House February 24, 1949.

Passed the Senate March 4, 1949.

Approved by the Governor March 16, 1949.