

## CHAPTER 123.

[ House Bill No. 13. ]

## NAVIGATION CANALS—CANAL COMMISSION.

AN ACT relating to navigation canals; establishing a canal commission; setting forth the power of said commission.

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

Canal  
commission.  
Purposes.

SECTION 1. The purposes of this act are to aid commerce and navigation, including the development of recreational facilities related thereto, and to otherwise promote the general welfare by the development of navigation canals within the boundaries of the state of Washington.

Commission  
created—  
Members—  
Appointment  
—Qualifica-  
tions—Officers  
—Terms—Va-  
cancies—  
Removal, pro-  
cedure, appeal.

SEC. 2. There is hereby created a canal commission of the state of Washington, which shall be composed of five members appointed by the governor and confirmed by the senate. Not more than three members of the commission shall be from the same political party. In making such appointments the governor shall give due recognition to the varying geographical sections of the state. The commission shall select its own chairman. The director of conservation shall be an ex officio member of the commission without vote.

The initial members of the commission shall be appointed within thirty days after the effective date of this act. Of the initial membership one member shall be appointed for a term of six years, two members shall be appointed for a term of four years and two members shall be appointed for a term of two years. The first term of each member shall commence on July 1, 1965. After the first term, all appointments shall be for a term of six years. Each member of the commission shall continue in office until his successor is appointed and qualified. In the event of a vacancy in the office of any com-

missioner, the balance of the term shall be filled within ninety days by appointment by the governor. No canal commissioner shall be removed from office by the governor before the expiration of his term unless based upon incapacity, incompetence, neglect of duty, or malfeasance in office. Where removal is sought the governor shall furnish the commissioner with a letter setting forth the reason for the removal. Any commissioner whose removal is sought may request a hearing before the superior court of the state of Washington in and for Thurston county, by requesting the same within twenty days from the date of receipt of the letter of removal. Such tribunal shall fix the time of hearing, allow all parties full opportunities to be heard, and determine whether the causes for removal were properly based. The effective date of removal shall be thirty days after transmittal of the letter to the commissioner, or if appeal is taken, on the date of final determination by the court.

SEC. 3. Commission members shall receive no compensation but shall be reimbursed for subsistence and travel expense at the rates provided in RCW 43.03.050 and 43.03.060 for attendance at meetings of the commission and while in the discharge of other commission business.

Members—  
Reimbursement for subsistence and travel expenses.

SEC. 4. The commission shall be subject to the provisions of chapter 34.04 RCW.

Administrative procedure act applicable.

SEC. 5. The commission:

Duties.

(1) Shall adopt rules and regulations necessary to carry out the purposes of this act.

(2) Shall meet not less than once every three months, and keep a complete record of all its proceedings. Special meetings may be called by the chairman of the commission, or by three members of the commission, by personal delivery of written notice thereof, or by delivery to their place of resi-

Canal com-  
mission.  
Duties.

dence or business. Three members of the commission shall constitute a quorum to transact the business of the commission at either special or regular meetings.

(3) Shall employ a director and such other employees as are necessary to carry out functions of the commission. The attorney general shall be legal adviser for the commission.

(4) Shall make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the state of Washington.

(5) May construct, maintain, and/or operate any navigation canal, or navigation canal systems deemed feasible by the commission.

(6) May acquire by gift, purchase, or condemnation from any person, municipal, public or private corporation, or the state of Washington, or lease from the United States of America, any lands, rights of way, easements, or property rights in, over or across lands or waters necessary for the construction, operation or maintenance of any navigation canal, or navigation canal system. The acquisition of such rights is for a public use. The exercise of the right of eminent domain shall be in the manner provided by chapter 8.04 RCW, and all actions initiated thereunder shall be brought in the name of the canal commission.

(7) May hold public hearings. Prior to a determination of feasibility for any proposed project, the commission shall hold a public hearing so that members of the public may present their views thereon.

(8) May accept and expend moneys appropriated by the legislature or received from any public or private source, including the federal government, in carrying out the purposes of this act.

(9) May negotiate and cooperate with the United States of America for the purpose of inducing the United States to undertake the construction, operation or maintenance of any navigation canal, or navigation canal system provided for in this act.

(10) Is authorized as a local sponsor to cooperate, contract, and otherwise fully participate on behalf of the state of Washington with the United States of America, in any study relating to a determination of feasibility of a navigation canal or navigation canal system, and in any project relating to the construction, operation, or maintenance of a navigation canal, or navigation canal system to be undertaken by the United States of America.

The authority granted herein includes, but is not limited to, contributing such moneys to the United States of America as may be required and appropriated for that purpose by the legislature and furnishing without cost to the United States of America all lands, easements, rights of way and perform all necessary alterations to utilities arising from any project, and holding the United States of America free from any claims for damages arising out of the construction of any project.

SEC. 6. For the purposes of this act, "canal" is defined as any waterway for navigation created by construction of reservoirs or construction of channels by excavation in dry ground, in streams, rivers or in tidal waters and any existing waterway incorporated into such a canal and including any appurtenant features necessary for operation and maintenance of the canal.

"Canal"  
defined.

Passed the House March 31, 1965.

Passed the Senate March 29, 1965.

Approved by the Governor April 6, 1965.