

be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 10. Part II of this 1969 amendatory 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 on the date upon which the 1969 education code becomes effective.

Passed the Senate May 6, 1969
Passed the House May 8, 1969
Approved by the Governor May 22, 1969
Filed in office of Secretary of State May 22, 1969

CHAPTER 239
[Engrossed Senate Bill No. 326]
STATE GOVERNMENT--GOVERNOR,
OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT

AN ACT Relating to state government; creating an office of program planning and fiscal management within the office of the governor; prescribing its composition, powers, duties and functions; transferring certain powers, duties and functions thereto from the central budget agency and the planning and community affairs agency; abolishing the central budget agency; amending section 43.88.020, chapter 8, Laws of 1965 and RCW 43.88.020; adding new sections to chapter 43.41 RCW; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; adding a new section to chapter 8, Laws of 1965 and to chapter 43.88 RCW; repealing sections 43.41.010 and 43.41.020, chapter 8, Laws of 1965 and RCW 43.41.010 and 43.41.020; and declaring an effective date.

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

NEW SECTION. Section 1. There is added to chapter 43.41 RCW a new section to read as follows:

The legislature finds that the need for long-range state program planning and for the short-range planning carried on through the budget process, complement each other. The biennial budget submitted to the legislature must be considered in the light of the longer-range plans and goals of the state. The effectiveness of the short-range

plan presented as budget proposals, cannot be measured without being aware of these longer-range goals. Thus efficient management requires that the planning and fiscal activities of state government be integrated into a unified process. It is the purpose of this 1969 amendatory act to bring these functions together in a new division of the office of the governor to be called the office of program planning and fiscal management.

NEW SECTION. Sec. 2. There is added to chapter 43.41 RCW a new section to read as follows:

As used in this 1969 amendatory act, unless the context indicates otherwise:

(1) "Office" means the office of program planning and fiscal management.

(2) "Director" means the director of program planning and fiscal management.

NEW SECTION. Sec. 3. There is added to chapter 43.41 RCW a new section to read as follows:

There is created in the office of the governor, the office of program planning and fiscal management which shall be composed of the present central budget agency and the state planning, program management, and population and research divisions of the present planning and community affairs agency. Any powers, duties and functions assigned to the central budget agency, or any state planning, program management, or population and research functions assigned to the present planning and community affairs agency by the 1969 legislature, shall be transferred to the office of program planning and fiscal management.

NEW SECTION. Sec. 4. There is added to chapter 43.41 RCW a new section to read as follows:

The executive head of the office of program planning and fiscal management shall be the director, who shall be appointed by the governor with the consent of the senate, and who shall serve at the pleasure of the governor. He shall be paid a salary to be fixed by

the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in his position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director may delegate such of his powers, duties and functions to other officers and employees of the department as he may deem necessary to the fulfillment of the purposes of this 1969 amendatory act.

NEW SECTION. Sec. 5. There is added to chapter 43.41 RCW a new section to read as follows:

The director shall have the power to employ such personnel as may be necessary for the general administration of the office: PROVIDED, That, except as elsewhere specified in this 1969 amendatory act, such employment is in accordance with the rules of the state civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 6. There is added to chapter 43.41 RCW a new section to read as follows:

The director may appoint such deputy directors and assistant directors as shall be needed to administer the office of program planning and fiscal management. The officers appointed under this section and exempt from the provisions of the state civil service law by the terms of section 7 of this 1969 amendatory act, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

NEW SECTION. Sec. 7. There is added to chapter 1, Laws of 1961, and to chapter 41.06 RCW a new section to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the office of program planning and fiscal management to the director, his confidential secretary, not to exceed two deputy directors and not to exceed seven assistant directors.

NEW SECTION. Sec. 8. There is added to chapter 43.41 RCW a

new section to read as follows:

The director of program planning and fiscal management shall:

- (1) Supervise and administer the activities of the office of program planning and fiscal management.
- (2) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of the state budget and accounting system.
- (3) Advise the governor and the legislature with respect to matters affecting program management and planning.
- (4) Make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and make confidential reports to the governor, recommending necessary betterments, repairs, and the installation of improved and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning.

The director may enter into contracts on behalf of the state to carry out the purposes of this 1969 amendatory act; he may act for the state in the initiation of or participation in any multi-governmental agency program relative to the purposes of this 1969 amendatory act; and he may accept gifts and grants, whether such grants be of federal or other funds.

Sec. 9. Section 43.88.020, chapter 8, Laws of 1965 and RCW 43.88.020 are each amended to read as follows:

- (1) "Budget" shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures;
- (2) "Budget document" shall mean a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88-.030.
- (3) (~~"Budget-director"~~) "Director of program planning and fiscal management" shall mean the official appointed by the governor

to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The (~~budget-director~~) director of program planning and fiscal management shall be head of the (~~central-budget agency~~) office of program planning and fiscal management which shall be in the office of the governor.

(4) "Agency" shall mean and include every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, shall mean all moneys, including cash, checks, bills, notes, drafts, stocks and bonds, whether held in trust or for operating purposes and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation.

(6) "Regulations" shall mean the policies, standards and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or his designated agent, and which shall have the force and effect of law.

NEW SECTION. Sec. 10. There is added to chapter 8, Laws of 1965 and to chapter 43.88 RCW a new section to read as follows:

V Unless the context clearly requires a different interpretation, whenever "budget director" is used in this 1969 amendatory act, it shall mean the director of program planning and fiscal management created in section 4 of this 1969 amendatory act.

NEW SECTION. Sec. 11. There is added to chapter 43.41 RCW a new section to read as follows:

The office of program planning and fiscal management shall:

(1) Provide technical assistance to the governor and the legislature in identifying needs and in planning to meet those needs through state programs and a plan for expenditures.

(2) Perform the comprehensive planning functions and processes necessary or advisable for state program planning and development,

preparation of the budget, inter-departmental and inter-governmental coordination and cooperation, and determination of state capital improvement requirements.

(3) Provide assistance and coordination to state agencies and departments in their preparation of plans and programs.

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds.

(5) Participate with other states or subdivisions thereof in interstate planning, and aid the community affairs and development agency in performing its responsibility to assist cities, counties, municipal corporations, governmental conferences or councils and regional planning commissions to participate with other states or their subdivisions in planning.

(6) Encourage educational and research programs that further planning and provide administrative and technical services therefor.

(7) Carry out the provisions of RCW 43.62.010 through 43.62-.050 relating to the state census.

NEW SECTION. Sec. 12. There is added to chapter 43.41 RCW a new section to read as follows:

The director or the governor may establish such additional advisory or coordinating councils as may be necessary to carry out the purposes of this 1969 amendatory act. Members of such councils shall serve at the pleasure of the governor. They shall receive no compensation for their services, but shall be reimbursed twenty-five dollars per diem for each day or portion thereof spent in serving as members of the councils, and shall be paid their necessary traveling expenses while engaged in business of the councils as prescribed in chapter 43.03 RCW.

NEW SECTION. Sec. 13. There is added to chapter 43.41 RCW a new section to read as follows:

All employees of the central budget agency and of the state planning, program management, and population and research divisions

of the planning and community affairs agency, as well as any other employees of the planning and community affairs agency engaged in duties pertaining to the functions transferred by this 1969 amendatory act, shall be transferred to the jurisdiction of the office of program planning and fiscal management. All employees classified under chapter 41.08 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state merit system.

NEW SECTION. Sec. 14. There is added to chapter 43.41 RCW a new section to read as follows:

All reports, documents, surveys, books, records, files, papers or other writings in the possession of the central budget agency and the planning and community affairs agency relating to the functions transferred by this 1969 amendatory act, shall be delivered to the custody of the office of program planning and fiscal management. All cabinets, furniture, office equipment, motor vehicles and other tangible property employed in carrying out the functions transferred by this 1969 amendatory act shall be made available to the office. All funds, credits or other assets held in connection with the functions herein transferred shall be assigned to the office.

NEW SECTION. Sec. 15. There is added to chapter 43.41 RCW a new section to read as follows:

All state officials required to maintain contacts with or provide services to the central budget agency or the planning and community affairs agency in connection with any of the functions transferred by this 1969 amendatory act, shall continue to maintain contacts with and provide services to the office of program planning and fiscal management, unless this or any concurrent act of the 1969 legislature shall indicate otherwise.

NEW SECTION. Sec. 16. There is added to chapter 43.41 RCW a new section to read as follows:

Any appropriations heretofore made to the planning and community affairs agency or the central budget agency for the purpose of carrying out the powers, duties and functions transferred by this 1969 amendatory act shall on the effective date of this 1969 amendatory act be transferred and credited to the office of program planning and fiscal management for the purpose of carrying out such transferred powers, duties and functions.

NEW SECTION. Sec. 17. There is added to chapter 43.41 RCW a new section to read as follows:

On the effective date of this 1969 amendatory act, the central budget agency is abolished.

NEW SECTION. Sec. 18. There is added to chapter 43.41 RCW a new section to read as follows:

Nothing in this 1969 amendatory act shall be construed as affecting any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution or order promulgated thereunder, nor any administrative action taken thereunder; nor shall the transfer of powers, duties and functions provided for herein affect the validity of any act performed by such agency or any officer thereof prior to the effective date of this 1969 amendatory act.

NEW SECTION. Sec. 19. There is added to chapter 43.41 RCW a new section to read as follows:

Whenever any question arises as to the transfer of powers, duties and functions from the central budget agency or the state planning, program management, and population and research divisions of the present planning and community affairs agency to any other agency of state government, the governor shall make a determination thereon and certify the same to the agencies concerned. In connection with such determinations, the governor shall have the authority to make

appropriate allocations of appropriated funds among the affected departments or agencies.

NEW SECTION. Sec. 20. There is added to chapter 43.41 RCW a new section to read as follows:

If any part of this 1969 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this 1969 amendatory act is declared to be inoperative solely to the extent of the conflict. No such ruling shall affect the operation of the remainder of this 1969 amendatory act. Any internal reorganization carried out under the terms of this 1969 amendatory act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 21. There is added to chapter 43.41 RCW a new section to read as follows:

If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1969 amendatory act, or the application of the provision to other persons or circumstances shall not be affected.

NEW SECTION. Sec. 22. Sections 43.41.010 and 43.41.020, chapter 8, Laws of 1965 and RCW 43.41.010 and 43.41.020 are each repealed.

V — NEW SECTION. Sec. 23. There is added to chapter 43.41 RCW a new section to read as follows:

This 1969 amendatory act shall take effect on July 1, 1969.

NEW SECTION. Sec. 24. There is added to chapter 43.41 RCW a new section to read as follows:

Chapter 43.41 RCW, presently titled "Director of Budget" shall, upon the implementation of this 1969 amendatory act, be referred to

as "Director of Program Planning and Fiscal Management."

Passed the Senate March 21, 1969

Passed the House May 9, 1969

Approved by the Governor May 22, 1969, with the exception of certain items in Sections 10 and 11, and all of Section 23, which are vetoed

Filed in office of Secretary of State May 22, 1969

NOTE: Governor's explanation of partial veto is as follows:

"...This bill creates the Office of Program Planning and Fiscal Management within the Office of the Governor. The present functions of the Central Budget Agency and the planning functions of the Planning and Community Affairs Agency are transferred to the Office of Program Planning and Fiscal Management. This is a significant step forward in the process of planning and budgeting for state government.

Section 10 of the bill adds a new section to Chapter 43.88 RCW, the Budget and Accounting Act. Section 10 provides that the term "Budget Director" shall mean the Director of Program Planning and Fiscal Management. Because of language which limits the application of section 10, I have vetoed an item in that section so that the change in title from Budget Director to Director of Program Planning and Fiscal Management will broadly construed.

Section 11 of the bill describes the responsibilities of the Office of Program Planning and Fiscal Management. Subsection 5 refers to that office providing aid to the Community Affairs and Development Agency. Since that agency was not created by the legislature as I had requested, in order to avoid any uncertainty as to the meaning of subsections 5 I have vetoed the item referring to the Community Affairs and Development Agency.

Section 23 of the bill provides that the effective date of the act will be July 1, 1969, the beginning of the next biennium. Since no emergency clause is included in the bill, and less than ninety days remain before July 1, I have vetoed section 23 so that the effective date of the act will be ninety days after the adjournment of the first extraordinary session of the 41st Legislature."

CHAPTER 240
[House Bill No. 899]
CONSTRUCTION OF STATUTES

AN ACT Relating to the construction of statutes; amending section 1, chapter 162, Laws of 1955 and RCW 1.12.025; adding a new section to chapter 162, Laws of 1955 and to chapter 1.12 RCW; and declaring an emergency.

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