

school superintendents the provisions of RCW ((~~28A.58.450 through 28A.58.515; 28A.67.065;~~) 28A.67.070, 28A.67.074 and 28A.88.010 shall be inapplicable.

NEW SECTION. Sec. 11. Nothing in this 1976 amendatory act shall be construed to annul or to modify or to preclude the continuation of any lawful agreement entered into prior to the effective date of this 1976 amendatory act.

NEW SECTION. Sec. 12. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 14, 1976.

Passed the Senate March 12, 1976.

Approved by the Governor March 22, 1976.

Filed in Office of Secretary of State March 22, 1976.

CHAPTER 115

[Engrossed Substitute Senate Bill No. 2006]

DEPARTMENT OF VETERANS AFFAIRS

AN ACT Relating to state government; creating the department of veterans affairs; amending section 1, chapter 11, Laws of 1971 and RCW 43.17.010; amending section 2, chapter 11, Laws of 1971 and RCW 43.17.020; amending section 43.61.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.030; amending section 43.61.040, chapter 8, Laws of 1965 as last amended by section 6, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.040; amending section 43.61.050, chapter 8, Laws of 1965 as amended by section 35, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.050; amending section 43.61.070, chapter 8, Laws of 1965 as amended by section 36, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.070; adding a new section to chapter 41.06 RCW; and adding a new chapter to Title 43 RCW.

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

NEW SECTION. Section 1. As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Department" means the department of veterans affairs;
- (2) "Director" means the director of the department of veterans affairs;
- (3) "Committee" means the veterans affairs advisory committee.

NEW SECTION. Sec. 2. There is hereby created a department of state government to be known as the department of veterans affairs. All powers, duties, and functions now or through action of this legislature vested by law in the department of social and health services relating to veterans and veteran affairs are transferred to the department, except those powers, duties, and functions which are expressly directed elsewhere by law. Powers, duties, and functions to be transferred shall include, but not be limited to, all those powers, duties, and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs. Also transferred to the department shall be the powers, duties, and functions of the bonus division of the treasurer's office: PROVIDED, That such transfer shall not occur until the bonus division completes its current duties of accepting and processing bonus claims arising from the Viet Nam conflict. This section shall not be construed to continue the powers,

duties and functions of said bonus division beyond a time when such powers, duties or functions would otherwise cease.

NEW SECTION. Sec. 3. The executive head and appointing authority of the department shall be the director of veterans affairs. The director shall be an honorably discharged or retired veteran of the armed forces of the United States and shall be appointed by the governor with the consent of the senate and shall serve at the pleasure of the governor. The director 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 the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when the governor shall present the nomination for the office to that body.

NEW SECTION. Sec. 4. The director of the department of veterans affairs shall have the power and it shall be the director's duty:

- (1) To conduct, control, and supervise the department;
- (2) To appoint and employ and to determine the powers and duties together with the salaries and other expenses of such clerical and other personnel, subject to the provisions of chapter 41.06 RCW, as are necessary to carry out the duties of the department; and
- (3) To perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this chapter.

NEW SECTION. Sec. 5. The director may appoint such assistants and executive staff as shall be needed to administer the department, all of whom shall be veterans. The director shall designate a deputy from the executive staff who shall have charge and general supervision of the department in the absence or disability of the director, and in case of a vacancy in the office of director, shall continue in charge of the department until a successor is appointed and qualified, or until the governor shall appoint an acting director.

NEW SECTION. Sec. 6. The director may delegate any power or duty vested in or transferred to the director by law or executive order to a deputy director or to any other assistant or subordinate, but the director shall be responsible for the official acts of the officers and employees of the department.

NEW SECTION. Sec. 7. There is added 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 department of veterans affairs to the director, the deputy director, and to no more than two assistants.

NEW SECTION. Sec. 8. In addition to other powers and duties, the director is authorized:

- (1) To cooperate with officers and agencies of the United States in all matters affecting veterans affairs;
- (2) To accept grants, donations, and gifts on behalf of this state for veterans affairs from any person, corporation, government, or governmental agency, made for the benefit of a former member of the armed forces of this or any other country;

(3) To be custodian of all the records and files of the selective service system in Washington that may be turned over to this state by the United States or any department, bureau, or agency thereof; and to adopt and promulgate such rules and regulations as may be necessary for the preservation of such records and the proper use thereof in keeping with their confidential nature;

(4) To act without bond as conservator of the estate of a beneficiary of the veterans administration when the director determines no other suitable person will so act;

(5) To extend on behalf of the state of Washington such assistance as the director shall determine to be reasonably required to any veteran and to the dependents of any such veteran;

(6) To adopt rules and regulations pursuant to chapter 34.04 RCW with respect to all matters of administration to carry into effect the purposes of this section. Such proposed rules and regulations shall be submitted by the department at the time of filing notice with the code reviser as required by RCW 34.04.025 to the respective legislative committees of the senate and of the house of representatives dealing with the subject of veteran affairs legislation through the offices of the secretary of the senate and chief clerk of the house of representatives.

NEW SECTION. Sec. 9. All employees and personnel of the department of social and health services directly engaged in services to veterans shall, on the effective date of this amendatory act, be transferred to the jurisdiction of the department of veterans affairs. All employees classified under chapter 41.06 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 civil service law.

NEW SECTION. Sec. 10. All reports, documents, surveys, books, records, files, papers, or other writings in the possession of all departments and agencies of state government concerned with veterans services, and pertaining to the functions affected by this chapter, shall be delivered to the custody of the department of veterans affairs. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers and duties transferred by this chapter shall be made available to the department. All funds, credits, or other assets held in connection with the functions transferred by this chapter shall be assigned to the department.

Any appropriations made to the department of social and health services or other departments or agencies affected by this chapter for the purpose of carrying out the powers and duties transferred by this chapter, shall on the effective date of this amendatory act, be transferred and credited to the department of veterans affairs for the purpose of carrying out such transferred powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this chapter, the director of program planning and fiscal management or successor thereto shall make a determination as to the proper allocation and certify the same to the state departments and agencies concerned.

NEW SECTION. Sec. 11. All rules and regulations, and all pending business before the departments and agencies or divisions thereof affected by this chapter pertaining to matters transferred by this chapter, as of the effective date of this amendatory act, shall be continued and acted upon by the department. All existing contracts and obligations pertaining to the functions transferred by this chapter shall remain in full force and effect, and shall be performed by the department. Neither the transfer of any department or agency, or division thereof, nor any transfer of powers, duties, and functions, shall affect the validity of any act performed by such department or agency or division thereof or any officer or employee thereof prior to the effective date of this amendatory act.

NEW SECTION. Sec. 12. If apportionments of budgeted funds are required because of the transfers authorized by this chapter, the director of program planning and fiscal management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

NEW SECTION. Sec. 13. In furtherance of the policy of the state to cooperate with the federal government in all of the programs included in this chapter, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any part of this chapter 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 chapter is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 14. (1) There is hereby created a state veterans affairs advisory committee which shall serve in an advisory capacity to the director of the department of veterans affairs. The committee shall be composed of nine members to be appointed by the governor, and shall consist of two veterans at large, one of whom shall be a Viet Nam era veteran, and one representative of each of the following congressionally chartered veterans organizations: American Legion, Veterans of Foreign Wars, American Veterans of World War II, Korea and Vietnam, Disabled American Veterans, Military Order of the Purple Heart, Marine Corps League, and Veterans of World War I. The seven members representing the foregoing organizations shall be chosen from a list of twenty-one nominees consisting of three names submitted to the governor by each of the named organizations. The first members of the committee shall hold office as follows: Three members to serve two years; three members to serve three years; and three members to serve four years. Upon expiration of said original terms, subsequent appointments shall be for four years except in the case of a vacancy, in which event appointment

shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) The state advisory committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the director and the governor on all matters pertaining to the department of veterans affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the director as they deem advisable.

(3) Members of the state advisory committee shall receive no compensation for the performance of their duties but shall receive a per diem allowance and mileage expense according to the provisions of chapter 43.03 RCW.

NEW SECTION. Sec. 15. Nothing in this chapter shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, 43.61.030, 43.61.040, 43.61.050, or 43.61.070, as now or hereafter amended, 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, or order promulgated thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to the effective date of this amendatory act.

NEW SECTION. Sec. 16. Nothing contained in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 17. The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the director the maximum possible freedom in carrying the provisions of this chapter into effect.

NEW SECTION. Sec. 18. Sections 1 through 6 and 8 through 17 of this amendatory act shall constitute a new chapter in Title 43 RCW.

Sec. 19. Section 1, chapter 11, Laws of 1971 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of highways, (8) the department of motor vehicles, (9) the department of general administration, (10) the department of commerce and economic development, (11) the department of veterans affairs, and ~~((H))~~ (12) the department of revenue, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 20. Section 2, chapter 11, Laws of 1971 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the director of highways, (8) the director of motor vehicles, (9) the director of general administration, (10) the director of commerce and economic development, (11) the director of veterans affairs, and ~~((H))~~ (12) the director of revenue.

Such officers, except the director of highways and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs 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 of highways shall be appointed by the state highway commission, and the director of game shall be appointed by the game commission.

Sec. 21. Section 43.61.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.030 are each amended to read as follows:

The ~~((secretary))~~ director of veterans affairs is empowered to approve expenditures by any veterans' organizations, now or hereafter chartered by act of congress and to reimburse such organizations therefor. All sums paid to veterans' organizations shall be used by the organizations in the maintenance of a rehabilitation service and to assist veterans in the prosecution of their claims and the solution of their problems arising out of military service. Such service and assistance shall be rendered all veterans and their dependents and also all beneficiaries of any military claim, and shall include but not be limited to those services now rendered by the service departments of the respective ~~((council))~~ member organizations.

Sec. 22. Section 43.61.040, chapter 8, Laws of 1965 as last amended by section 6, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.040 are each amended to read as follows:

The ~~((secretary))~~ director of veterans affairs shall make such rules and regulations as may be necessary to carry out the purposes of this chapter. The department shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guidance and placement, and ~~((welfare))~~ services not provided by some other agency of the state or by the federal government. The ~~((secretary))~~ director shall submit a report of the departments' activities hereunder before the fifteenth of January of each year to the governor.

Sec. 23. Section 43.61.050, chapter 8, Laws of 1965 as amended by section 35, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.050 are each amended to read as follows:

There is created in the state treasury a fund to be known as the veterans' ~~((rehabilitation council))~~ affairs account and no money shall be withdrawn therefrom

except by warrant of the state treasurer for claims approved by the ~~((secretary))~~ director of veterans affairs and filed on proper forms.

Sec. 24. Section 43.61.070, chapter 8, Laws of 1965 as amended by section 36, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.070 are each amended to read as follows:

Payments to any veterans' organization shall first be approved by the ~~((secretary))~~ director of veterans affairs and insofar as possible shall be made on an equitable basis for work done.

NEW SECTION. Sec. 25. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 27, 1975.

Passed the House May 23, 1975.

Vetoed by the Governor June 4, 1975.

Veto overridden by the Senate September 6, 1975.

Veto overridden by the House March 22, 1976.

Filed in Office of Secretary of State March 23, 1976.

Note: Governor's explanation of veto is as follows:

"I am returning herewith without my approval Substitute Senate Bill No. 2006 entitled:

"AN ACT Relating to state government; creating the department of veterans affairs."

This bill removes from the Department of Social and Health Services all functions related to veterans affairs and transfers the same to a new and separate Department of Veterans Affairs. The major problem cited by proponents of the bill was dissatisfaction with the performance of the Department of Social and Health Services. I submit that the solution to the problem, assuming the complaints are valid, is to conduct a performance audit of the veterans programs within the department rather than to set up a new agency which would be staffed by essentially the same personnel now working on those programs in the department.

There are at this time a number of state agencies which serve a variety of different interests within each agency. I see no more reason for the creation of a Department of Veterans Affairs than I do the separation of functions from other agencies and creating new departments to serve each such function. If anything, the proliferation of such special purpose agencies would diminish the amount of attention each agency would receive from the Governor, the Legislature, and other state elected officials.

I find it also hard to understand how, with its present concern over the rising costs of state government, the Legislature can justify the creation of a new department with a fiscal impact of approximately \$300,000, particularly when the services to be undertaken by such new department are being performed at the present by an existing department. The reasons stated simply do not warrant the additional expenditures.

For the foregoing reasons, I have determined to veto Substitute Senate Bill No. 2006."

Note: Secretary of the Senate's letter informing the Secretary of State that the Legislature has overridden the Governor's veto is as follows:

Honorable Bruce K. Chapman
Secretary of State
Legislative Building
Olympia, Washington 98504

Dear Mr. Chapman:

I am transmitting herewith Substitute Senate Bill No. 2006, which was passed notwithstanding the veto of the Governor, by the Senate by a vote of 45 Yeas and 1 Nay on September 6, 1975; and by the House of Representatives by a vote of 58 Yeas and 27 Nays on March 22, 1976.

Done at Olympia, Washington
this 22nd day of March, 1976

SID SNYDER
Secretary of the Senate

CHAPTER 116

[Substitute Senate Bill No. 2963]
WASHINGTON STATE PATROL
OFFICERS—RETIREMENT

AN ACT Relating to the retirement of Washington state patrol officers; and amending section 43.43-.250, chapter 8, Laws of 1965 as amended by section 3, chapter 12, Laws of 1969 and RCW 43.43.250.

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

Section 1. Section 43.43.250, chapter 8, Laws of 1965 as amended by section 3, chapter 12, Laws of 1969 and RCW 43.43.250 are each amended to read as follows:

(1) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty: PROVIDED, That the requirement to retire at age sixty shall not apply to a member serving as chief of the Washington state patrol.

(2) Any member who has completed twenty-five years of credited service or has attained the age of fifty-five may retire as provided in RCW 43.43.260, on his retirement application to the retirement board, setting forth at what time, not less than thirty days subsequent to the execution and filing thereof, he desires to be retired.

(3) Any member who has ceased making contributions to the retirement fund because of having reached the maximum percentage of average final salary provided by a previous act may repay to the retirement fund those contributions which he would normally have made, if such restriction on service credit had not existed, by making these payments prior to retirement. The payment of these contributions will entitle the member to service credit as provided in RCW 43.43.260(2).

Passed the Senate March 17, 1976.

Passed the House March 13, 1976.

Approved by the Governor March 24, 1976.

Filed in Office of Secretary of State March 24, 1976.