

- (16) Section 6, chapter 206, Laws of 1959 and RCW 70.72.060;
- (17) Section 7, chapter 206, Laws of 1959 and RCW 70.72.070;
- (18) Section 8, chapter 206, Laws of 1959 and RCW 70.72.080;
- (19) Section 9, chapter 206, Laws of 1959 and RCW 70.72.090;
- (20) Section 75.28.310, chapter 12, Laws of 1955 and RCW 75.28.310;
- (21) Section 12, chapter 36, Laws of 1917, section 8, chapter 306, Laws of 1927, section 1, chapter 211, Laws of 1943 and RCW 78.40.100;
- (22) Section 13, chapter 36, Laws of 1917 and RCW 78.40.103;
- (23) Section 14, chapter 36, Laws of 1917 and RCW 78.40.106;
- (24) Section 15, chapter 36, Laws of 1917, section 9, chapter 306, Laws of 1927 and RCW 78.40.109;
- (25) Section 16, chapter 36, Laws of 1917, section 10, chapter 306, Laws of 1927 and RCW 78.40.112;
- (26) Section 18, chapter 36, Laws of 1917 and RCW 78.40.115;
- (27) Section 19, chapter 36, Laws of 1917 and RCW 78.40.118;
- (28) Section 20, chapter 36, Laws of 1917 and RCW 78.40.121;
- (29) Section 21, chapter 36, Laws of 1917 and RCW 78.40.130;
- (30) Section 22, chapter 36, Laws of 1917 and RCW 78.40.133;
- (31) Section 23, chapter 36, Laws of 1917 and RCW 78.40.136;
- (32) Section 24, chapter 36, Laws of 1917 and RCW 78.40.139;
- (33) Section 25, chapter 36, Laws of 1917 and RCW 78.40.142; and
- (34) Section 26, chapter 36, Laws of 1917 and RCW 78.40.145.

NEW SECTION. Sec. 10. If any provision of this 1977 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.

NEW SECTION. Sec. 11. This 1977 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 July 1, 1977.

Passed the House June 15, 1977.

Passed the Senate May 26, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

CHAPTER 320

[House Bill No. 236]

STATE OFFICERS AND EMPLOYEES—FISCAL RESPONSIBILITY

AN ACT Relating to state government; creating new sections; prescribing penalties; declaring an emergency; and prescribing an effective date.

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

NEW SECTION. Section 1. As used in sections 2 and 3 of this act the term "state officer or employee" includes the members of the governing body of any state agency, as state agency is defined in RCW 43.88.020(4) and those generally known as executive management but excludes nonsupervisory state employees covered by civil service under chapters 41.06 and 28B.16 RCW.

NEW SECTION. Sec. 2. No state officer or employee shall intentionally or negligently: Over-expend or over-encumber any appropriation made by law; fail to properly account for any expenditures by fund, program, or biennium; or expend funds contrary to the terms, limits, or conditions of any appropriation made by law.

NEW SECTION. Sec. 3. (1) Where there is reason to believe that a present or former state officer or employee has violated or threatens to violate section 2 of this act, the attorney general may initiate an appropriate civil action for the enforcement of this act or to prevent any such violation. The action may be brought in the county where the alleged violator resides, or the county where the violation is alleged to have occurred or is threatened.

(2) For each violation of section 2 of this act the attorney general shall seek to recover and the court may award the following damages on behalf of the state of Washington:

(a) From each person found in violation of section 2 of this act a civil penalty in the amount of five hundred dollars, or all costs, including reasonable attorney's fees incurred by the state in said action, whichever is greater;

(b) Any damages sustained by the state as a result of the conduct constituting said violation.

In addition to the other penalties contained in this section, judgment against any person, other than an elected official, for violating section 2 of this act may include a declaration of forfeiture of such person's office or employment, to take effect immediately.

NEW SECTION. Sec. 4. (1) The legislative auditor, with the concurrence of the legislative budget committee, may file with the attorney general any audit exceptions or other findings of any performance audit, management study, or special report prepared for the legislative budget committee, any standing or special committees of the house or senate, or the entire legislature which indicate a violation of section 2 of this act.

(2) The attorney general shall promptly review each filing received from the legislative auditor and proceed to act thereon as provided in section 3 of this act. If for any reason the attorney general is unable to proceed the attorney general shall report this fact and the reasons therefor to the legislative budget committee.

NEW SECTION. Sec. 5. The civil penalties provided by this act are in addition to any other penalties which may be provided by law.

NEW SECTION. Sec. 6. This 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 July 1, 1977.

Passed the House June 17, 1977.

Passed the Senate June 16, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.