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TITLE 41

PUBLIC EMPLOYMENT, CIVIL SERVICE AND PENSIONS.

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41.04.005 "Veteran" defined for certain purposes. As used in RCW *28.76.560, *28.77.070, *28.80.060, *28.81.084, 28B.10.290, 28B.15.380, 28B.40.361, 41.04.005, 41.04.010, 41.16.220, and 41.20.050 "veteran" includes every person, who at the time he seeks the benefits of RCW *28.76.560, *28.77.070, *28.80.060, *28.81.084, 28B.10.290, 28B.15.380, 28B.40.361, 41.04.005, 41.04.010, 41.16.220 and 41.20.050, has served in any branch of the armed forces of the United States during:

(1) Any period of war and such "period of war" shall include World War I, World War II, the Korean conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. The said "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress; and in addition to this subsection, who, upon termination of said service has

(2) Received an honorable discharge; or

(3) Received a discharge for physical reasons with an honorable record; or

(4) Been released from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given. [1969 ex.s. c 269 § 1.]

***Reviser's note:** RCW 28.76.560, 28.77.070, 28.80.060, and 28.81.084 as used in the aforesaid section were repealed and reenacted as RCW 28B.10.290, 28B.15.380, and 28B.40.361 as appear in said section.

41.04.010 Veterans' preference in examinations. In all competitive examinations, unless otherwise provided herein, to determine the qualifications of applicants for public offices, positions or employment, the state, and all of its political subdivisions and all municipal corporations, shall give a preference status to all veterans as defined in RCW 41.04.005, by adding to the passing mark, grade or rating only, based upon a possible rating of one hundred points as perfect a percentage in accordance with the following:

(1) Ten percent to a veteran who is not receiving any veterans retirement payments and said percentage shall be utilized in said veteran's competitive examination and not in any promotional examination until one of such examinations results in said veteran's first appointment: *Provided*, That said percentage shall not be utilized in any promotional examination;

(2) Five percent to a veteran who is receiving any veterans retirement payments and said percentage shall be utilized in said veteran's competitive examination only and not in any promotional examination until one of such examinations results in said veteran's first appointment: *Provided*, That said percentage shall not be utilized in any promotional examination;

(3) Five percent to a veteran who, after having previously received employment with the state or any of its political subdivisions or municipal corporations, shall be called, or recalled, to active military service for a period of one year, or more, during any period of war, for his first promotional examination only, upon compliance with RCW 73.16.035 as it now exists or may hereafter be amended;

(4) There shall be no examination preferences other than those which have been specifically provided for above and all preferences above specified in (1), (2) and (3) must be claimed by a veteran within eight years of the date of his release from active service. [1974 1st ex.s. c 170 § 1; 1969 ex.s. c 269 § 2; 1953 ex.s. c 9 § 1; 1949 c 134 § 1; 1947 c 119 § 1; 1945 c 189 § 1; Rem. Supp. 1949 § 9963-5.]

Veterans and veterans' affairs: Title 73 RCW.

41.04.015 Public employment—Evidence of educational competence. A Washington certificate of educational competence as awarded by the Washington state superintendent of public instruction or an official report of equivalent acceptable scores of the general educational development test shall be accepted in lieu of a high school diploma by the state and any local political subdivision when considering applicants for employment or promotion. [1971 c 43 § 1.]

41.04.020 Public employees—Payroll deductions authorized. Any employee or group of employees of the state of Washington or any of its political subdivisions, or of any institution supported, in whole or in part, by the state or any of its political subdivisions, may authorize the deduction from his or their salaries or wages, the amount or amounts of his or their subscription payments or contributions to any person, firm or corporation furnishing or providing medical, surgical and hospital care or either of them, or life insurance or accident and health disability insurance: *Provided*, That such authorization by said employee or group of employees, shall be first approved by the head of the department, division office or institution of the state or any political subdivision thereof, employing such person or group of persons, and filed with the department of personnel; or in the case of political subdivisions of the state of Washington, with the auditor of such political subdivision or the person authorized by law to draw warrants against the funds of said political subdivision. [1973 c 106 § 15; 1947 c 70 § 1; Rem. Supp. 1947 § 9963–10.]

Group disability insurance: Chapter 48.21 RCW.

Group insurance for employees of cities and towns: RCW 35.23.460.

Group insurance for employees of counties: RCW 36.32.400.

Group life insurance: Chapter 48.24 RCW.

41.04.030 Payroll deductions—Duty of auditing officer. Upon being authorized by any employee or group of employees so to do under the provisions of RCW 41.04.020, the auditor or other person authorized to draw warrants against the funds involved is authorized, and if such medical, surgical, and hospital care or either of them, or life insurance or accident and health disability insurance is to be provided on a group basis for groups each of not less than twenty-five individuals such auditor or other person is hereby required, to draw and issue a proper warrant or warrants directly to and in favor of the person, firm, or corporation, or organization named in the authorization for the total amount authorized to be deducted from the payroll of any such office, department, division, or institution. [1953 c 260 § 1; 1947 c 70 § 2; Rem. Supp. 1947 § 9963–11.]

41.04.035 Salary and wage deductions for contributions to charitable agencies—"United Fund" defined. For the purpose of RCW 41.04.035 and 41.04.036 "United Fund" means the organization conducting the single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and service purposes, which is commonly known as the United Fund, or the organization which serves in place of the United Fund organizations in communities where an organization known as the United Fund is not organized. [1957 c 208 § 1.]

41.04.036 Salary and wage deductions for contributions to charitable agencies—Deduction and payment to United Fund—Regulations, procedures. Any official of the state or of any of its political subdivisions authorized to disburse funds in payment of salaries or wages of public officers or employees is authorized,

upon written request of the officer or employee, to deduct each month from the salary or wages of the officer or employee the amount of money designated by the officer or employee for payment to the United Fund.

The moneys so deducted shall be paid over promptly to the United Fund designated by the officer or employee. Subject to any regulations prescribed by the office of program planning and fiscal management, the official authorized to disburse the funds in payment of salaries or wages may prescribe any procedures necessary to carry out RCW 41.04.035 and 41.04.036. [1973 c 106 § 16; 1957 c 208 § 2.]

41.04.040 State supported retirement systems—Definitions. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 41.04.040 through 41.04.060 shall have the following meanings:

(1) "Retirement system" shall mean any pension fund or retirement system established under the statutes of this state and to which the state contributes any portion of the funds of such plan or system, except systems covering less than fifty employees each.

(2) "Member" shall mean any employee of the state of Washington or of any department or agency thereof or of any municipal corporation or instrumentality thereof, who is included in the membership of any retirement system.

(3) "Beneficiary" shall mean any person who receives a retirement allowance, pension, or other benefit provided by any retirement system.

(4) "Retirement board" shall mean the governing body of a retirement system, regardless of the name applied to such body in the statutes establishing the system.

(5) "Qualified actuary" shall mean a person who shall have passed the whole of the associateship examinations of the Actuarial Society of America or of the American Institute of Actuaries or of their successor body, the Society of Actuaries. [1949 c 78 § 1; Rem. Supp. 1949 § 10726m.]

Severability—1949 c 78: "If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or of any section, provision, or part thereof not adjudged to be invalid or unconstitutional." [1949 c 78 § 5.]

Repeal—1949 c 78: "Any act or parts of this act in conflict herewith are hereby repealed." [1949 c 78 § 4.] The foregoing annotations apply to RCW 41.04.040–41.04.060.

41.04.050 Periodical actuarial studies to be made. The retirement board of each retirement system shall collect and keep in convenient form such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system, and for making an actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. At least once in each five year period commencing after the effective date of this act, the retirement board shall cause an actuarial investigation to be made into the mortality, service, compensation and other experience of the members and beneficiaries of the retirement system,

and into the financial condition of the retirement system. Such investigation shall be made by a qualified actuary appointed by the retirement board; shall be commenced within six months after the close of the period to be studied and shall be completed within an additional six months by the filing with the retirement board of an adequate report on the status of the retirement system. Upon the basis of such actuarial investigation the retirement board shall adopt such tables, schedules, factors, and regulations as are deemed necessary in the light of the findings of the actuary for the proper operation of the retirement system, and for making effective the provisions of RCW 41.04.040 through 41.04.060. [1949 c 78 § 2; Rem. Supp. 1949 § 10726n.]

Reviser's note: The effective date of 1949 c 78 is June 8, 1949, see preface 1949 session laws.

Actuarial studies by state retirement board: RCW 41.40.065.

41.04.060 Reports required. Copies of a report of the qualified actuary made to the retirement board after completion of the investigation, together with any recommendations to the board which the actuary may deem appropriate, and a report of the action taken by the board thereon, shall be furnished promptly by the retirement board of the system to the governor and the insurance commissioner of the state. The insurance commissioner, upon receipt of such reports, shall review them and shall submit his comments thereon, together with any recommendations as to corrective legislation or change in administrative procedures which he may deem appropriate, to the chairman of the appropriations and insurance committees of both houses of the legislature within ten days after that body shall convene for its first session following the receipt of said reports. [1949 c 78 § 3; Rem. Supp. 1949 § 10726o.]

41.04.070 Persons employed by more than one agency—Service credits—Intent of provisions. It is the intent of RCW 41.04.070 through 41.04.110 to allow the preservation, accumulation and retention of service credits towards eventual retirement by officers and employees who by reason of employment by more than one public agency in the state may participate in one or more retirement or pension systems. It is also intended that sovereignty of the various retirement and pension systems operating in the state shall not be intruded upon and the eventual granting of pensions and/or annuities to such officers and employees shall remain under the control of and be controlled by act of the governing bodies of such retirement or pension systems except as specifically set forth herein. [1951 c 98 § 1.]

41.04.080 Persons employed by more than one agency—Retention of service credit on transfer of employment. Any officer or employee of the state or of any political subdivision thereof who is a member of any pension or retirement system thereof may upon acceptance of any other public employment or office, retain credit for service in his or her previous office or employment toward eventual retirement upon such terms and conditions as may be prescribed by the governing

body or bodies of any such political subdivisions and by the pension board or authority concerned in the case of the state; and such like privilege shall be extended to any such officer or employee whose employment or office is changed as the result of any amalgamation of any public service agency in this state with another. [1951 c 98 § 2.]

41.04.090 Persons employed by more than one agency—Recovery of service credit may be allowed. It is hereby specifically provided that the governing bodies referred to in RCW 41.04.080 may allow persons to recover or regain credit lost or lapsed by reason of previous lack of authority to proceed as intended in RCW 41.04.070 through 41.04.110, such recovery to be allowed under rules separately established by the aforementioned governing bodies. [1951 c 98 § 3.]

41.04.100 Persons employed by more than one agency—May receive pensions from more than one system. The receipt of any pension or annuity earned as a member of any system under the circumstances provided for herein shall not preclude the receipt of another pension earned as a member of any other system, any local provision of law to the contrary notwithstanding, but the total of the one or more system payments due at time of retirement shall not exceed the maximum payment for full service in the system last participated in. [1951 c 98 § 4.]

41.04.110 Persons employed by more than one agency—Joint operation—May provide membership in single system. When there exists a joint operation of a public service, the authorities may make provision for membership of all new employees in one designated retirement system by agreement with the proper authorities. [1951 c 98 § 5.]

41.04.120 Civil service and retirement rights preserved when elective office assumed. Any civil service employee of the state of Washington or of any political subdivision thereof who is on leave of absence by reason of having been elected or appointed to an elective office shall be preserved in his civil service status, his seniority, rank and retirement rights so long as he regularly continues to make the usual contribution incident to the retention of such beneficial rights as if he were not on leave of absence: *Provided*, That such contributions being made shall be based on the rank at the time of taking such leave of absence. [1957 c 164 § 1.]

41.04.130 Extension of provisions of retirement and pension systems by cities of the first class to nonincluded personnel. Any city of the first class may, by ordinance, extend, upon conditions deemed proper, the provisions of retirement and pension systems for superannuated and disabled officers and employees to officers and employees with five years of continuous service and acting in capacities in which they would otherwise not be entitled to participation in such systems: *Provided*, That the following shall be specifically exempted from the provisions of this section.

(1) Members of the police departments who are entitled to the benefits of the police relief and pension fund as established by state law.

(2) Members of the fire department who are entitled to the benefits of the firemen's relief and pension fund as established by state law. [1945 c 52 § 1; 1941 c 192 § 1; Rem. Supp. 1945 § 9592-129. Formerly codified as RCW 41.28.250.]

41.04.140 Interchange of personnel between federal and state agencies—"State agency" defined. "State agency" means a board, department, commission or institution of the state or its political subdivisions. [1959 c 102 § 1.]

41.04.150 Interchange of personnel between federal and state agencies—Agreements—Provisions. A state agency may enter into agreements with departments or other subdivisions of the federal government for the interchange of personnel on projects which are of mutual benefit to the state and federal government.

An interchange agreement shall specify the fiscal arrangements to be made, including compensations, rights, benefits and obligations of the employees concerned, travel and transportation of employees, their immediate families and household goods, and the duties and supervision of employees while on assignment. [1959 c 102 § 2.]

41.04.160 Interchange of personnel between federal and state agencies—Employment status of state employees participating—Retirement—Civil service. State agency employees participating in an interchange may be carried on detail or in a leave of absence status.

(1) Wherever practicable, employees should be carried on detail. While on detail under an interchange agreement, employees shall remain employees of the state agency for all fiscal purposes, but shall receive no reimbursement for travel or other expenses except as provided in RCW 41.04.150.

(2) State agency employees who receive temporary appointments with federal agencies shall be carried by the state agency in a leave of absence status. Participation in an interchange shall be considered as service under any retirement system of which the employees are members. Arrangements for payment of employees' contributions to a retirement system may be by the interchange agreement or otherwise. Employees participating in an interchange shall be entitled to credit the full period toward promotion or salary increase as provided by any applicable civil service laws or regulations. [1959 c 102 § 3.]

41.04.170 Interchange of personnel between federal and state agencies—Employment status of federal employees participating—Retirement—Civil service. Federal employees participating in an interchange may receive appointment by the state agency, or may be considered to be on detail with the state agency.

(1) Appointments of federal employees shall be made without regard to civil service laws or regulations.

Compensation shall be in accordance with the usual rates paid by the state agency for similar positions.

An appropriate percentage of compensation shall be deducted and transmitted to the federal agency for retirement and insurance where the interchange agreement so provides.

(2) Federal employees on detail with a state agency remain employees of and shall continue to receive their compensation from the federal agency, subject to the terms of the interchange agreement. [1959 c 102 § 4.]

41.04.180 Hospitalization and medical aid for county, municipal and other political subdivision employees—Governmental contributions authorized. Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW or self-insurers as provided for in chapter 48.52 RCW, for group hospitalization and medical aid policies or plans: *Provided*, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans, including but not limited to, trusts of self-insurance as provided for in chapter 48.52 RCW: *And provided further*, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: *Provided further*, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.58.420. [1974 1st ex.s. c 82 § 1; 1973 1st ex.s. c 147 § 6; 1970 ex.s. c 39 § 10; 1969 ex.s. c 237 § 1; 1967 c 135 § 1; 1965 c 57 § 1; 1963 c 75 § 1.]

~~Effective date—Effect of veto—Appropriation—Savings—Severability—1973 1st ex.s. c 147:~~ See notes following RCW 41.05.010.

~~Severability—1970 ex.s. c 39:~~ See note following RCW 41.05.010.

~~Effective date—1969 ex.s. c 237:~~ "The effective date of this 1969 amendatory act shall be July 1, 1969: *Provided*, That health benefit contracts awarded under the provisions of RCW 41.04.180 which expire after July 1, 1969 may be extended up to one year with the approval of the state employees' insurance and health care advisory committee as established under the provisions of section 8 of this act." [1969 ex.s. c 237 § 10.] This applies to RCW 41.04.180, 41.04.200-41.04.220, 28A.58.420 and 28B.10.660.

Insurance and health care for state employees: Chapter 41.05 RCW.

41.04.190 Hospitalization and medical aid for county, municipal and other political subdivision employees—Cost deemed additional compensation—Disbursement. The cost of any such group policy or plan to any such public agency or body shall be deemed additional compensation to the employees or elected county officials covered thereby for services rendered, and any officer authorized to disburse such funds may pay in whole or

in part to any such insurance carrier or health care service contractor the amount of the premiums due pursuant to any such contract. [1965 c 57 § 2; 1963 c 75 § 2.]

Reviser's note: 1965 c 57 amends RCW 41.04.180 and 41.04.190.

Action disqualifying legislators proscribed—Severability—1965 c 57: "No board of county commissioners shall take any action under this 1965 amendatory act which shall disqualify members of the present legislature, under Article II, section 13, of the Constitution, from being candidates for or being elected or appointed to county elected offices.

If any provision of the action of a board of county commissioners is held invalid under the preceding paragraph of this section, the remainder of the action or the application of the provision to other persons or circumstances shall not be affected." [1965 c 57 § 3.]

41.04.220 Department of general administration to procure health benefit programs—Other governmental entities may use services. Any governmental entity other than state agencies, may use the services of the department of general administration upon the approval of the director, in procuring health benefit programs as provided by RCW 41.04.180, *28.76.410, 28A.58.420 and 28B.10.660: *Provided*, That the department of general administration may charge for the administrative cost incurred in the procuring of such services. [1969 ex.s. c 237 § 7.]

***Reviser's note:** RCW 28.76.410 as used in the aforesaid section was repealed and reenacted as RCW 28A.58.420 and RCW 28B.10.660 as appear in said section.

Effective date—1969 ex.s. c 237: See note following RCW 41.04.180.

41.04.230 Payroll deductions authorized. Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salaries or wages of the officers or employees, the amount of money designated by the officer or employee for payment of the following:

(1) Credit union deductions: *Provided*, That the credit union is organized solely for public employees: *And provided further*, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: *Provided*, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U. S. savings bond deductions: *Provided*, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: *Provided*, That the deduction is for payment of membership dues to

any professional organization formed primarily for public employees or college and university professors: *And provided, further*, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: *Provided*, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: *Provided, further*, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Accident and casualty premiums to a single insurer: *Provided*, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to that insurer.

(8) Insurance contributions to the trustee of contracts for payment of premiums under contracts authorized by the state employees' insurance board.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the budget director for purposes clearly related to state employment or goals and objectives of the agency.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: *Provided*, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction. [1973 1st ex.s. c 147 § 5; 1970 ex.s. c 39 § 11; 1969 c 59 § 5.]

Effective date—Effect of veto—Appropriation—Savings—Severability—1973 1st ex.s. c 147: See notes following RCW 41.05.010.

Severability—1970 ex.s. c 39: See note following RCW 41.05.010.

41.04.240 Direct bank deposit of salaries authorized. Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized upon written request of the officer or employee to whom salaries or wages are to be paid, to pay the same to any bank designated by the officers or employees for credit to their accounts: *Provided*, That designated banks are qualified state depositories: *And provided further*, That twenty-five or more officers or employees of an agency must authorize direct deposits to the same bank. A single warrant may be drawn in favor of such bank, for the total amount due the officers or employees involved, and written directions provided to such bank of the amount to be credited to the account of each officer or employee. The issuance and

delivery by the disbursing officer of a warrant in accordance with the procedure set forth herein and proper indorsement thereof by the bank shall have the same legal effect as payment directly to the officer or employee. [1969 c 59 § 6.]

41.04.250 Pension plans, tax deferred annuities or deferred compensation plans authorized for public employees. Any department, division, or separate agency of the state government, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to:

(1) Enter into an agreement with any life insurance company, bank trustee, or custodian authorized to do business in the state of Washington to provide qualified pension plans under the provisions of 26 U.S.C., section 401(a), as amended by Public Law 89-809, 80 Stat. 1577, 1578 as now or hereafter amended, or to provide deferred annuities for all officials and employees of said public entities deemed to be eligible by the agency of the United States government having jurisdiction of the matter under the provisions of 26 U.S.C., section 403(b), as amended by Public Law 87-370, 75 Stat. 796 and as now or hereafter amended, such pension or annuities to be in lieu of a portion of salary or wages. Such pension plans or tax deferred annuity benefits shall be available to those employees who elect to participate in said agreement and who agree to take a reduction in salary in the equivalent amount of the contribution required to be made by the public entity for and on behalf of such employee. The funds derived from such reductions in salary shall be deposited and accounted for in an appropriately designated account maintained by the public employer of such employee and any official authorized to disburse such funds is empowered to remit these designated funds to the insurer, custodian, or trustee in accordance with the salary reduction agreement between the public entity and the employee.

(2) Contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed twenty-five percent of such income, and may subsequently with the consent of the employee, purchase a life insurance or fixed and/or variable annuity contract, for the purpose of funding a deferred compensation program for the employee, from any life underwriter duly licensed by this state who represents an insurance company licensed to contract business in this state. In no event shall the total payments made for the purchase of said life insurance contract, or fixed and/or variable annuity contract and the employee's nondeferred income for any year exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee.

Coverage of an employee under a qualified pension plan, contract for a deferred annuity or deferred compensation plan under this section shall not render such employee ineligible for simultaneous membership and participation in the pension systems for public employees which are provided for by chapters 41.26, 41.32 and 41.40 RCW. [1973 1st ex.s. c 99 § 1; 1972 ex.s. c 19 § 1; 1971 ex.s. c 264 § 1.]

Chapter 41.05

STATE EMPLOYEES' INSURANCE AND HEALTH CARE

Sections

41.05.010	Definitions.
41.05.020	State employees' insurance board—Created—Membership—Meetings—Compensation—Powers and duties.
41.05.030	Duties of director of personnel—Cooperation of state departments and agencies enjoined.
41.05.040	State employees insurance fund.
41.05.050	Contributions for employees and dependents.
41.05.060	Department of general administration to make services available.
41.05.070	Cost deemed additional compensation.
41.05.080	Participation by retired or disabled employees.

Hospitalization and health care for county, municipal and other political subdivision employees: RCW 41.04.180.

41.05.010 Definitions. Unless the context clearly indicates otherwise, words used in this chapter have the following meaning:

(1) "Board" means the state employees' insurance board established under the provisions of RCW 41.05.020.

(2) "Employee" shall include all full time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full time members of boards, commissions or committees; and shall include any or all part time and temporary employees under the terms and conditions established by the board; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the legislature who are elected to office after February 20, 1970.

(3) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan.

(4) "Trustee" shall mean the director of personnel. [1973 1st ex.s. c 147 § 12; 1970 ex.s. c 39 § 1.]

Effective date—Effect of veto—1973 1st ex.s. c 147: "This bill shall not take effect until the funds necessary for its implementation have been specifically appropriated by the legislature and such appropriation itself has become law. It is the intention of the legislature that if the governor shall veto this section or any item thereof, none of the provisions of this bill shall take effect." [1973 1st ex.s. c 147 § 10.]

Appropriation—1973 1st ex.s. c 147: "There is appropriated from the state employees' insurance revolving fund to the state employees' insurance board the sum of one hundred thousand dollars, or so much thereof as may be necessary, to supplement other funds related to health care coverage and to provide the necessary staff and studies attendant to the investigation and review of other insurance plans for state employees." [1973 1st ex.s. c 147 § 14.]

Savings—1973 1st ex.s. c 147: "Nothing contained in this 1973 amendatory act shall be deemed to amend, alter or affect the provisions of Chapter 23, Laws of 1972, Extraordinary Session, and RCW 28B.10.840 through 28B.10.844 as now or hereafter amended." [1973 1st ex.s. c 147 § 13.]

Severability—1973 1st ex.s. c 147: "If any provision of this 1973 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 147 § 9.] The above annotations apply to RCW 28B.10.660, 41.04.180, 41.04.230, 41.05.010, 41.05.020, 41.05.030, 41.05.050, 41.05.080, 48.24.010, and the repeal of RCW 41.06.370.

Severability—1970 ex.s. c 39: "If any provision of this 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." [1970 ex.s. c 39 § 14.] This applies to this chapter and to the 1970 amendments to RCW 41.04.180, 41.04.230, to RCW 41.06.370, and to the repeal of RCW 41.04.200 and 41.04.210.

"Retired state employees" defined: RCW 41.05.080.

41.05.020 State employees' insurance board—Created—Membership—Meetings—Compensation—Powers and duties.

(1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years: *Provided*, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their necessary and actual expenses while on official business and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees and their dependents on the best basis

possible with relation both to the welfare of the employees and to the state: *Provided*, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: *Provided*, That all contracts for insurance, health care plans or protection applying to employees covered by *this 1973 amendatory act shall provide that the beneficiaries of such insurance, health care plans or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: *Provided further*, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: *Provided*, That employees may choose participation in only one of the health care benefit plans sponsored by the board: *Provided further*, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group and the board shall report its recommendation on such retention to the legislative budget committee by November 1, 1974. [1973 1st ex.s. c 147 § 1; 1970 ex.s. c 39 § 2.]

*Reviser's note: "this 1973 amendatory act" includes RCW 28B.10.660, 41.04.180, 41.04.230, 41.05.010, 41.05.020, 41.05.030, 41.05.050, 41.05.080, 48.24.010, and the repeal of RCW 41.06.370.

Effective date—Effect of veto—Appropriation—Savings—Severability—1973 1st ex.s. c 147: See notes following RCW 41.05.010.

41.05.030 Duties of director of personnel—Cooperation of state departments and agencies enjoined.

(1) The director of the department of personnel shall be trustee and administrator of all health benefit and insurance contracts awarded by the board and shall have power to employ a benefits supervisor and such other assistants and employees as may be necessary subject to the jurisdiction of the state civil service law, chapter 41.06 RCW. The director of personnel shall provide any other personnel and facilities necessary for assistance to the board. He may delegate his duties hereunder to the benefits supervisor.

(2) The director of personnel, as trustee, shall transmit contributions for health care and other insurance plans in payment of premiums and receive and deposit contributions and dividends or refunds into the state employees insurance revolving fund, which shall be used for payment of premiums, administrative expenses as provided in RCW 41.05.030(1), to reduce employee contributions or to increase benefits in accordance with instructions of the board.

(3) Every division, department, or separate agency of state government shall fully cooperate in administration of the plans, education of employees, claims administration, and other duties as required by the trustee or the board. [1973 1st ex.s. c 147 § 2; 1970 ex.s. c 39 § 3.]

~~Effective date—Effect of veto—Appropriation—Savings—Severability—1973 1st ex.s. c 147: See notes following RCW 41.05.010.~~

41.05.040 State employees insurance fund. There is hereby created a fund within the state treasury, designated as the "state employees insurance fund", to be used by the trustee as a revolving fund for the deposit of contributions, dividends and refunds, and for payment of premiums for health care benefit contracts entered into in accordance with instructions of the board and payments authorized by RCW 41.05.030(2). Moneys from the state employees insurance fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the trustee. [1970 ex.s. c 39 § 4.]

41.05.050 Contributions for employees and dependents. (1) Every department, division, or separate agency of state government shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. All such contributions will be paid into the state employees insurance fund to be expended by the trustee for the payment of required insurance premiums and health care fees.

(2) The contributions of any department, division, or separate agency of the state government shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: *Provided*, That nothing herein shall be a limitation on employees employed under chapter 47.64 RCW: *Provided further*, That provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall annually survey private industry in the state of Washington to determine the maximum average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be reported to the board for its use in setting the amount of the contributions to the various insurance programs by departments, divisions, and separate agencies of state government. [1973 1st ex.s. c 147 § 3; 1970 ex.s. c 39 § 5.]

~~Effective date—Effect of veto—Appropriation—Savings—Severability—1973 1st ex.s. c 147: See notes following RCW 41.05.010.~~

Contributions for state employees, amount: RCW 41.06.370.

41.05.060 Department of general administration to make services available. The department of general administration shall make its services available to the board in advertising for and procuring bids for health care benefit programs authorized by the board in accordance with RCW 43.19.1935. [1970 ex.s. c 39 § 6.]

41.05.070 Cost deemed additional compensation. The cost of any health care insurance contracts or plans to any department, division or separate agency of state government shall be deemed additional compensation to the employees or officials covered thereby for services rendered, and any officer authorized to disburse such funds shall pay to the trustee for payment of the contributions due pursuant to any such contract authorized by the board. [1970 ex.s. c 39 § 7.]

41.05.080 Participation by retired or disabled employees. Retired or disabled state employees may continue their participation in insurance plans and contracts after retirement or disablement, under the qualifications, terms, conditions, and benefits set by the board: *Provided*, That the rates charged such retired or disabled state employees for health care coverage shall be identical to that charged active participants: *Provided further*, That such retired or disabled employees shall bear the full cost of premiums required to provide such coverage. The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office. [1973 1st ex.s. c 147 § 7; 1970 ex.s. c 39 § 8.]

~~Effective date—Effect of veto—Appropriation—Savings—Severability—1973 1st ex.s. c 147: See notes following RCW 41.05.010.~~

**Chapter 41.06
STATE CIVIL SERVICE LAW**

Sections	
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41.06.020	Definitions.
41.06.030	Department of personnel established.
41.06.040	Scope of chapter.
41.06.070	Exemptions.
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- 41.06.120 Meetings of board—Hearings authorized, procedure— Majority to approve release of findings— Administration of oaths.
- 41.06.130 Director of personnel—Appointment—Removal—Rules—General powers and duties —Salary.
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- 41.06.170 Suspension, dismissal, demotion of employee—Notice—Appeal to board.
- 41.06.180 Suspension, dismissal, demotion of employee—Hearing on appeal—Procedure.
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- 41.06.210 Suspension, dismissal, demotion of employee—Review by superior court—Appeal to supreme court or court of appeals.
- 41.06.220 Reemployment list—Reinstatement after appeal, guaranteed rights and benefits.
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- 41.06.240 Status of persons employed prior to enactment of chapter—Prior state service considered in appointment rules.
- 41.06.250 Political activities.
- 41.06.260 Conflict with federal requirements—Effect—Rules to conform chapter.
- 41.06.270 Salary withheld unless employment is in accord with chapter—Certification of payrolls, procedures.
- 41.06.280 Department of personnel service fund—Created—Charges to agencies, payment—Use, disbursement.
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- 41.06.300 Consolidation of highway personnel under state personnel board and department.
- 41.06.310 Abolishment of highway department personnel board and office of highway personnel director—Transfer to state personnel board.
- 41.06.320 Transfer of books, records, equipment, etc.
- 41.06.330 Classified employees to retain status, privileges, etc., on transfer.
- 41.06.340 Unfair labor practices provisions applicable to chapter.
- 41.06.350 Acceptance of federal funds authorized.
- 41.06.900 Short title.
- 41.06.910 Severability—1961 c 1.

Employees of director of the state lottery, commission, as subject to chapter 41.06 RCW: RCW 67.67.030 and 67.67.040.

Qualifications for persons assessing real property—Examination: RCW 36.21.015.

State employees' insurance board—Membership: RCW 41.05.020.

Vocational education division employees transferred from former state board for vocational education to retain civil service rights: RCW 28B.50.200.

Vocational rehabilitation employees transferred from former division retain civil service rights: RCW 28B.50.210.

41.06.010 Declaration of purpose. The general purpose of this chapter is to establish for the state a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plan, removal, discipline and welfare of its civil employees, and other incidents of state employment. All appointments and promotions to positions, and retention therein, in the state service, shall be made

on the basis of policies hereinafter specified. [1961 c 1 § 1.]

Reviser's note: Chapter 1, Laws of 1961, codified herein was Initiative Measure No. 207 which was adopted by the people November 8, 1960, and was declared effective law by proclamation signed by the governor on December 8, 1960.

41.06.020 Definitions. Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature;

(2) "Board" means the state personnel board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070;

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter;

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(5) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required;

(6) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board or council, by law empowered to operate the agency responsible either to (1) no other public officer or (2) the governor. [1970 ex.s. c 12 § 1. Prior: 1969 ex.s. c 36 § 21; 1969 c 45 § 6; 1967 ex.s. c 8 § 48; 1961 c 1 § 2.]

41.06.030 Department of personnel established. A department of personnel, governed by a state personnel board and administered by a director of personnel, is hereby established as a separate agency within the state government. [1961 c 1 § 3.]

41.06.040 Scope of chapter. The provisions of this chapter apply to:

(1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;

(2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of RCW 41.06.070. [1969 ex.s. c 36 § 22; 1961 c 1 § 4.]

Effective date—Severability—1969 ex.s. c 36: See RCW 28B.16.920 and 28B.16.930.

41.06.070 Exemptions. The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees

of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part time, or temporary employees, and part time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(18) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(19) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(20) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: *Provided, however,* That rules and regulations adopted by the state personnel board pursuant to RCW 41.06-.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(21) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(22) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10)

through (19) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary. [1973 1st ex.s. c 133 § 1; 1972 ex.s. c 11 § 1. Prior: 1971 ex.s. c 209 § 1; 1971 ex.s. c 59 § 1; 1971 c 81 § 100; 1969 ex.s. c 36 § 23; 1967 ex.s. c 8 § 47; 1961 c 179 § 1; 1961 c 1 § 7.]

Effective date—Severability—1969 ex.s. c 36: See RCW 28B.16.920 and 28B.16.930.

Severability—1967 ex.s. c 8: See RCW 28B.50.910.

41.06.073 Department of ecology—Certain personnel exempted from chapter. In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of ecology to the director, his confidential secretary, his deputy director, and not to exceed six assistant directors. [1970 ex.s. c 62 § 11.]

Savings—Severability—Effective date—1970 ex.s. c 62: See notes following RCW 43.21A.010.

41.06.075 Office of program planning and fiscal management—Certain personnel exempted from chapter. 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. [1969 ex.s. c 239 § 7.]

Office of program planning and fiscal management: Chapter 43.41 RCW.

41.06.076 Department of social and health services—Certain personnel exempted from chapter. In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of social and health services to the secretary; his deputy secretary; his personnel director; his administrative assistant, if any; not to exceed six assistant secretaries and one confidential secretary for each of the ten above-named officers: *Provided*, That each such confidential secretary must meet the minimum qualifications for the class of secretary II as determined by the state personnel board. [1970 ex.s. c 18 § 8.]

Effective date—Severability—1970 ex.s. c 18: See notes following RCW 43.20A.010.

41.06.080 Department of personnel's services available on request to certain governmental entities—Reimbursement. Notwithstanding the provisions of this chapter, the department of personnel may make its services available on request, on a reimbursable basis, to:

(1) Either the legislative or the judicial branch of the state government;

(2) Any county, city, town, or other municipal subdivision of the state;

(3) The institutions of higher learning;

(4) Any agency, class, or position set forth in RCW 41.06.070. [1970 ex.s. c 12 § 2. Prior: 1969 ex.s. c 152 § 2; 1969 c 45 § 5; 1961 c 1 § 8.]

41.06.090 Feasibility study of department of highways, state patrol, with respect to integration with department of personnel. The department of highways and the Washington state patrol in conjunction with the state personnel board shall make a study prior to January 1, 1963 to determine if it is feasible to integrate completely the personnel systems of the department of highways and officers of the state patrol with the state department of personnel, such study to be presented in writing with recommendations to the state legislature on the day of its convening the thirty-eighth regular session. [1961 c 1 § 9.]

41.06.100 Temporary appointment of classified employee to exempt position—Return to regular position. Any classified employee having civil service status in a position may take a temporary appointment in an exempt position, with the right to return to his regular position, or to a like position at the conclusion of such temporary appointment. [1961 c 1 § 10.]

41.06.110 Personnel board—Created—Term—Qualifications, conditions—Compensation, expenses—Officers, quorum, records. (1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate: *Provided*, That no member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his appointment shall have been approved by the senate. The first such board shall be appointed within thirty days after December 8, 1960 for terms of two, four, and six years. Each odd numbered year thereafter the governor shall appoint a member for a six year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board, actually attended: *Provided*, That after July 1, 1962, no one board member shall receive more than one thousand five hundred dollars in any fiscal year for this purpose: *Provided, further*, That such limitation shall not apply to daily payments for the hearing of employee appeals. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of

their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary. [1961 c 1 § 11.]

41.06.120 Meetings of board—Hearings authorized, procedure—Majority to approve release of findings—Administration of oaths. (1) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action and may hold hearings, such hearings to be called by (a) the chairman of the board, or (b) a majority of the members of the board. An official notice of the calling of the hearing shall be filed with the secretary, and all members shall be notified of the hearing within a reasonable period of time prior to its convening;

(2) No release of material, or statement of findings shall be made except with the approval of a majority of the board;

(3) In the conduct of hearings or investigations, a member of the board, or the director of personnel, may administer oaths. [1961 c 1 § 12.]

41.06.130 Director of personnel—Appointment—Removal—Rules—General powers and duties—Salary. The office of director of personnel is hereby established.

(1) Within ninety days after December 8, 1960 a director of personnel shall be appointed. The merit system director then serving under *RCW 50.12.030, whose position is terminated by this chapter, may serve as director of personnel hereunder until a permanent director of personnel is appointed as herein provided, and may be appointed as director of personnel by the governor alone; or the governor may fill the position in the manner hereinafter provided for subsequent vacancies therein on the basis of competitive examination, in conformance with board rules for competitive examinations, for which examinations said merit system director shall be eligible.

(2) The director of personnel shall be appointed by the governor from a list of three names submitted to him by the board with its recommendations, the names on such list shall be those of the three standing highest upon competitive examination conducted by a committee of three persons which shall be appointed by the board solely for that purpose whenever the position is vacant. Only persons with substantial experience in the field of personnel management shall be eligible to take such examination.

(3) The director of personnel shall be removable for cause by the governor with the approval of a majority of the board or by a majority of the board.

(4) The director of personnel shall direct and supervise all the department of personnel's administrative

and technical activities in accordance with the provisions of this chapter and the rules and regulations approved and promulgated thereunder. He shall prepare for consideration by the board proposed rules and regulations required by this chapter. His salary shall be fixed by the board. [1961 c 1 § 13.]

*Reviser's note: RCW 50.12.030 was repealed by section 33, chapter 1, Laws of 1961. Later enactment, see chapter 41.06 RCW.

41.06.140 Employee participation in policy and rule making, administration, etc.—Publication of board rules. It shall be the duty of the board to make rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty days notice to, and considered proposals from, employee representatives and agencies affected. Complete and current compilations of all rules and regulations of the board in printed, mimeographed or multigraphed form shall be available to the public in the office of the director of personnel free of charge. [1961 c 1 § 14.]

41.06.150 Rules and regulations of board—Mandatory subjects—Veterans' preference. The board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including departmental promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examinations for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any agency: *Provided*, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment shall constitute cause for dismissal: *Provided*, That no more often than once in each twelve month period after expiration of

twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: *Provided further*, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement, or any other fees or fines and shall include full and complete membership rights: *And provided further*, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member; agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: *Provided*, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, such adoption and revision subject to approval by the state budget director in accordance with the provisions of chapter 43.88 RCW; training programs, including in-service, promotional and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active

military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: *Provided, however*, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: *Provided further*, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month. [1973 1st ex.s. c 75 § 1; 1973 c 154 § 1; 1971 ex.s. c 19 § 2; 1967 ex.s. c 108 § 13; 1961 c 1 § 15.]

Effective date—1973 1st ex.s. c 75: "This 1973 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 midnight June 6, 1973." [1973 1st ex.s. c 75 § 3.]

Public employees collective bargaining: Chapter 41.56 RCW.

41.06.160 Classification and salary schedules to consider rates in other public and private employment—Wage surveys—Recommendations to governor, budget director. In adopting or revising classification and salary schedules as set forth in RCW 41.06.150 the board shall give full consideration to prevailing rates in other public employment and in private employment in this state and for this purpose shall have made periodic wage surveys with one such survey to be conducted each year prior to the convening of each regular session of the state legislature, the results of such wage survey to be forwarded with a recommended state salary schedule to the governor and state budget director for their use in preparing budgets to be submitted to the succeeding legislature. [1961 c 1 § 16.]

41.06.170 Suspension, dismissal, demotion of employee—Notice—Appeal to board. (1) The board, in the promulgation of rules and regulations governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The board shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof. The authority shall file a copy of the notice with the director of personnel.

(2) Any employee who is reduced, dismissed, suspended or demoted, after completing his probationary period of service as provided by the rules and regulations of the board, shall have the right to appeal to the board not later than thirty days after the effective date of such action. The employee shall be furnished with specified charges in writing when the action is taken.

Such appeal shall be in writing and shall be heard by the board within thirty days after its receipt. The board shall furnish the agency concerned with a copy of the appeal in advance of the hearing. [1961 c 1 § 17.]

41.06.180 Suspension, dismissal, demotion of employee—Hearing on appeal—Procedure. Hearings on such appeals shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing, or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the board. Members of the board may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the board. The board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court. The board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge therefor. Payment of the cost of a transcript used on appeal shall await determination of the appeal, and shall be made by the employing agency if the employee prevails. [1961 c 1 § 18.]

41.06.190 Suspension, dismissal, demotion of employee—Findings of fact, conclusions of law, order—Notice to employee and employing agency. Within thirty days after the conclusion of the hearing the board shall make and fully record in its permanent records findings of fact, conclusions of law when the construction of a rule, regulation or statute is in question, reasons for the action taken and its order based thereon, which shall be final subject to action by the court on appeal as hereinafter provided, at the same time sending a copy of the findings, conclusions and order by registered mail to the employing agency and to the employee at his address as given at the hearing or to a representative designated by him to receive the same. [1961 c 1 § 19.]

41.06.200 Suspension, dismissal, demotion of employee—Grounds, time, for appeal—Notice, service—Transcript, exhibits. (1) Within thirty days after the recording of the order and the mailing thereof, the employee may appeal to the superior court of Thurston county, on one or more of the grounds that the order was:

(a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;

(c) Materially affected by unlawful procedure;

(d) Based on violation of any constitutional provision; or

(e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, with copies thereof served on the director of personnel or a member of his staff or a member of the board and on the employing agency, all within the time stated.

(3) Within thirty days after service of such notice, or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript. [1969 ex.s. c 36 § 25; 1961 c 1 § 20.]

Effective date—Severability—1969 ex.s. c 36: See RCW 28B.16.920 and 28B.16.930.

41.06.210 Suspension, dismissal, demotion of employee—Review by superior court—Appeal to supreme court or court of appeals. (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the employee's objection thereto is well taken on any of the grounds stated. Appeal shall be available to the employee to the supreme court or the court of appeals from the order of the superior court as in other civil cases. [1971 c 81 § 101; 1961 c 1 § 21.]

41.06.220 Reemployment list—Reinstatement after appeal, guaranteed rights and benefits. (1) An employee who is terminated from state service may request the board to place his name on an appropriate reemployment list and the board shall grant this request where the circumstances are found to warrant reemployment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement and OASDI credits. [1961 c 1 § 22.]

41.06.230 Personnel board under prior law abolished—Transfer of personnel, equipment, records, etc. The state personnel board established and existing under the provisions of *RCW 50.12.030, section 42,

chapter 35, Laws of 1945, and section 10, chapter 215, Laws of 1947, is abolished, and the terms of office of its members are terminated at such time as the board created by RCW 41.06.110 has been appointed by the governor. The employees, and the supplies, equipment, records, and funds in the possession or under the control of said board shall be transferred forthwith by it to the department of personnel. [1961 c 1 § 23.]

*Reviser's note: See note following RCW 41.06.130.

41.06.240 Status of persons employed prior to enactment of chapter—Prior state service considered in appointment rules. (1) Employees, except the merit system director, currently serving under the jurisdiction of a state merit system established by law shall automatically retain their permanent or probationary status acquired under such system;

(2) All persons who were in the employ of the state government outside the statutory personnel systems immediately prior to December 8, 1960, in positions not exempted from the classified system coverage by this chapter, shall automatically receive such permanent or probationary status with respect to such positions, and any prior positions, as they would have acquired with respect thereto had they been serving satisfactorily therein under the merit system rule, in effect on April 1, 1958, administered by the state personnel board under *RCW 50.12.030;

(3) The board shall give due consideration to any prior state service of an applicant in its establishment of rules and regulations for the making of appointments under this chapter. [1961 c 1 § 24.]

*Reviser's note: See note following RCW 41.06.130.

41.06.250 Political activities. (1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited: *Provided, however,* That officers of employee associations shall not be prohibited from soliciting dues or contributions from members of their associations. No person shall solicit on state property or property of a political subdivision of this state any contribution to be used for partisan, political purposes.

(2) Employees of the state or any political subdivision thereof shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee of the state or any political subdivision thereof from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

(3) A classified civil service employee shall not hold a part time public office in a political subdivision of the state when the holding of such office is incompatible with, or substantially interferes with, the discharge of official duties in state employment.

(4) For persons employed in state agencies or agencies of any political subdivision of the state the operation of which is financed in total or primarily by federal grant-in-aid funds political activity will be regulated by the rules and regulations of the United States civil service commission.

(5) The provisions of this section shall supersede all statutes, charter provisions, ordinances, resolutions, regulations, and requirements promulgated by the state or any subdivision thereof, including any provision of any county charter, insofar as they may be in conflict with the provisions of this section. [1974 1st ex.s. c 136 § 1; 1961 c 1 § 25.]

41.06.260 Conflict with federal requirements—Effect—Rules to conform chapter. If any part of this chapter shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The board shall make such rules and regulations as may be necessary to meet federal requirements which are a condition precedent to the receipt of federal funds by the state. [1961 c 1 § 26.]

41.06.270 Salary withheld unless employment is in accord with chapter—Certification of payrolls, procedures. A disbursing officer shall not pay any employee holding a position covered by this chapter unless the employment is in accordance with this chapter or the rules, regulations and orders issued hereunder. The board and the state budget director shall jointly establish procedures for the certification of payrolls. [1961 c 1 § 27.]

41.06.280 Department of personnel service fund—Created—Charges to agencies, payment—Use, disbursement. There is hereby created a fund within the state treasury, designated as the "Department of Personnel Service Fund", to be used by the board as a revolving fund for the payment of salaries, wages and operations required for the administration of the provisions of this chapter. An amount not to exceed one percent of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher learning and the department of highways, shall be charged to the operations appropriations of each agency and credited to the department of personnel service fund as such allotments are approved pursuant to chapter 328, Laws of 1959 [chapter 43.88 RCW]. Subject to the above limitations, such amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the department with funds to meet its anticipated expenditures during the allotment period.

The director of personnel shall fix the terms and charges for services rendered by the department of personnel pursuant to RCW 41.06.080, which amounts shall be credited to the department of personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis; payment for services so rendered under RCW 41.06.080 shall be made on a quarterly basis to the state treasurer and by him deposited in the department of personnel service fund.

Moneys from the department of personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board. [1963 c 215 § 1; 1961 c 1 § 28.]

Use of department of personnel service for state employees' suggestion awards: Chapter 41.60 RCW.

41.06.290 Personnel subject to marine employee commission not affected. Nothing in this chapter shall be interpreted as changing the provisions of or affecting the conditions of employment for personnel covered by chapter 47.64 RCW. [1961 c 1 § 29.]

41.06.300 Consolidation of highway personnel under state personnel board and department. The purpose of RCW 41.06.300 through 41.06.330 is to provide for a more effective and efficient management of the state system for personnel administration by consolidating under the state personnel board and the department of personnel all the powers, duties and functions heretofore vested in the highway department personnel board and the highway department personnel system. [1969 c 45 § 1.]

Severability—1969 c 45: "If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1969 c 45 § 8.]

Effective date—1969 c 45: "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, 1969." [1969 c 45 § 9.]

The foregoing annotations apply to RCW 41.06.020, 41.06.080, and 41.06.300 through 41.06.330, and to the repeal of RCW 41.06.060.

41.06.310 Abolishment of highway department personnel board and office of highway personnel director—Transfer to state personnel board. The offices of the highway personnel board and the highway personnel director are hereby abolished. From and after July 1, 1969, all highway department personnel in all classes of positions shall be governed and controlled by and be subject to the provisions of chapter 41.06 RCW and the merit system rules and regulations adopted by the state personnel board, in the same manner as other state agencies now subject thereto: *Provided*, That all highway department personnel shall remain subject to the classification plan and compensation plan in effect on July 1, 1969 until such have been modified, amended, or incorporated into the state classification plan and compensation by the state personnel board. [1969 c 45 § 2.]

Severability—Effective date—1969 c 45: See notes following RCW 41.06.300.

41.06.320 Transfer of books, records, equipment, etc. All books, documents, records, papers, files, data, desks, chairs, typewriters and other office equipment, or other materials in the possession of, used or held by the highway department personnel board, the highway department personnel director, and any other person or persons performing duties and functions and exercising powers relating to the highway personnel board, shall be delivered and transferred to the state personnel board, and the state director of personnel. If any of the writings or other transfers pertaining to the functions herein transferred are considered by the state highway commission or the director of highways to be essential to the performance of duties of such agency, the director of highways may retain copies thereof. [1969 c 45 § 3.]

Severability—Effective date—1969 c 45: See notes following RCW 41.06.300.

41.06.330 Classified employees to retain status, privileges, etc., on transfer. All classified civil service employees engaged in duties pertaining to the functions herein transferred shall be assigned and transferred to the state department of personnel and when transferred shall automatically retain their permanent or probationary status together with all rights, privileges and immunities attaching thereto. [1969 c 45 § 4.]

Severability—Effective date—1969 c 45: See notes following RCW 41.06.300.

41.06.340 Unfair labor practices provisions applicable to chapter. Each and every provision of RCW 41.56.140 through 41.56.190 shall be applicable to this chapter as it relates to state civil service employees and the state personnel board, or its designee, whose final decision shall be appealable to the state personnel board, which is granted all powers and authority granted to the department of labor and industries by RCW 41.56.140 through 41.56.190. [1969 ex.s. c 215 § 13.]

41.06.350 Acceptance of federal funds authorized. The state personnel board is authorized to receive federal funds now available or hereafter made available for the assistance and improvement of public personnel administration, which may be expended in addition to the department of personnel service fund established by RCW 41.06.280. [1969 ex.s. c 152 § 1.]

41.06.900 Short title. This chapter shall be referred to as the state civil service law. [1961 c 1 § 34.]

41.06.910 Severability—1961 c 1. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable. [1961 c 1 § 35.]

Chapter 41.08
CIVIL SERVICE FOR CITY FIREMEN

Sections

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Civil service for employees of fire protection districts: RCW 52.36.060.

41.08.010 Application of chapter. The provisions of this chapter shall have no application to cities and towns which at the present time have provided for civil service in the fire department or which shall subsequently provide for civil service in the fire department by local charter or other regulations which said local charter or regulations substantially accomplish the purpose of this chapter. [1935 c 31 § 1; RRS § 9558-1.]

41.08.020 Excluded cities—Repeal of local law—Effect. If any of the cities or towns referred to in RCW 41.08.010 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for firemen as referred to in RCW 41.08.010, in that event this chapter shall apply to all of such cities and towns which have at any time abolished civil service for members of the fire department. [1935 c 31 § 2; RRS § 9558-2.]

41.08.030 Civil service commission created—Appointment—Terms—Removal—Quorum. There is hereby created in every city, town or municipality except those referred to in RCW 41.08.010, having a full paid fire department a civil service commission which shall be composed of three persons.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with power and authority to select, appoint, or employ the chief of a fire department in any such city, prior to the enactment of this chapter. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: *Provided, however,* That no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required. At the time of any appointment not more than two commissioners shall be adherents of the same political party. [1935 c 31 § 3; RRS § 9558-3.]

41.08.040 Organization of commission—Secretary—Powers and duties of commission. Immediately after appointment the commission shall organize by electing one of its members chairman and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the fire department or of the fire department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of

the fire department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

(3) The rules and regulations adopted by the commission shall provide for a credit of ten percent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy and marine corps and the American Red Cross. These credits apply to entrance examinations only.

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the

provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(5) All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: *Provided, however,* That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission.

(7) Establish and maintain in card or other suitable form a roster of officers and employees.

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(10) Keep such records as may be necessary for the proper administration of this chapter. [1973 1st ex.s. c 154 § 60; 1935 c 31 § 5; RRS § 9558-5.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Preferred rights in employment, examinations, appointments, etc., limited to actual members of armed forces: RCW 73.04.090.

Veterans' preference in examinations: RCW 41.04.010.

41.08.050 Persons included—Competitive examinations—Transfers, discharges, and reinstatements. The classified civil service and provisions of this chapter shall include all full paid employees of the fire department of each city, town or municipality coming within its purview, including the chief of that department. All appointments to and promotions in said department shall be made solely on merit, efficiency and fitness,

which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in, or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter. [1935 c 31 § 4; RRS § 9558-4.]

41.08.060 Existing firemen blanketed under civil service. For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment of this chapter, all persons holding a position in the fire department of any such city, including the chief thereof, when this chapter takes effect, who shall have served in such position for a period of at least six months last past continuously, are hereby declared eligible for permanent appointment under civil service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. [1935 c 31 § 6; RRS § 9558-6.]

41.08.070 Qualifications of applicants. An applicant for a position of any kind under civil service, must be a citizen of the United States of America who can read and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable. [1972 ex.s. c 37 § 2; 1963 c 95 § 1; 1935 c 31 § 7; RRS § 9558-7.]

Purpose—1972 ex.s. c 37: "It is the purpose of this 1972 amendatory act to increase the availability of qualified applicants for employment in positions of public safety in municipal government; namely, firemen and policemen; and to eliminate present inequities that result from the application of residency requirements under existing statutes pertaining to such employment." [1972 ex.s. c 37 § 1.] This applies to the amendment (by 1972 ex.s. c 37) of RCW 41.08.070 and 41.12.070, and to RCW 41.08.075 and 41.12.075.

41.08.075 Residency as condition of employment—Discrimination because of lack of residency—Prohibited. No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.08.010 to reside within the limits of such municipal corporation as a condition of employment, or to discriminate in any manner against any such person because of his residence outside of the limits of such city, town, or municipality. [1972 ex.s. c 37 § 4.]

Purpose—1972 ex.s. c 37: See note following RCW 41.08.070.

41.08.080 Tenure of employment—Grounds for discharge, reduction, or deprivation of privileges. The tenure of every one holding an office, place, position or

employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other wilful failure on the part of the employee to properly conduct himself; or any wilful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, immoral or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service. [1935 c 31 § 8; RRS § 9558-8.]

41.08.090 Procedure for removal, suspension, demotion or discharge—Investigation—Hearing—Appeal. No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith [f]or cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such

person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: *Provided, however,* That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds. [1935 c 31 § 9; RRS § 9558-9.]

41.08.100 Filling of vacancies—Probationary period. Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three to six months' probationary service, as may be provided in the rules of the civil service commission during which the appointing power may terminate the employment of the person certified to him, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him unfit or unsatisfactory for service in the department. Whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete. [1935 c 31 § 11; RRS § 9558-11.]

41.08.110 Power to create offices, make appointments and fix salaries not infringed. All offices, places, positions and employments coming within the purview of this chapter, shall be created by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, chief, common council, commission or otherwise, is or are vested by law with power and authority to select, appoint, or employ any person coming within the purview of this chapter, and nothing herein contained shall infringe upon the power and authority of any such person or group of persons, or appointing power, to fix the salaries and compensation of all employees employed hereunder. [1935 c 31 § 12; RRS § 9558-12.]

41.08.120 Approval of payrolls. No treasurer, auditor, comptroller or other officer or employee of any city, town or municipality in which this chapter is effective, shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary, wage or other compensation for services, to any person subject to the jurisdiction and scope of this chapter, unless a payroll, estimate or account for such salary, wage or other compensation, containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission, should be furnished on

said payroll, bears the certificate of the civil service commission or of its secretary or other duly authorized agent, that the persons named in such payroll, estimate or account have been appointed or employed in compliance with the terms of this chapter and with the rules of the commission, and that the said payroll, estimate or account is, so far as known to the said commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who shall wilfully or through culpable negligence violate or fail to comply with this chapter or with the rules of the commission. [1935 c 31 § 13; RRS § 9558-13.]

41.08.130 Leaves of absence—Notice—Filling vacancy. Leave of absence, without pay, may be granted by any appointing power to any person under civil service: *Provided*, That such appointing power shall give notice of such leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service. [1935 c 31 § 14; RRS § 9558-14.]

41.08.140 Enforcement by civil action—Legal counsel. It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the commission. The commission shall be represented in such suits by the chief legal officer of the city, but said commission may in any case be represented by special counsel appointed by it. [1935 c 31 § 15; RRS § 9558-15.]

41.08.150 Deceptive practices, false marks, etc., prohibited. No commissioner or any other person, shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application or request to be examined or registered. [1935 c 31 § 16; RRS § 9558-16.]

41.08.160 Political contributions and services—Not required—Solicitation and coercion prohibited. No person holding any office, place, position or employment subject to civil service, is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no

person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote or in any manner change the official rank, employment or compensation of any person under civil service, or promise or threaten so to do, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose. [1935 c 31 § 17; RRS § 9558-17.]

41.08.170 Local legislation required—Penalty. The various cities affected by the provisions of this chapter, shall, immediately upon the taking effect thereof, enact appropriate legislation for carrying this chapter into effect, and the failure upon the part of the duly constituted authorities of any such city so to do shall be considered a violation of this chapter and be punishable as such. [1935 c 31 § 18; RRS § 9558-18.]

41.08.180 Office and supplies to be furnished—Penalty for not providing. The duly constituted authorities of each and every city coming within the purview of this chapter, shall provide the commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in each such city coming within the purview of this chapter; and the failure upon the part of the duly constituted authorities to do so, shall be considered a violation of this chapter and shall be punishable as such. [1935 c 31 § 19; RRS § 9558-19.]

41.08.183 Time limit for creation of commission—Penalty. In ninety days after the taking effect of this chapter, it shall be the duty of the duly constituted authorities in each such city, subject to the provisions of this chapter, to appoint and create a civil service commission as provided for in RCW 41.08.010, and the failure upon the part of said duly constituted authorities, or any of them, so to do, shall be deemed a violation of this chapter, and shall be punishable as such. [1935 c 31 § 20; RRS § 9558-20.]

41.08.185 Duty of commission to organize and function—Penalty for violation. It shall be the duty of each commission appointed subject to the provisions of this chapter, to immediately organize and see to it that the provisions thereof are carried into effect, and to this end to make suitable rules and regulations not inconsistent with the purpose of this chapter, for the purpose of carrying the provisions thereof into effect; and the failure upon the part of said commission, or any individual member thereof to do so, shall be deemed a violation of this chapter, and shall be punishable as such. [1935 c 31 § 21; RRS § 9558-21.]

41.08.190 Cooperation of city officers and employees enjoined. It shall be the duty of all officers and employees of any such city to aid in all proper ways of carrying out the provisions of this chapter, and such rules and regulations as may, from time to time, be prescribed by the commission thereunder and to afford the commission, its members and employees, all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments, subject to civil service, and also to produce said books, papers, documents and accounts, and attend and testify, whenever required so to do by the commission or any commissioner. [1935 c 31 § 10; RRS § 9558-10.]

41.08.200 Appropriation for expenses. For the purpose of carrying out the provisions of this chapter, such city, town or municipality is hereby authorized to appropriate from the general fund not to exceed four-tenths of one percent of the total payroll of those included under the jurisdiction and scope of the chapter: *Provided, however,* That if the city council or other proper legislative body shall make an appropriation for the support of said commission equal to or more than the said continuing appropriation in any year, this section shall not be operative for said year but otherwise shall be in full force and effect. [1935 c 31 § 22; RRS § 9558-22.]

41.08.210 Penalty—Jurisdiction. Any person who shall wilfully violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars and by imprisonment in the county jail for not longer than thirty days, or by both such fine and imprisonment. The court of original and unlimited jurisdiction in civil suits shall have jurisdiction of all such offenses defined by this chapter. [1935 c 31 § 23; RRS § 9558-23.]

41.08.220 Definitions. As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, vested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid fire department.

The term "full paid fire department" means that the officers and firemen employed in such are paid regularly by the city and devote their whole time to fire fighting. [1935 c 31 § 24; RRS § 9558-24.]

41.08.900 Severability—1935 c 31. If any section, subsection, subdivision, sentence, clause or phrase of this chapter, shall for any reason be held to be unconstitutional such decision shall not affect the validity of the remaining portions of this chapter. [1935 c 31 § 25; RRS § 9558-25.]

41.08.910 Repeal. All acts and parts of acts in conflict with the provisions of this chapter are hereby repealed insofar as they conflict with the provisions of this chapter. [1935 c 31 § 26; RRS § 9558-26.]

Chapter 41.12 CIVIL SERVICE FOR CITY POLICE

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41.12.010 Application of chapter. The provisions of this chapter shall have no application to cities and towns which at the present time have provided for civil service in the police department or which shall subsequently provide for civil service in the police department by local charter or other regulations which said local charter or regulations substantially accomplish the purpose of this chapter, nor to cities having a police force of not more than two persons including the chief of police. [1937 c 13 § 1; RRS § 9558a-1.]

41.12.020 Excluded cities—Repeal of local law—Effect. If any of the cities or towns referred to in RCW 41.12.010 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for policemen as referred to in RCW 41.12.010, in that event this chapter shall apply to all of such cities and towns which have at any time abolished civil service for members of the police department. [1937 c 13 § 2; RRS § 9558a-2.]

41.12.030 Civil service commission—Appointment—Terms—Removal—Quorum. There is hereby created in every city, town or municipality except those referred to in RCW 41.12.010, having fully paid policemen a civil service commission which shall be composed of three persons.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with the power and authority to select, appoint, or employ the chief of a police department in any such city, prior to the enactment of this chapter. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: *Provided, however,* That no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required. At the time of any appointment not more than two commissioners shall be adherents of the same political party. [1937 c 13 § 3; RRS § 9558a-3.]

41.12.040 Organization of commission—Secretary—Powers and duties of commission. Immediately after appointment the commission shall organize by electing one of its members chairman and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the police department or of the police department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the police department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time;

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;

(3) The rules and regulations adopted by the commission shall provide for a credit of ten percent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, and marine corps and the American Red Cross. These credits apply to entrance examinations only;

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only *must these investigations* be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in

concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such;

(5) Hearings and Investigations: How conducted. All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: *Provided, however,* That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission;

(7) Establish and maintain in card or other suitable form a roster of officers and employees;

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that men laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year;

(10) Keep such records as may be necessary for the proper administration of this chapter. [1937 c 13 § 5; RRS § 9558a-5.]

Preferred rights in employment, examinations, appointments, etc., limited to actual members of armed forces: RCW 73.04.090.

Veterans' preference in examinations: RCW 41.04.010.

41.12.050 Persons included—Competitive examinations—Transfers, discharges, and reinstatements.

The classified civil service and provisions of this chapter shall include all full paid employees of the police department of each city, town or municipality coming within its purview, including the chief of that department. All appointments to and promotions in said department shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter. [1937 c 13 § 4; RRS § 9558a-4.]

41.12.060 Existing police blanketed under civil service.

For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment of this chapter, all persons holding a position in the police department of any such city, including the chief thereof, when this chapter takes effect, who shall have served in such position for a period of at least six months last past continuously, are hereby declared eligible for permanent appointment under civil service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. [1937 c 13 § 6; RRS § 9558a-6.]

41.12.070 Qualifications of applicants. An applicant for a position of any kind under civil service, must be a citizen of the United States of America who can read and write the English language.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable. [1972 ex.s. c 37 § 3; 1963 c 95 § 2; 1937 c 13 § 7; RRS § 9558a-7.]

Purpose—1972 ex.s. c 37: See note following RCW 41.08.070.

41.12.075 Residency as condition of employment—Discrimination because of lack of residency—Prohibited.

No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.12.010 to reside within the limits of such municipal corporation as a condition of employment or to discriminate in any manner against any such person

because of his residence outside of the limits of such city, town, or municipality. [1972 ex.s. c 37 § 5.]

~~Purpose~~—1972 ex.s. c 37: See note following RCW 41.08.070.

41.12.080 Tenure of employment—Grounds for discharge, reduction, or deprivation of privileges. The tenure of everyone holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other wilful failure on the part of the employee to properly conduct himself; or any wilful violation of the provisions of this chapter or the rules and regulation to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, immoral or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service. [1937 c 13 § 8; RRS § 9558a-8.]

41.12.090 Procedure for removal, suspension, demotion or discharge—Investigation—Hearing—Appeal. No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or

was not made in good faith [f]or cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of [or] reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, [in] lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: *Provided, however,* That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds. [1937 c 13 § 9; RRS § 9558a-9.]

41.12.100 Filling of vacancies—Probationary period. Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is *willing to accept employment*. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said

list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three to six months' probationary service, as may be provided in the rules of the civil service commission during which the appointing power may terminate the employment of the person certified to him, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him unfit or unsatisfactory for service in the department, whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete. [1937 c 13 § 11; RRS § 9558a-11.]

41.12.110 Power to create offices, make appointments and fix salaries not infringed. All offices, places, positions and employments coming within the purview of this chapter, shall be created by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, chief, common council, commission or otherwise, it is vested by law with power and authority to select, appoint, or employ any person coming within the purview of this chapter, and nothing herein contained shall infringe upon the power and authority of any such person or group of persons, or appointing power, to fix the salaries and compensation of all employees employed hereunder. [1937 c 13 § 12; RRS § 9558a-12.]

41.12.120 Approval of payrolls. No treasurer, auditor, comptroller or other officer, or employee of any city, town or municipality in which this chapter is effective, shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary, wage, or other compensation for services, to any person subject to the jurisdiction and scope of this chapter, unless a payroll, estimate or account for such

salary, wage or other compensation, containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission, should be furnished on said payroll, bears the certificate of the civil service commission or of its secretary or other duly authorized agent, that the persons named in such payroll, estimate or account have been appointed or employed in compliance with the terms of this chapter and with the rules of the commission, and that the said payroll, estimate or account is, so far as known to the said commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who shall wilfully or through culpable negligence violate or fail to comply with this chapter or with the rules of the commission. [1937 c 13 § 13; RRS § 9558a-13.]

41.12.130 Leaves of absence—Notice—Filling vacancy. Leave of absence, without pay, may be granted by any appointing power to any person under civil service: *Provided*, That such appointing power shall give notice of such leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service. [1937 c 13 § 14; RRS § 9558a-14.]

41.12.140 Enforcement by civil action—Legal counsel. It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the commission. The commission shall be represented in such suits by the chief legal officer of the city, but said commission may in any case be represented by special counsel appointed by it. [1937 c 13 § 15; RRS § 9558a-15.]

41.12.150 Deceptive practices, false marks, etc., prohibited. No commissioner or any other person, shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration of application or request to be examined or registered. [1937 c 13 § 16; RRS § 9558a-16.]

41.12.160 Political contributions and services. No person holding any office, place, position or employment subject to civil service, is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment or compensation of any person under civil service, or promise or threaten so to do, for giving or withholding, or neglecting to make any contribution of money, or services, or any other valuable thing, for any political purpose. [1937 c 13 § 17; RRS § 9558a-17.]

41.12.170 Local legislation required—Penalty. The various cities affected by the provisions of this chapter, shall immediately upon the taking effect thereof, enact appropriate legislation for carrying this chapter into effect, and the failure upon the part of the duly constituted authorities of any such city so to do shall be considered a violation of this chapter and be punishable as such. [1937 c 13 § 18; RRS § 9558a-18.]

41.12.180 Office and supplies to be furnished—Penalty for not providing. The duly constituted authorities of each and every city coming within the purview of this chapter, shall provide the commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in each such city coming within the purview of this chapter; and the failure upon the part of the duly constituted authorities to do so, shall be considered a violation of this chapter and shall be punishable as such. [1937 c 13 § 19; RRS § 9558a-19.]

41.12.183 Time limit for creation of commission—Penalty. In ninety days after the taking effect of this chapter, it shall be the duty of the duly constituted authorities in each such city, subject to the provisions of this chapter, to appoint and create a civil service commission as provided for in RCW 41.12.010, and the failure upon the part of said duly constituted authorities, or any of them, so to do, shall be deemed a violation of this chapter, and shall be punishable as such. [1937 c 13 § 20; RRS § 9558a-20.]

41.12.185 Duty of commission to organize and function—Penalty for violation. It shall be the duty of each commission appointed subject to the provisions of this chapter, to immediately organize and see to it that the provisions thereof are carried into effect, and to this end to make suitable rules and regulations not inconsistent with the purpose of this chapter, for the purpose of carrying the provisions thereof into effect; and the

failure upon the part of said commission, or any individual member thereof to do so, shall be deemed a violation of this chapter, and shall be punishable as such. [1937 c 13 § 21; RRS § 9558a-21.]

41.12.190 Cooperation of city officers and employees enjoined. It shall be the duty of all officers and employees of any such city to aid in all proper ways of carrying out the provisions of this chapter, and such rules and regulations as may, from time to time, be prescribed by the commission thereunder and to afford the commission, its members and employees, all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments, subject to civil service, and also to produce said books, papers, documents and accounts, and attend and testify, whenever required so to do by the commission or any commissioner. [1937 c 13 § 10; RRS § 9558a-10.]

41.12.200 Appropriation for expenses. For the purpose of carrying out the provisions of this chapter, such city, town or municipality is hereby authorized to appropriate from the general fund not to exceed four-tenths of one percent of the total payroll of those included under the jurisdiction and scope of the chapter: *Provided, however,* That if the city council or other proper legislative body shall make an appropriation for the support of said commission equal to or more than the said continuing appropriation in any year, this section shall not be operative for said year but otherwise shall be in full force and effect. [1937 c 13 § 22; RRS § 9558a-22.]

41.12.210 Penalty—Jurisdiction. Any person who shall wilfully violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars and by imprisonment in the county jail for not longer than thirty days, or by both such fine and imprisonment. The court of original and unlimited jurisdiction in civil suits shall have jurisdiction of all such offenses defined by this chapter. [1937 c 13 § 23; RRS § 9558a-23.]

41.12.220 Definitions. As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, invested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any

office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid police department.

The term "full paid police department" means that the officers and policemen employed in such are paid regularly by the city and devote their whole time to police duty: *Provided*, "full paid police department" whenever used in this chapter shall also mean "full paid policemen". [1937 c 13 § 24; RRS § 9558a-24.]

41.12.900 Severability—1937 c 13. If any section, subsection, subdivision, sentence, clause or phrase of this chapter, shall for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. [1937 c 13 § 25; RRS § 9558a-25.]

41.12.910 Repeal. All acts and parts of acts in conflict with the provisions of this chapter are hereby repealed insofar as they conflict with the provisions of this chapter. [1937 c 13 § 26; RRS § 9558a-26.]

Chapter 41.14 CIVIL SERVICE FOR SHERIFFS' OFFICE

Sections

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41.14.010 Declaration of purpose. The general purpose of this chapter is to establish a merit system of employment for county deputy sheriffs and other employees of the office of county sheriff, thereby raising the standards and efficiency of such offices and law enforcement in general. [1959 c 1 § 1; Initiative No. 23.]

41.14.020 Terms defined. Definition of terms:

- (1) "Commission" means the civil service commission, or combined county civil service commission, herein created, and "commissioner" means any one of the three members of any such commission;
- (2) "Appointing power" means the county sheriff who is invested by law with power and authority to select, appoint, or employ any deputy, deputies or other necessary employees subject to civil service;
- (3) "Appointment" includes all means of selecting, appointing, or employing any person to any office, place, position, or employment subject to civil service;
- (4) "County" means any county of the state, or any counties combined pursuant to RCW 41.14.040 for the purpose of carrying out the provisions of this chapter;
- (5) "Deputy sheriff or other members of the office of county sheriff" means all persons regularly employed in the office of county sheriff either on a part time or full time basis. [1959 c 1 § 2; Initiative No. 23.]

41.14.030 Civil service commission—Appointment, terms, qualifications, compensation, etc. There is created in each county and in each combination of counties, combined pursuant to RCW 41.14.040 to carry out the provisions of this chapter, a civil service commission which shall be composed of three persons. The commission members shall be appointed by the board of county commissioners, or boards of county commissioners of each combination of counties, within sixty days after December 4, 1958. No person shall be appointed to the commission who is not a citizen of the United States, a resident of the county, or one of the counties combined, for at least two years immediately preceding his appointment, and an elector of the county wherein he resides. The term of office of the commissioners shall be six years, except that the first three members of the commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of the commission may be removed from office for incompetency, incompatibility, or dereliction of duty, or malfeasance in office, or other good cause: *Provided*, That no member of the commission shall be removed until charges have been preferred, in writing, due notice, and a full hearing had. Any vacancy in the commission shall be filled by the county commissioners for the unexpired term. Two members of the commission shall constitute a quorum and the votes of any two members concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or

transacted by the commission. Confirmation of the appointment of commissioners by any legislative body shall not be required. At the time of appointment not more than two commissioners shall be adherents of the same political party. No member after appointment shall hold any salaried public office or engage in county employment, other than his commission duties. The members of the commission shall serve without compensation. [1959 c 1 § 3; Initiative No. 23.]

41.14.040 Combined system authorized in counties of fourth class or less. Any counties of the fourth class or of lesser classifications, whether contiguous or not, are authorized to establish and operate a combined civil service system to serve all counties so combined. The combination of any such counties shall be effective whenever each board of county commissioners of the counties involved adopts a resolution declaring intention to participate in the operation of a combined county civil service system in accordance with agreements made between any such counties. Any such combined county civil service commission shall serve the employees of each county sheriff's office impartially and according to need.

All matters affecting the combined civil service commission, including the selection of commissioners, shall be decided by majority vote of all the county commissioners of the counties involved.

All the provisions of this chapter shall apply equally to any such combined civil service system. [1959 c 1 § 4; Initiative No. 23.]

41.14.050 Commission—Organization, meetings—Chief examiner, qualifications, duties. Immediately after appointment the commission shall organize by electing one of its members chairman and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties.

It shall appoint a chief examiner who shall also serve as secretary of the commission and such assistants as may be necessary. The chief examiner shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The chief examiner shall be appointed as a result of competitive examination, which examination may be either original and open to all properly qualified citizens of the county, or promotional and limited to persons already in the service of the county sheriff's office. The chief examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the classified service. [1959 c 1 § 5; Initiative No. 23.]

41.14.060 Powers and duties of commission. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions hereof. Such rules and regulations shall provide in detail the manner in which

examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) To give practical tests which shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made. Such tests may include tests of physical fitness or manual skill or both.

(3) To make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; to inspect all departments, offices, places, positions, and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, may administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation and also cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered and the subpoenas issued hereunder shall have the same force and effect as the oaths administered and subpoenas issued by a superior court judge in his judicial capacity; and the failure of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(4) To conduct hearings and investigations in accordance with this chapter and by the rules of practice and procedure adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule, or regulation made, approved, or confirmed by the commission: *Provided*, That no order, decision, rule, or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(5) To hear and determine appeals or complaints respecting the allocation of positions, the rejection of an examinee, and such other matters as may be referred to the commission.

(6) To provide for, formulate, and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(7) To certify to the appointing authority, when a vacant position is to be filled, on written request, the name of the person highest on the eligible list for the class. If there is no such list, to authorize a provisional or temporary appointment list for such class. Such temporary provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year.

(8) To keep such records as may be necessary for the proper administration of this chapter. [1959 c 1 § 6; Initiative No. 23.]

41.14.070 Classified and unclassified service designated. The classified civil service and provisions of this chapter shall include all deputy sheriffs and other employees of the office of sheriff in each county except the following positions which are hereby designated the unclassified service:

- (1) The county sheriff in every county;
- (2) In each class A and class AA county; the positions of undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and one private secretary;
- (3) In each county of the first class, second class, and third class; three principal positions comparable to undersheriff, a chief criminal deputy, and a chief civil deputy;
- (4) In each of all other counties; one position to be appointed by the sheriff. [1959 c 1 § 7; Initiative No. 23.]

41.14.080 Classified service—Appointment, promotion, transfer, suspension, discharge. All appointments to and promotions to positions in the classified civil service of the office of county sheriff shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person in the classified civil service shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this chapter. [1959 c 1 § 8; Initiative No. 23.]

41.14.090 Status of existing employees in classified service. For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment hereof, all persons holding a position

which is deemed classified by RCW 41.14.070 for a continuous period of six months prior to *the effective date of this act, are eligible for permanent appointment under civil service to the offices, places, positions, or employments which they then held without examination or other act on their part, and not on probation; and every such person is automatically adopted and inducted permanently into civil service, into the office, place, position, or employment which he then held as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation. [1959 c 1 § 9; Initiative No. 23.]

*Reviser's note: "the effective date of this act" (Initiative No. 23) was December 4, 1958.

41.14.100 Qualifications of applicants for position. An applicant for a position of any kind under civil service, must be a citizen of the United States who can read and write the English language. [1963 c 95 § 3; 1959 c 1 § 10; Initiative No. 23.]

41.14.110 Tenure—Grounds for deprivation. The tenure of every person holding an office, place, position, or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

- (1) Incompetency, inefficiency, or inattention to, or dereliction of duty;
- (2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other wilful failure on the part of the employee to properly conduct himself; or any wilful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;
- (3) Mental or physical unfitness for the position which the employee holds;
- (4) Dishonest, disgraceful, or prejudicial conduct;
- (5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;
- (6) Conviction of a felony, or a misdemeanor involving moral turpitude;
- (7) Any other act or failure to act which in the judgment of the civil service commission is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service. [1959 c 1 § 11; Initiative No. 23.]

41.14.120 Removal, suspension, demotion—Procedure—Appeal. No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this chapter, shall be

removed, suspended, or demoted except for cause, and only upon written accusation of the appointing power or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, or demoted may within ten days from the time of his removal, suspension, or demotion, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether the removal, suspension, or demotion was made in good faith for cause. After such investigation the commission may affirm the removal, or if it finds that removal, suspension, or demotion was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, or demoted, which reinstatement shall, if the commission so provides, be retroactive, and entitle such person to pay or compensation from the time of the removal, suspension, or demotion. The commission upon such investigation, in lieu of affirming a removal, may modify the order by directing the suspension without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place thereof, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If order of removal, suspension, or demotion is concurred in by the commission or a majority thereof, the accused may appeal therefrom to the superior court of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of its order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its order, be filed by the commission with the court. The commission shall, within ten days after the filing of the notice, make, certify, and file such transcript with the court. The court shall thereupon proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the order of removal, suspension, or demotion made by the commission, was or was not made in good faith for cause, and no appeal shall be taken except upon such ground or grounds. The decision of the superior court may be appealed to the supreme court or the court of appeals. [1971 c 81 § 102; 1959 c 1 § 12; Initiative No. 23.]

41.14.130 Filling vacancies in classified service—Eligibility list—Probation. Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall requisition the

commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on the list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to the vacant position.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment, or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of one year's probationary service, as may be provided in the rules of the civil service commission, during which the appointing power may terminate the employment of the person certified to him, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him unfit or unsatisfactory for service in the office of county sheriff. Thereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties for the probationary period, until some person is found who is deemed fit for appointment, employment, or promotion whereupon the appointment, employment, or promotion shall be deemed complete. [1959 c 1 § 13; Initiative No. 23.]

41.14.140 Power to fill positions—Consent of county commissioners—Salaries and compensation. All offices, places, positions, and employments coming within the purview of this chapter, shall be filled by the appointing power with the consent of the board of county commissioners, and nothing herein contained shall infringe upon such authority that an appointing power may have to fix the salaries and compensation of all employees employed hereunder. [1959 c 1 § 14; Initiative No. 23.]

41.14.150 Procedure for payment of compensation—Refusal to pay. No treasurer, auditor or other officer, or employee of any county subject to this chapter shall approve the payment of or be in any manner concerned in paying, auditing, or approving any salary, wage, or other compensation for services, to any person subject to the jurisdiction and scope of this chapter, unless a payroll, estimate, or account for such salary, wage, or other compensation, containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission, should be furnished on such payroll, bears the certificate of the civil service commission, or of its chief examiner or other duly authorized agent, that the persons named therein have been appointed or employed in compliance with the terms of this chapter and the rules of the commission, and that the payroll, estimate, or account is, insofar as

known to the commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who wilfully or through culpable negligence, violates or fails to comply with this chapter or with the rules of the commission. [1959 c 1 § 15; Initiative No. 23.]

41.14.160 Leaves of absence. Leave of absence, without pay, may be granted by any appointing power to any person under civil service: *Provided*, That such appointing power gives notice of the leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service. [1959 c 1 § 16; Initiative No. 23.]

41.14.170 Actions to enforce chapter—Duties of prosecuting attorneys. The commission shall begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and rules of the commission. The commission shall be represented in such suits by the prosecuting attorney of the county. In the case of combined counties any one or more of the prosecuting attorneys of each county so combined may be selected by the commission to represent it. [1959 c 1 § 17; Initiative No. 23.]

41.14.180 Prohibited acts relating to registration, examination, certification—Discrimination prohibited. No commissioner or any other person, shall, by himself or in cooperation with others, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations, or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified pursuant to this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered, or certified, or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration of application or request to be examined or registered.

The right of any person to an appointment or promotion to any position in a sheriff's office shall not be withheld because of his race, color, creed, national origin, political affiliation or belief, nor shall any person be dismissed, demoted, or reduced in grade for such reason. [1959 c 1 § 18; Initiative No. 23.]

41.14.190 Political activities regulated. No person holding any office, place, position, or employment subject to civil service, shall contribute to any political fund or render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any

manner change the official rank, employment, or compensation of any person under civil service or promise or threaten so to do for giving or withholding, or neglecting to make any contribution of money, or service, or any other valuable thing, for any political purpose. [1959 c 1 § 19; Initiative No. 23.]

41.14.200 Cooperation and aid by other county officers and employees. All officers and employees of each county shall aid in all proper ways in carrying out the provisions of this chapter, and such rules and regulations as may, from time to time, be prescribed by the commission and afford the commission, its members, and employees, all reasonable facilities and assistance in the inspection of books, papers, documents, and accounts applying or in any way appertaining to any and all offices, places, positions, and employments, subject to civil service, and also shall produce such books, papers, documents, and accounts, and attend and testify, whenever required so to do by the commission or any commissioner. [1959 c 1 § 20; Initiative No. 23.]

41.14.210 Funds for commission in class AA and class A counties—County budget—Surplus. The legislative body of each class AA and A county may provide in the county budget for each fiscal year a sum equal to one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this chapter. The funds so provided shall be used for the support of the commission. Any part of the funds so provided and not expended for the support of the commission during the fiscal year shall be placed in the general fund of the county, or counties according to the ratio of contribution, on the first day of January following the close of such fiscal year. [1971 ex.s. c 214 § 3; 1959 c 1 § 21; Initiative No. 23.]

41.14.220 Penalty—Jurisdiction. Any person who wilfully violates any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars and by imprisonment in the county jail for not longer than thirty days or by both such fine and imprisonment. The superior court shall have jurisdiction of all such offenses. [1959 c 1 § 22; Initiative No. 23.]

41.14.250 City contracts to obtain sheriff's office law enforcement services—Transfer of police department employees. When any city or town shall contract with the county sheriff's office to obtain law enforcement services to the city or town, any employee of the police department of such city or town who (1) was at the time such contract was entered into employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the county sheriff's office under such contract (2) will, as a direct consequence of such contract, be separated from the employ of the city or town, and (3) meets the minimum standards and qualifications of the county sheriff's office, then such employee may transfer his employment to the

county sheriff's office as provided for in RCW 41.14.260 and 41.14.270. [1972 ex.s. c 48 § 1.]

41.14.260 City contracts to obtain sheriff's office law enforcement services—Transfer of police department employees into county civil service for sheriff's office—Seniority for employment. (1) An eligible employee may transfer into the county civil service system for the sheriff's office by filing a written request with the county civil service commission and by giving written notice thereof to the legislative authority of the city or town. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (1) be on probation for the same period as are new employees of the sheriff's office, (2) be eligible for promotion after completion of the probationary period as completed, (3) receive a salary at least equal to that of other new employees of the sheriff's office, and (4) in all other matters, such as retirement, vacation, etc., have, within the county civil service system, all the rights, benefits, and privileges that he would have been entitled to had he been a member of the county sheriff's office from the beginning of his employment with the city or town police department. The city or town shall, upon receipt of such notice, transmit to the county civil service commission a record of the employee's service with the city or town which shall be credited to such member as a part of his period of employment in the county sheriff's office. The sheriff may appoint the transferring employee to whatever duties he feels are in the best interest of the department and the individual.

(2) If in the process of contracting for law enforcement services economies or efficiencies are achieved or if the city or town intends by such contract to curtail expenditures and the level of services to the city or town, then only so many of the transferring employees shall be placed upon the payroll of the sheriff's office as the sheriff determines are needed to provide the contracted services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in RCW 41.14.250, 41.14.260, and 41.14.270 shall head the list of their respective class or job listing in the civil service system in order of their seniority, to the end that they shall be the first to be re-employed in the county sheriff's office when appropriate positions become available. [1972 ex.s. c 48 § 2.]

41.14.270 City contracts to obtain sheriff's office law enforcement services—Lay offs—Notice—Time limitation for transfers. When a city or town shall contract with the county sheriff's office for law enforcement services and as a result thereof lays off any employee who is eligible to transfer to the county sheriff's office pursuant to RCW 41.14.250 and 41.14.260, the city or town shall notify such employee of his right to so transfer and such employee shall have ninety days to transfer his employment to the county sheriff's office: *Provided*, That any employee layed off during the year prior to February 21, 1972 shall have ninety days after the effective date to transfer his employment. [1972 ex.s. c 48 § 3.]

41.14.280 City contracts to obtain sheriff's office law enforcement services—Rules and regulations. In addition to its other duties prescribed by law, the civil service commission shall make such rules and regulations as may be necessary to provide for the orderly intergration of employees of a city or town who shall transfer to the county sheriff's office pursuant to RCW 41.14.250, 41.14.260, and 41.14.270. [1972 ex.s. c 48 § 4.]

41.14.900 Severability—1959 c 1. If any section, sentence, clause, or phrase of this chapter should be held to be invalid or unconstitutional, the validity or constitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this chapter. [1959 c 1 § 23; Initiative No. 23.]

Chapter 41.16 FIREMEN'S RELIEF AND PENSIONS—1947 ACT

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41.16.250	Retirement and job security rights preserved upon annexation, etc., of district.
41.16.260	Transfer of credit from city employees' retirement system to firemen's pension system.
41.16.900	Severability—1947 c 91.
41.16.910	Severability—1959 c 5.
41.16.920	Construction—1959 c 5—Benefits retroactively authorized.

Prior acts relating to firemen's relief and pensions: 1935 c 39; 1929 c 86; 1919 c 196; 1909 c 50 were repealed by 1947 c 91 § 12 (codified herein as RCW 41.16.230).

Firemen's relief and pensions—1955 act: Chapter 41.18 RCW.

Rights of fireman injured outside corporate limits of municipality: RCW 35.84.050.

Volunteer firemen's relief and pensions: Chapter 41.24 RCW.

41.16.010 Terms defined. For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this chapter.

(2) "Board" shall mean the municipal firemen's pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of firemen and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) "Fireman" shall mean any person regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman; and shall include any "prior fireman".

(7) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(8) "Fund" shall mean the firemen's pension fund created herein.

(9) "Municipality" shall mean every city and town having a regularly organized full time, paid, fire department employing firemen.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of firemen and shall include services of an emergency nature rendered while off regular duty, but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior fireman" shall mean a fireman who was actively employed as a fireman of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

(12) "Retired fireman" shall mean and include a person employed as a fireman and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife or husband of a retired fireman who was retired on account of length of service and who was lawfully married to such fireman; and whenever that term is used with reference to the wife or former wife or husband or former husband of a retired fireman who was retired because of disability, it shall mean his or her lawfully married wife or husband on the date he or she sustained the injury or contracted the illness that resulted in his or her disability. Said term shall not mean or include a surviving wife or husband who by process of law within one year prior to the retired fireman's death, collected or attempted to collect from him or her funds for the support of herself or himself or for his or her children. [1973 1st ex.s. c 154 § 61; 1947 c 91 § 1; Rem. Supp. 1947 § 9578-40.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.020 Pension board created—Members—Terms—Vacancies—Officers—Quorum. There is hereby created in each city and town a municipal firemen's pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or his designated representative who shall be an elected official of the city, who shall be chairman of the board, the city comptroller or clerk, the chairman of finance of the city council, or if there is no chairman of finance, the city treasurer, and in addition, two regularly employed firemen elected by secret ballot of the firemen. The first members to be elected by the firemen shall be for a term of one and two years, respectively, and their successors shall be elected annually for a two year term. The two firemen so elected shall, in turn, select a third fireman who shall serve as an alternate in the event of an absence of one of the regularly elected firemen. In case a vacancy occurs in the membership of the firemen members, the members of the fire department shall in the same manner elect a successor to serve his unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the chairman to act, the board may select a chairman pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairman. A majority of the members of said board shall constitute a quorum and have power to transact business. [1973 1st ex.s. c 19 § 1; 1961 c 255 § 10; 1947 c 91 § 2; Rem. Supp. 1947 § 9578-41. Prior: 1935 c 39 § 1; 1919 c 196 § 3; 1909 c 50 §§ 1, 2.]

41.16.030 Meetings. The board shall meet at least once monthly, the date to be fixed by regulation of the board, at such other regular times as may be fixed by a regulation of the board; and at any time upon call of the chairman, of which due advance notice shall be given the other members of the board. [1947 c 91 § 3; Rem. Supp. 1947 § 9578-42. Prior: 1929 c 86 § 1; 1919 c 196 § 3; 1909 c 50 § 3.]

41.16.040 Powers and duties. The board shall have such general powers as are vested in it by the provisions of this chapter, and in addition thereto, the power to:

(1) Generally supervise and control the administration of this chapter and the firemen's pension fund created hereby.

(2) Pass upon and allow or disallow all applications for pensions or other benefits provided by this chapter.

(3) Provide for payment from said fund of necessary expenses of maintenance and administration of said pension system and fund.

(4) Invest the moneys of the fund in such securities of the United States, state, municipal corporations and other public bodies as are designated by the laws of the state of Washington as lawful investments for funds of mutual savings banks; and in any bonds or warrants, including local improvement bonds or warrants issued under the state local improvement guaranty fund law, or in utility bonds or warrants issued by the municipality operating the fund. Subject to the limitations hereinafter in this section contained, investment of moneys

of the fund may also be made in amounts not to exceed twenty-five percent of the fund's total investments in the shares of certain open-end investment companies: *Provided*, That the total amount invested in any one company shall not exceed five percent of the assets of such company, and shall only be made in the shares of such companies as are registered as open-end companies under the federal investment company act of 1940, as from time to time amended. The company must be at least ten years old and have net assets of at least five million dollars. It must have outstanding no bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase. The maximum selling commission on its shares, furthermore, may not exceed eight and one-half percent of the sum of the asset value plus such commission.

(5) Employ such agents, employees and other personnel as the board may deem necessary for the proper administration of this chapter.

(6) Compel witnesses to appear and testify before it, in the same manner as is or may be provided by law for the taking of depositions in the superior court. Any member of the board may administer oaths to witnesses who testify before the board of a nature and in a similar manner to oaths administered by superior courts of the state of Washington.

(7) Issue vouchers approved by the chairman and secretary and to cause warrants therefor to be issued and paid from said fund for the payment of claims allowed by it.

(8) Keep a record of all its proceedings, which record shall be public; and prepare and file with the city treasurer and city clerk or comptroller prior to the date when any payments are to be made from the fund, a list of all persons entitled to payment from the fund, stating the amount and purpose of such payment, said list to be certified to and signed by the chairman and secretary of the board and attested under oath.

(9) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same.

(10) Appoint one or more duly licensed and practicing physicians who shall examine and report to the board upon all applications for relief and pension under this chapter. Such physicians shall visit and examine all sick and disabled firemen when, in their judgment, the best interests of the relief and pension fund require it or when ordered by the board. They shall perform all operations on such sick and injured firemen and render all medical aid and care necessary for the recovery of such firemen on account of sickness or disability received while in the performance of duty as defined in this chapter. Such physicians shall be paid from said fund, the amount of said fees or salary to be set and agreed upon by the board and the physicians. No physician not regularly appointed or specially appointed and employed, as hereinafter provided, shall receive or be entitled to any fees or compensation from said fund as attending physician to a sick or injured fireman. If any

sick or injured fireman refuses the services of the appointed physicians, or the specially appointed and employed physician, he shall be personally liable for the fees of any other physician employed by him. No person shall have a right of action against the board or the municipality for negligence of any physician employed by it. The board shall have the power and authority to select and employ, besides the regularly appointed physician, such other physician, surgeon or specialist for consultation with, or assistance to the regularly appointed physician, or for the purpose of performing operations or rendering services and treatment in particular cases, as it shall deem advisable, and to pay fees for such services from said fund. Said board shall hear and decide all applications for such relief or pensions under this chapter, and its decisions on such applications shall be final and conclusive and not subject to revision or reversal except by the board. [1967 ex.s. c 91 § 1; 1947 c 91 § 4; Rem. Supp. 1947 § 9578-43. Prior: 1929 c 86 § 1; 1919 c 196 § 3; 1909 c 50 § 3.]

41.16.050 Firemen's pension fund—How constituted. There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firemen's pension fund, which shall consist of (1) all bequests, fees, gifts, emoluments or donations given or paid thereto, (2) forty-five percent of all moneys received by the state from taxes on fire insurance premiums, (3) taxes paid pursuant to the provisions of RCW 41.16.060, (4) interest on the investments of the fund, (5) contributions by firemen as provided for herein. The forty-five percent of moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid firemen in the city, town or fire protection district bears to the total number of paid firemen throughout the state to be ascertained in the following manner: The secretary of the firemen's pension board of each city, town and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after the taking effect of this 1961 amendatory act and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid firemen in the fire department in such city, town or fire protection district. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town and fire protection district coming under the provisions of this chapter his warrant, payable to each city, town or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town or fire protection district shall place the amount thereof to the credit of the firemen's pension fund of such city, town or fire protection district. [1967 c 42 § 1; 1961 c 255 § 8; 1949 c 45 § 1; 1947 c 91 § 5; Rem. Supp. 1949 § 9578-44. Prior: 1929 c 86 § 11; 1919 c 196 § 14.]

Reviser's note: The effective date "of this 1961 amendatory act" was midnight June 7, 1961, see preface 1961 session laws.

41.16.060 Tax levy for fund. It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of twenty-two and one-half cents per thousand dollars of assessed value against all the taxable property of such municipality: *Provided*, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said dollar rate is not necessary to maintain the actuarial soundness of the fund, the levy of said twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of said dollar rate may be levied and used for any other municipal purpose.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.050, as now or hereafter amended, to levy and place in the fund an additional tax of twenty-two and one-half cents per thousand dollars of assessed value against all taxable property of such municipality: *Provided*, That if a report by a qualified actuary establishes that all or any part of the additional twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of said additional twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose. [1973 1st ex.s. c 195 § 43; 1973 1st ex.s. c 195 § 144; 1970 ex.s. c 92 § 2; 1965 ex.s. c 45 § 1; 1961 c 255 § 9; 1951 c 72 § 1; 1947 c 91 § 6; Rem. Supp. 1947 § 9578-45. Prior: 1929 c 86 § 12; 1919 c 196 § 15; 1909 c 50 § 14.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

41.16.070 Contributions by firemen. (1) Every fireman employed on and after January 1, 1947, shall contribute to the fund and there shall be deducted from his pay and placed in the fund an amount in accordance with the following table:

Fireman whose age at last birthday at time of entry of service was:	Contributions and deductions from salary
21 and under	5.00%
22	5.24%
23	5.50%
24	5.77%
25	6.07%
26	6.38%
27	6.72%
28	7.09%
29	7.49%
30 and over	7.92%

(2) Every fireman employed prior to January 1, 1947, and continuing active employment shall contribute to the fund and there shall be deducted from his salary and placed in the fund, five percent of his salary.

(3) Every fireman actively employed and eligible for retirement and not retired shall contribute to the fund and there shall be deducted from his salary and placed in the fund, four percent of his salary. [1947 c 91 § 7; Rem. Supp. 1947 § 9578-46. Prior: 1929 c 86 § 14; 1919 c 196 § 18.]

41.16.080 Retirement for service. Any fireman employed in a fire department on and before the first day of January, 1947, hereinafter in this section and RCW 41.16.090 to 41.16.190 inclusive, referred to as "fireman", and who shall have served twenty-five or more years and having attained the age of fifty-five years, as a member of the fire department, shall be eligible for retirement and shall be retired by the board upon his written request. Upon his retirement any fireman shall be paid a pension based upon the average monthly salary drawn for the five calendar years before retirement, the number of years of his service and a percentage factor based upon his age on entering service, as follows:

Entrance age at last birthday	Salary percentage factor
20 and under	1.50%
21	1.55%
22	1.60%
23	1.65%
24	1.70%
25	1.75%
26	1.80%
27	1.85%
28	1.90%
29	1.95%
30 and over	2.00%

Said monthly pension shall be in the amount of his average monthly salary for the five calendar years before retirement, times the number of years of service, times the applicable percentage factor. [1959 c 5 § 2; 1957 c 82 § 2. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 4, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

41.16.090 Limit of pension. All pensioners receiving a pension under the provisions of this chapter as provided for in section 12, chapter 91, Laws of 1947 and RCW 41.16.230, shall from and after April 25, 1973 receive a minimum pension of three hundred dollars per month. [1973 1st ex.s. c 181 § 1; 1967 ex.s. c 91 § 2; 1959 c 5 § 3; 1957 c 82 § 3. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 4, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

41.16.100 Payment on death of retired fireman. The widow or widower, child, children or beneficiary of any fireman retired under this chapter shall receive an amount equal to his or her accumulated contributions to the fund, plus earned interest thereon compounded semiannually: *Provided*, That there shall be deducted from said sum the amount paid to decedent in pensions and the remainder shall be paid to his or her widow or

widower, child, children or beneficiary: *Provided further*. That the amount paid shall not be less than one thousand dollars. [1973 1st ex.s. c 154 § 62; 1959 c 5 § 4; 1957 c 82 § 4. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 4, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.110 Payment on death of eligible pensioner before retirement. Whenever any fireman shall die while eligible to retirement on account of years of service, and shall not have been retired, benefits shall be paid in accordance with RCW 41.16.100. [1959 c 5 § 5; 1957 c 82 § 5. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 4, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

41.16.120 Payment on death in line of duty. Whenever any active fireman or fireman retired for disability shall die as the result of an accident or other fortuitous event occurring while in the performance of his or her duty, his widow or her widower may elect to accept a monthly pension equal to one-half the deceased fireman's salary but in no case in excess of one hundred fifty dollars per month, or the sum of five thousand dollars cash. The right of election must be exercised within sixty days of the fireman's death. If not so exercised, the pension benefits shall become fixed and shall be paid from the date of death. Such pension shall cease if, and when, he or she remarries. If there is no widow or widower, then such pension benefits shall be paid to his or her child or children. [1973 1st ex.s. c 154 § 63; 1959 c 5 § 6; 1957 c 82 § 6. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 5, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.130 Payment upon disablement in line of duty. (1) Any fireman who shall become disabled as a result of the performance of his duty or duties as defined in this chapter, may be retired at the expiration of six months from the date of his disability, upon his written request filed with his retirement board. The board may upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his duties in the fire department, the board may refuse to recommend his retirement.

(2) If the board deems it for the good of the fire department or the pension fund, it may recommend the applicant's retirement without any request therefor by him, after giving him a thirty days notice. Upon his retirement he shall be paid a monthly disability pension in amount equal to one-half of his monthly salary at date of retirement, but which shall not exceed one hundred fifty dollars a month. If he recovers from his disability he shall thereupon be restored to active service, with the same rank he held when he retired.

(3) If the fireman dies during disability and not as a result thereof, RCW 41.16.160 shall apply. [1959 c 5 § 7; 1957 c 82 § 7. Prior: 1947 c 91 § 8, part; 1935 c 39 § 3, part; 1929 c 86 § 3, part; 1919 c 196 § 5, part; 1909 c 50 § 5, part; Rem. Supp. 1947 § 9578-47, part.]

41.16.140 Payment upon disablement not in line of duty. Any fireman who has served more than fifteen years and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, shall within sixty days exercise his or her choice either to receive his or her contribution to the fund, plus earned interest compounded semiannually, or be retired and paid a monthly pension based on the factor of his or her age shown in RCW 41.16.080, times his or her average monthly salary as a member of the fire department of his or her municipality at the date of his or her retirement, times the number of years of service rendered at the time he or she sustained such disability. If such fireman shall die leaving surviving him a wife or surviving her a husband, or child or children, then such wife or husband, or if he leaves no wife or she leaves no husband, then his or her child or children shall receive the sum of his contributions, plus accumulated compound interest, and such payment shall be reduced in the amount of the payments made to deceased. [1973 1st ex.s. c 154 § 64; 1959 c 5 § 8; 1957 c 82 § 8. Prior: 1947 c 91 § 8, part; 1935 c 39 § 6, part; 1929 c 86 § 7, part; 1919 c 196 § 9, part; 1909 c 50 § 9, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.145 Annual increase in benefits payable on retirement for service, death in line of duty, and disability. The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130 and 41.16.140 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the percentage increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: *Provided*, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the average consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor. [1974 1st ex.s. c 190 § 1; 1970 ex.s. c 37 § 3; 1969 ex.s. c 209 § 38.]

Construction—1970 ex.s. c 37: See note following RCW 41.18.104.

Effective date—Construction—Severability—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

41.16.150 Payment on separation from service. (1)

Any fireman who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his or her contributions plus earned interest compounded semiannually, or a monthly pension in the amount of his average monthly salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The fireman shall have sixty days from the severance date to elect which option he or she will take. In the event he or she fails to exercise his or her right of election then he or she shall receive the amount of his or her contributions plus accrued compounded interest. In the event he or she elects such pension, but dies before attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then his or her child or children shall receive only his contribution, plus accrued compounded interest. In the event he elects to take a pension and dies after attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then child or children shall receive his or her contributions, plus accrued compounded interest, less the amount of pension payments made to such fireman during his or her lifetime.

(2) Any fireman who shall have served for a period of less than twenty years, and shall resign or be dismissed, shall be paid the amount of his or her contributions, plus accrued compounded interest. [1973 1st ex.s. c 154 § 65; 1959 c 5 § 9; 1957 c 82 § 9. Prior: 1947 c 91 § 8, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.160 Payment on death not in line of duty.

Whenever any fireman, after four years of service, shall die from natural causes, or from an injury not sustained in the performance of his or her duty and for which no pension is provided in this chapter, and who has not been retired on account of disability, his widow or her widower, if he or she was his wife or her husband at the time he or she was stricken with his or her last illness, or at the time he or she received the injuries from which he or she died; or if there is no such widow, then his or her child or children shall be entitled to the amount of his or her contributions, plus accrued compounded interest, or the sum of one thousand dollars, whichever

sum shall be the greater. In case of death as above stated, before the end of four years of service, an amount based on the proportion of the time of service to four years shall be paid such beneficiaries. [1973 1st ex.s. c 154 § 66; 1959 c 5 § 10; 1957 c 82 § 10. Prior: 1947 c 91 § 8, part; 1929 c 86 § 7, part; 1919 c 196 § 9, part; 1909 c 50 § 9, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.170 Payment on death of fireman with no dependents. Whenever a fireman dies leaving no widow or widower or children, the amount of his or her accumulated contributions, plus accrued compounded interest only, shall be paid his or her beneficiary. [1973 1st ex.s. c 154 § 67; 1959 c 5 § 11; 1957 c 82 § 11. Prior: 1947 c 91 § 8, part; 1935 c 39 § 5; 1929 c 86 § 6, part; 1919 c 196 § 8, part; 1909 c 50 § 8, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.180 Funeral expense. Upon the death of any active, disabled or retired fireman the board shall pay from the fund the sum of two hundred dollars to assist in defraying the funeral expenses of such fireman. [1959 c 5 § 12; 1957 c 82 § 12. Prior: 1947 c 91 § 8, part; 1935 c 39 § 10; 1929 c 86 § 15; 1919 c 196 § 18; Rem. Supp. 1947 § 9578-47, part.]

41.16.190 Waiting period—Disability retirement. No fireman disabled in the performance of duty shall receive a pension until six months has elapsed after such disability was sustained. Therefore, whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a fireman has been disabled while in the performance of his duties, it shall declare him inactive. For a period of six months from the time he became disabled, he shall continue to draw full pay from his municipality and in addition thereto he shall, at the expense of the municipality, be provided with such medical, hospital and nursing care as the retirement board deems proper. If the board finds at the expiration of six months that the fireman is unable to return to and perform his duties, then he shall be retired as herein provided. [1959 c 5 § 13; 1957 c 82 § 13. Prior: 1947 c 91 § 8, part; 1935 c 39 § 4, part; 1929 c 86 § 5, part; 1919 c 196 § 7, part; 1909 c 50 § 7, part; Rem. Supp. 1947 § 9578-47, part.]

41.16.200 Examination of disability pensioners—Restoration to duty. The board shall require all firemen receiving disability pensions to be examined every six months. All such examinations shall be made by physicians duly appointed by the board. If a fireman shall fail to submit to such examination within ten days of having been so ordered in writing by said retirement board all pensions or benefits paid to said fireman under this chapter, shall immediately cease and the disbursing officer in charge of such payments shall issue no further payments to such fireman. If such fireman

fails to present himself for examination within thirty days after being ordered so to do, he shall forfeit all rights under this chapter. If such fireman, upon examination as aforesaid, shall be found fit for service, he shall be restored to duty in the same rank held at the time of his retirement, or if unable to perform the duties of said rank, then, at his request, in such other rank, the duties of which he is then able to perform. The board shall thereupon so notify the fireman and shall require him to resume his duties as a member of the fire department. If, upon being so notified, such member shall fail to report for employment within ten days, he shall forfeit all rights to any benefits under this chapter. [1947 c 91 § 9; Rem. Supp. 1947 § 9578-48. Prior: 1929 c 86 § 8; 1919 c 196 § 10; 1909 c 50 § 10.]

41.16.210 Transfer of assets to new fund—Assumption of obligations. (1) Funds or assets on hand in the firemen's relief and pension fund of any municipality established under the provisions of chapter 50, Laws of 1909, as amended, after payment of warrants drawn upon and payable therefrom, shall, by the city treasurer, be transferred to and placed in the firemen's pension fund created by this chapter; and the firemen's pension fund created by this chapter shall be liable for and there shall be paid therefrom in the order of their issuance any and all unpaid warrants drawn upon said firemen's relief and pension fund.

(2) Any moneys loaned or advanced by a municipality from the general or any other fund of such municipality to the firemen's relief and pension fund created under the provisions of chapter 50, Laws of 1909, as amended, and not repaid shall be an obligation of the firemen's pension fund created under this chapter, and shall at such times and in such amounts as is directed by the board be repaid. [1947 c 91 § 10; Rem. Supp. 1947 § 9578-49.]

41.16.220 Credit for military service. Any person who was a member of the fire department and within the provisions of chapter 50, Laws of 1909, as amended, at the time he entered, and who is a veteran, as defined in RCW 41.04.005, shall have added and accredited to his period of employment as a fireman as computed under this chapter his period of war service in such armed forces upon payment by him of his contribution for the period of his absence, at the rate provided by chapter 50, Laws of 1909, as amended, for other members: *Provided, however,* Such accredited service shall not in any case exceed five years. [1969 ex.s. c 269 § 7; 1947 c 91 § 11; Rem. Supp. 1947 § 9578-50.]

41.16.230 Repeal does not affect accrued rights. Chapter 50, Laws of 1909; chapter 196, Laws of 1919; chapter 86, Laws of 1929, and chapter 39, Laws of 1935 (secs. 9559 to 9578, incl., Rem. Rev. Stat.; secs. 396-1 to 396-43, incl., PPC) and all other acts or parts of acts in conflict herewith are hereby repealed: *Provided,* That the repeal of said laws shall not affect any "prior fireman", his widow, her widower, child or children, any fireman eligible for retirement but not retired, his widow, her widower, child or children, or the rights of any

retired fireman, his widow, her widower, child or children, to receive payments and benefits from the firemen's pension fund created under this chapter, in the amount, and in the manner provided by said laws which are hereby repealed and as if said laws had not been repealed. [1973 1st ex.s. c 154 § 68; 1947 c 91 § 12; Rem. Supp. 1947 § 9578-51.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.240 Application of chapter to fire protection districts. Any fire protection district having a full paid fire department may by resolution of its board of fire commissioners provide for the participation of its full time employees in a pension program in the same manner, with the same powers, and with the same force and effect as to such districts as the pension program provided by chapter 41.16 RCW for cities, towns and municipalities, or fire protection districts. [1955 c 46 § 1.]

41.16.250 Retirement and job security rights preserved upon annexation, etc., of district. If all or any portion of a fire protection district is annexed to or incorporated into a city or town, or is succeeded by a metropolitan municipal corporation or county fire department, no full time paid fireman affected by such annexation, incorporation or succession shall receive a reduction in his retirement and job security rights: *Provided,* That this section shall not apply to any retirement and job security rights authorized under chapter 41.24 RCW. [1963 c 63 § 1.]

41.16.260 Transfer of credit from city employees' retirement system to firemen's pension system. See RCW 41.18.210.

41.16.900 Severability—1947 c 91. If any clause, part or section of this chapter shall be adjudged in violation of the Constitution, or for any reason invalid, such judgment shall not affect nor invalidate the remainder of the chapter, nor any other clause, part or section thereof, but such judgment shall be confined in its operation to the clause, part or section directly involved in the controversy in which such judgment was rendered, and the balance of the chapter shall remain in full force and effect. [1947 c 91 § 13.]

41.16.910 Severability—1959 c 5. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to any other persons or circumstances is not affected. [1959 c 5 § 15.]

41.16.920 Construction—1959 c 5—Benefits retroactively authorized. The provisions of this act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act. [1959 c 5 § 14.]

Reviser's note: "this act" appears in chapter 5, Laws of 1959 which reenacted RCW 41.16.080 and 41.16.100 through 41.16.190, and amended RCW 41.16.090.

Chapter 41.18
FIREMEN'S RELIEF AND PENSIONS—1955
ACT

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Prior acts relating to firemen's relief and pensions: 1935 c 39; 1929 c 86; 1919 c 196; 1909 c 50 were repealed by 1947 c 91 § 12 (codified as RCW 41.16.230).

Firemen's relief and pensions—1947 act: Chapter 41.16 RCW.

Volunteer firemen's relief and pensions: Chapter 41.24 RCW.

41.18.010 Definitions. For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this chapter.

(2) "Fireman" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: *Provided*, Nothing in this 1969 amendatory act shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time this 1969 amendatory act takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW as now or hereafter amended and who has

come under the provisions of this chapter in accordance with RCW 41.18.170 and who is actively engaged as a fireman or as a member of the fire department as a fireman or fire dispatcher.

(3) "Retired fireman" means and includes a person employed as a fireman and retired under the provisions of this chapter.

(4) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired fireman at the date of his retirement, without regard to extra compensation which such fireman may have received for special duties assignments not acquired through civil service examination: *Provided*, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(5) "Widow or widower" means the surviving spouse of a fireman and shall include the surviving wife or husband of a fireman, retired on account of length of service, who was lawfully married to him or to her for a period of five years prior to the time of his or her retirement; and the surviving wife or husband of a fireman, retired on account of disability, who was lawfully married to him or her at and prior to the time he or she sustained the injury or contracted the illness resulting in his or her disability. The word shall not mean the divorced wife or husband of an active or retired fireman.

(6) "Child" or "children" means a fireman's child or children under the age of eighteen years, unmarried, and in the legal custody of such fireman at the time of his death or her death.

(7) "Earned interest" means and includes all annual increments to the firemen's pension fund from income earned by investment of the fund. The earned interest payable to any fireman when he leaves the service and accepts his contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual fireman's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual firemen's accounts as of January 1st of each year.

(8) "Board" shall mean the municipal firemen's pension board.

(9) "Contributions" shall mean and include all sums deducted from the salary of firemen and paid into the fund as hereinafter provided.

(10) "Disability" shall mean and include injuries or sickness sustained by a fireman.

(11) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(12) "Fund" shall have the same meaning as in RCW 41.16.010 as now or hereafter amended. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW as now or hereafter amended.

(13) "Municipality" shall mean every city, town and fire protection district having a regularly organized full time, paid, fire department employing firemen.

(14) "Performance of duty" shall mean the performance of work or labor regularly required of firemen

and shall include services of an emergency nature normally rendered while off regular duty. [1973 1st ex.s. c 154 § 69; 1969 ex.s. c 209 § 40; 1965 ex.s. c 45 § 2; 1961 c 255 § 1; 1955 c 382 § 1.]

Reviser's note: "this 1969 amendatory act" [1969 ex.s. c 209] consists of chapter 41.26 RCW, RCW 41.16.145, 41.18.010, 41.18.040, 41.18.045, 41.18.060, 41.18.100, 41.18.102, 41.18.104, 41.18.130, 41.18.190, 41.20.005, 41.20.085, 41.20.170; and RCW 41.20.050 and 41.20.060, subsequently amended by 1969 ex.s. c 219.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Effective date—1969 ex.s. c 290: July 1, 1969, see RCW 41.26.920.

Severability—Construction—1969 ex.s. c 209: See RCW 41.26.900, 41.26.910.

Severability—1961 c 255: "If any clause, part or section of this act shall be adjudged in violation of the constitution, or for any reason invalid, such judgment shall not affect nor invalidate the remainder of the act, nor any clause, part or section thereof, but such judgment shall be confined in its operation to the clause, part or section directly involved in the controversy in which judgment was rendered, and the balance of the act shall remain in full force and effect." [1961 c 255 § 13.] This applies to RCW 41.16.020, 41.16.050, 41.16.060, 41.18.010, 41.18.015, 41.18.030, 41.18.040, 41.18.060, 41.18.080, 41.18.130, 41.18.140 and 41.18.180.

41.18.015 Pension boards in fire districts created—Members—Terms—Vacancies—Officers—

Quorum. There is hereby created in each fire protection district which qualifies under this chapter, a firemen's pension board to consist of the following five members, the chairman of the fire commissioners for said district who shall be chairman of the board, the county auditor, county treasurer, and in addition, two regularly employed firemen elected by secret ballot of the firemen. The first members to be elected by the firemen shall be for a term of one and two years, respectively, and their successors shall be elected annually for a two year term. That the two firemen so elected shall, in turn, select a third fireman who shall serve in the event of an absence of one of the regularly elected firemen. In case a vacancy occurs in the membership of the firemen members, the members of the fire department shall in the same manner elect a successor to serve his unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the chairman to act, the board may select a chairman pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairman. A majority of the members of said board shall constitute a quorum and have power to transact business. [1961 c 255 § 11.]

41.18.020 Powers and duties of board. The board, in addition to such general and special powers as are vested in it by the provisions of chapter 41.16 RCW, which powers the board shall have with respect to this chapter shall have power to:

(1) Generally supervise and control the administration of this chapter;

(2) Pass upon and allow or disallow applications for pensions or other benefits provided by this chapter;

(3) Provide for payment from the firemen's pension fund of necessary expenses of maintenance and administration required by the provisions of this chapter;

(4) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same;

(5) Require the physicians appointed under the provisions of chapter 41.16 RCW, to examine and report to the board upon all applications for relief and pensions under this chapter; and

(6) Perform such acts, receive such compensation and enjoy such immunity as provided in RCW 41.16.040. [1955 c 382 § 2.]

41.18.030 Contributions by firemen. Every fireman to whom this chapter applies shall contribute to the firemen's pension fund a sum equal to six percent of his basic salary which shall be deducted therefrom and placed in the fund. [1961 c 255 § 2; 1955 c 382 § 3.]

41.18.040 Retirement for service—Widow's or widower's pension—Payments to children. Whenever any fireman, at the time of taking effect of this act or thereafter, shall have been appointed under civil service rules and have served for a period of twenty-five years or more as a member in any capacity of the regularly constituted fire department of any city, town or fire protection district which may be subject to the provisions of this chapter, and shall have attained the age of fifty years, he or she shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement such fireman shall be paid a monthly pension which shall be equal to fifty percent of the basic salary now or hereafter attached to the same rank and status held by the said fireman at the date of his or her retirement: *Provided*, That a fireman hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of the basic salary per year for each full year of such additional service to a maximum of five additional years.

Upon the death of any such retired fireman, his or her pension shall be paid to his widow or her widower, at the same monthly rate that the retired fireman would have received had he or she lived, if such widow or widower was his wife or her husband for a period of five years prior to the time of his or her retirement. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever occurs first. [1973 1st ex.s. c 154 § 70; 1969 ex.s. c 209 § 29; 1965 ex.s. c 45 § 3; 1961 c 255 § 3; 1955 c 382 § 4.]

Reviser's note: The phrase "at the time of taking effect of this act or thereafter" first appears in the 1961 amendment which became effective at midnight June 7, 1961 (see preface, 1961 session laws). The basic act, 1955 c 382, became effective at midnight June 8, 1955 (see preface, 1955 session laws).

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Applicability—1969 ex.s. c 209: RCW 41.18.102.

Effective date—Severability—1969 ex.s. c 209: See RCW 41.26.900, 41.26.920.

41.18.045 Pension benefits for widows or widowers of unretired, eligible firemen—Retroactive. Upon the death of a fireman who is eligible to retire under RCW 41.18.040 as now or hereafter amended, but who has not retired, a pension shall be paid to his widow or her widower at the same monthly rate that he or she was eligible to receive at the time of his or her death, if such widow or widower was his wife or her husband for a period of five years prior to his or her death. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever comes first.

This section shall apply retroactively for the benefit of all widows or widowers and survivors of firemen who died after January 1, 1967, if such firemen were otherwise eligible to retire on the date of death. [1973 1st ex.s. c 154 § 71; 1969 ex.s. c 209 § 25.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Effective date—Severability—Construction—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

41.18.050 Disablement in line of duty—Retirement. Every fireman who shall become disabled as a result of the performance of duty may be retired at the expiration of six months from the date of his disability, upon his written request filed with his retirement board. The board may, upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his duties in the fire department, the board may refuse to recommend his retirement. If, after the expiration of six months from the date of his disability, the board deems it for the good of the fire department or the pension fund it may recommend the retirement of a fireman disabled as a result of the performance of duty without any request for the same by him, and after having been given by the board a thirty days' written notice of such recommendation he shall be retired. [1955 c 382 § 5.]

41.18.060 Disablement in line of duty—Inactive period—Allowance—Medical, hospital, nursing care. Whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a fireman has been disabled while in the performance of his duties it shall declare him inactive. For a period of six months from the time of such disability he shall draw from the pension fund a disability allowance equal to his basic monthly salary and, in addition, he shall be provided with medical, hospital and nursing care as long as the disability exists. If the board finds at the expiration of six months that the fireman is unable to return to and perform his duties, then he shall be retired at a monthly sum equal to fifty percent of the amount of his basic salary at any time thereafter attached to the rank which he held at the date of his retirement: *Provided*, That where, at the time of retirement hereafter for disability under this section, such fireman has served honorably for a period

of more than twenty-five years as a member, in any capacity of the regularly constituted fire department of a municipality, he shall have his pension payable under this section increased by two percent of his basic salary per year for each full year of additional service to a maximum of five additional years. [1969 ex.s. c 209 § 30; 1961 c 255 § 4; 1955 c 382 § 6.]

Effective date—Severability—Construction—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

41.18.080 Payment upon disablement not in line of duty. Any fireman who has completed his or her probationary period and has been permanently appointed, and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, may request to be retired by filing a written request with his or her retirement board within sixty days from the date of his or her disability. The board may, upon such request being filed, consult such medical advice as it deems fit and proper. If the board finds the fireman capable of performing his or her duties, it may refuse to recommend retirement and order the fireman back to duty. If no request for retirement has been received after the expiration of sixty days from the date of his or her disability, the board may recommend retirement of the fireman. The board shall give the fireman a thirty day written notice of its recommendation, and he or she shall be retired upon expiration of said notice. Upon retirement he shall receive a pension equal to fifty percent of his or her basic salary. For a period of ninety days following such disability the fireman shall receive an allowance from the fund equal to his or her basic salary. He or she shall during said ninety days be provided with such medical, hospital, and nursing care as the board deems proper. No funds shall be expended for such disability if the board determines that the fireman was gainfully employed or engaged for compensation in other than fire department duty when the disability occurred, or if such disability was the result of dissipation or abuse. Whenever any fireman shall die as a result of a disability sustained not in the line of duty, his widow or her widower shall receive a monthly pension equal to one-third of his or her basic salary until remarried; if such widow or widower has dependent upon her or him for support a child or children of such deceased fireman, he or she shall receive an additional pension as follows: One child, one-eighth of the deceased's basic salary; two children, one-seventh; three or more children, one-sixth. If there be no widow or widower, monthly payments equal to one-third of the deceased fireman's basic salary shall be made to his or her child or children. The widow or widower may elect at any time in writing to receive a cash settlement, and if the board after hearing finds it financially beneficial to the pension fund, he or she may receive the sum of five thousand dollars cash in lieu of all future monthly pension payments, and other benefits, including benefits to any child and/or children. [1973 1st ex.s. c 154 § 72; 1965 c 109 § 1; 1961 c 255 § 5; 1955 c 382 § 9.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.18.090 Examination of disability pensioners—Restoration to active duty. The board shall require all firemen receiving disability pensions to be examined every six months: *Provided*, That no such examinations shall be required if upon certification by physicians the board shall formally enter upon its records a finding of fact that the disability is and will continue to be of such a nature that return to active duty can never reasonably be expected. All examinations shall be made by physicians duly appointed by the board. If a fireman shall wilfully fail to present himself for examination, within thirty days after being ordered so to do, he shall forfeit all rights under this chapter. If such fireman, upon examination as aforesaid, shall be found fit for service, he shall be restored to duty in the same rank held at the time of his retirement, or if unable to perform the duties of said rank then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. The board shall thereupon so notify the fireman and shall require him to resume his duties as a member of the fire department. If, upon being so notified, such member shall wilfully fail to report for employment within ten days, he shall forfeit all rights to any benefit under this chapter. [1955 c 382 § 15.]

41.18.100 Payment on death in line of duty or while retired on account of service connected disability. In the event a fireman is killed in the performance of duty, or in the event a fireman retired on account of service connected disability shall die from any cause, his widow or her widower shall receive a monthly pension under one of the following applicable provisions: (1) If a fireman is killed in the line of duty his widow or her widower shall receive a monthly pension equal to fifty percent of his or her basic salary at the time of his or her death; (2) if a fireman who has retired on account of a service connected disability dies, his widow or her widower shall receive a monthly pension equal to the amount of the monthly pension such retired fireman was receiving at the time of his or her death. If she or he at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, he or she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow or widower at the time of such fireman's death or upon the widow's or widower's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his or her child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. The widow's or widower's monthly pension benefit, including increased benefits to his or her children shall cease if and when he or she remarries. All pensions payable under the provisions of this section shall be subject to an annual cost of living increase which shall be equal to two percent of the pension granted the widow or widower at the time of the death of the fireman. This increase shall be effective and be paid starting with the January payment of each succeeding year.

[1973 1st ex.s. c 154 § 73; 1969 ex.s. c 209 § 28; 1965 ex.s. c 45 § 4; 1955 c 382 § 8.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Effective date—Severability—Construction—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

41.18.102 Applicability of RCW 41.18.040 and 41.18.100. The provisions of RCW 41.18.040 and 41.18.100 shall be applicable to all firemen employed prior to March 1, 1970, but shall not apply to any former fireman who has terminated his employment prior to July 1, 1969. [1969 ex.s. c 209 § 32.]

Effective date—Severability—Construction—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

41.18.104 Annual increase in benefits payable on retirement for service or disability. The amount of all benefits payable under the provisions of RCW 41.18.040, 41.18.080 and 41.18.100 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the percentage increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: *Provided*, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.18 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the average consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor. [1974 1st ex.s. c 190 § 2; 1970 ex.s. c 37 § 1; 1969 ex.s. c 209 § 33.]

Construction—1970 ex.s. c 37: "This 1970 amendatory act shall be null and void and of no further force and effect if the 1970 extraordinary session of the Legislature does not pass legislation authorizing cities and counties to levy additional taxes or appropriate at least ten million dollars for distribution to cities and towns for the remainder of the 1969-71 fiscal biennium." [1970 ex.s. c 37 § 4.]

This applies to the 1970 amendments to RCW 41.16.145, 41.18.104 and 41.26.250.

Effective date—Severability—Construction—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

41.18.130 Payment on separation—With less than twenty-five years service or less than fifty years of age—**Option to be classified as vested fireman.** Any fireman who shall have served for a period of less than twenty-five years, or who shall be less than fifty years of age, and shall resign, or be dismissed from the fire department for a reason other than conviction for a felony, shall be paid the amount of his contributions to the fund plus earned interest: *Provided*, That in the case of any fireman who has completed twenty years of service, such fireman, upon termination for any cause except for a conviction of a felony, shall have the option of electing, in lieu of recovery of his contributions as herein provided, to be classified as a vested fireman in accordance with the following provisions:

(1) Written notice of such election shall be filed with the board within thirty days after the effective date of such fireman's termination;

(2) During the period between the date of his termination and the date upon which he becomes a retired fireman as hereinafter provided, such vested fireman and his spouse or dependent children shall be entitled to all benefits available under chapter 41.18 RCW to a retired fireman and his spouse or dependent children with the exception of the service retirement allowance as herein provided for: *Provided*, That any claim for medical coverage under RCW 41.18.060 shall be attributable to service connected illness or injury;

(3) Any fireman electing to become a vested fireman shall be entitled at such time as he otherwise would have completed twenty-five years of service had he not terminated, to receive a service retirement allowance computed on the following basis: Two percent of the amount of salary attached to the position held by the vested fireman for the year preceding the date of his termination, for each year of service rendered prior to the date of his termination. [1969 ex.s. c 209 § 31; 1961 c 255 § 6; 1955 c 382 § 11.]

Effective date—Severability—Construction—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

41.18.140 Funeral expenses. The board shall pay from the firemen's pension fund upon the death of any active or retired fireman the sum of five hundred dollars, to assist in defraying the funeral expenses of such fireman. [1961 c 255 § 7; 1955 c 382 § 13.]

41.18.150 Credit for military service. Every person who was a member of the fire department at the time he entered and served in the armed forces of the United States in time of war, whether as a draftee, or inductee, and who shall have been discharged from such armed forces under conditions other than dishonorable, shall have added and accredited to his period of employment as a fireman his period of war or peacetime service in the armed forces: *Provided*, That such added and accredited service shall not as to any individual exceed five years. [1955 c 382 § 14.]

41.18.160 Certain firemen may elect to be covered under other law. Every fireman as defined in this chapter heretofore employed as a member of a fire department, whether or not as a prior fireman as defined in chapter 41.16 RCW, who desires to make the contributions and avail himself of the pension and other benefits of said chapter 41.16 RCW, can do so by handing to and leaving with the firemen's pension board of his municipality a written notice of such intention within sixty days of the effective date of this chapter, or if he was on disability retirement under chapter 41.16 RCW, at the effective date of this chapter and has been recalled to active duty by the retirement board, shall give such notice within sixty days of his return to active duty, and not otherwise. [1955 c 382 § 17.]

Reviser's note: Effective date of chapter 41.18 RCW is midnight June 8, see preface 1955 session laws.

41.18.165 Credit for membership in private organization acquired by municipality. Every person who was a member of a fire-fighting organization operated by a private enterprise, which fire-fighting organization shall be hereafter acquired before September 1, 1959, by a municipality as its fire department as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such fire-fighting organization, shall have added and accredited to his period of employment as a fireman his period of service with said private enterprise, except that this shall apply only to those persons who are in the service of such fire-fighting organization at the time of its acquisition by the municipality and who remain in the service of that municipality until this chapter shall become applicable to such persons.

No such person shall have added and accredited to his period of employment as a fireman his period of service with said private enterprise unless he or a third party shall pay to the municipality his contribution for the period of such service with the private enterprise at the rate provided in RCW 41.18.030, or, if he shall be entitled to any private pension or retirement benefits as a result of such service with the private enterprise, unless he agrees at the time of his employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of those private pension or retirement benefits received. For the purposes of RCW 41.18.030, the date of entry of service shall be deemed the date of entry into service with the private enterprise, which service is accredited by this section, and the amount of contributions for the period of accredited service shall be based on the wages or salary of such person during that added and accredited period of service with the private enterprise.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations. [1959 c 69 § 1.]

41.18.170 Application of chapter. The provisions of this chapter governing contributions, pensions, and benefits shall have exclusive application (1) to firemen as defined in this chapter hereafter becoming members of a fire department, (2) to firemen as defined in this chapter heretofore employed in a department who have not otherwise elected as provided for in RCW 41.18-.160, and (3) to firemen on disability retirement under chapter 41.16 RCW, at the effective date of this chapter, who thereafter shall have been returned to active duty by the retirement board, and who have not otherwise elected as provided for in RCW 41.18.160 within sixty days after return to active duty. [1955 c 382 § 16.]

41.18.180 Fireman contributor under prior law may obtain benefits of chapter—Refunds. Any fireman who has made contributions under any prior act may elect to avail himself of the benefits provided by this chapter or under such prior act by filing written notice with the board within sixty days from the effective date of this 1961 amendatory act: *Provided*, That any fireman who has received refunds by reason of selecting the benefits of prior acts shall return the amount of such refunds as a condition to coverage under this 1961 amendatory act. [1961 c 255 § 12.]

Reviser's note: The 1961 amendatory act is codified as RCW 41.16-.020, 41.16.050, 41.16.060, 41.18.010, 41.18.015, 41.18.030, 41.18.040, 41.18.060, 41.18.080, 41.18.130, 41.18.140 and 41.18.180, memorials to sections repealed by such act appear as RCW 41.18.070, 41.18.110 and 41.18.120, and all became effective at midnight June 7, 1961 (see preface, 1961 session laws).

41.18.190 Transfer of membership authorized. Any fireman as defined in RCW 41.18.010 who has prior to July 1, 1969 been employed as a member of a fire department and who desires to make contributions and avail himself of the pension and other benefits of chapter 41.18 RCW as now law or hereafter amended, may transfer his membership from any other pension fund, except the Washington law enforcement officers' and fire fighters' retirement system, to the pension fund provided in chapter 41.18 RCW: *Provided*, That such fireman transmits written notice of his intent to transfer to the pension board of his municipality prior to September 1, 1969. [1969 ex.s. c 209 § 41.]

Effective date—Severability—Construction—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

Law enforcement officers' and fire fighters' retirement system: Chapter 41.26 RCW.

41.18.200 Minimum pension. All retirees and survivors receiving a pension under the provisions of this chapter shall from and after April 25, 1973 receive a minimum pension of three hundred dollars per month. [1973 1st ex.s. c 181 § 2.]

41.18.210 Transfer of credit from city employees' retirement system to firemen's pension system. Any former employee of a department of a city of the first class, who (1) was a member of the employees' retirement system of such city, and (2) is now employed within the fire department of such city, may transfer his former membership credit from the city employees' retirement

system to the fireman's pension system created by chapters 41.16 and 41.18 RCW by filing a written request with the board of administration and the municipal fireman's pension board, respectively.

Upon the receipt of such request, the transfer of membership to the city's fireman's pension system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration shall transmit to the municipal fireman's pension board a record of service credited to such member which shall be computed and credited to such member as a part of his period of employment in the city's fireman's pension system. For the purpose of the transfer contemplated by this section, those affected individuals who have formerly withdrawn funds from the city employees' retirement system shall be allowed to restore contributions withdrawn from that retirement system directly to the fireman's pension system and receive credit in the fireman's pension system for their former membership service in the prior system.

Any employee so transferring shall have all the rights, benefits, and privileges that he would have been entitled to had he been a member of the city's fireman's pension system from the beginning of his employment with the city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 RCW or social security, which is based upon such service with the city.

The right of any employee to file a written request for transfer of membership as set forth in this section shall expire December 31, 1974. [1974 1st ex.s. c 148 § 1.]

Chapter 41.20 POLICE RELIEF AND PENSIONS IN FIRST CLASS CITIES

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41.20.005 Definitions. As used in chapter 41.20 RCW:

- (1) "Rank" means civil service rank.
- (2) "Position" means the particular employment held at any particular time, which may or may not be the same as civil service rank.
- (3) Words importing masculine gender shall extend to females also.
- (4) "Salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages. [1969 ex.s. c 209 § 39; 1959 c 78 § 1.]

Effective date—Severability—Construction—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

41.20.010 Board of trustees—Composition. (1) The mayor or his designated representative who shall be an elected official of the city, and the clerk, treasurer, president of the city council or mayor pro tem of each city of the first class, or in case any such city has no city council, the commissioner who has supervision of the police department, together with three members of the police department, to be elected as herein provided, in addition to the duties now required of them, are constituted a board of trustees of the relief and pension fund of the police department of each such city, and shall provide for the disbursement of the fund, and designate the beneficiaries thereof.

(2) The police department of each city of the first class shall elect three regularly appointed, qualified, and acting members of the department to act as members of the board. On the first election following adoption of this 1955 amendatory act [1955 c 69], one member shall be elected for a three year term, one for a two year term, and one for a one year term. Thereafter, one new member shall be elected each year for a three year term. Existing members shall continue in office until replaced as provided for in this section.

(3) Such election shall be held in the following manner. Not more than thirty nor less than fifteen days preceding the first day of June in each year, written notice of the nomination of any member of the department for membership on the board may be filed with the secretary of the board. Each notice of nomination shall be signed by not less than five members of the department, and nothing herein contained shall prevent any member of the department from signing more than one notice of nomination. The election shall be held on a date to be fixed by the secretary during the month of June. Notice of the dates upon which notice of nomination may be filed and of the date fixed for the election of such members of the board shall be given by the secretary of the board by posting written notices thereof in a prominent place in the police headquarters. For the purpose of such election, the secretary of the board

shall prepare and furnish printed or typewritten ballots in the usual form, containing the names of all persons regularly nominated for membership and shall furnish a ballot box for the election. Each member of the police department shall be entitled to vote at the election for one nominee as a member of the board except in the first election where each may cast three votes. The chief of the department shall appoint two members to act as officials of the election, who shall be allowed their regular wages for the day, but shall receive no additional compensation therefor. The election shall be held in the police headquarters of the department and the polls shall open at 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the highest number of votes shall be declared elected to the board and his term shall commence on the first day of July succeeding the election. In the first election the nominee receiving the greatest number of votes shall be elected to the three year term, the second greatest to the two year term and the third greatest to the one year term. [1973 1st ex.s. c 16 § 1; 1955 c 69 § 1; 1911 c 18 § 1; 1909 c 39 § 1; RRS § 9579.]

41.20.020 Officers of board—Annual report. The mayor, or his designated representative, shall be ex officio chairman, the clerk shall be ex officio secretary, and the treasurer shall be ex officio treasurer of said board. The secretary of said board, at the time of making his annual reports as said city clerk, shall annually report the condition of said fund, the receipts and disbursements on account of the same, together with a complete list of the beneficiaries of said fund, and the amounts paid to each of them. [1973 1st ex.s. c 16 § 2; 1909 c 39 § 2; RRS § 9580.]

41.20.030 Meetings—Disbursements of fund—Quorum. The board herein provided for shall hold monthly meetings on the first Mondays of each month and upon the call of its president. It shall issue warrants, signed by its president and secretary, to the persons entitled thereto under provisions of this chapter other than RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 for the amounts of money ordered paid to such persons from such fund by said board, which warrants shall state for what purpose such payments are made; it shall keep a record of its proceedings, which record shall be a public record; it shall, at each monthly meeting, send to the treasurer of such city a written or printed list of all persons entitled to payment under provisions of this chapter other than RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 from the fund herein provided for, stating the amount of such payments and for what granted, which list shall be certified to and signed by the president and secretary of such board, attested under oath. The treasurer of such city shall thereupon enter a copy of said list upon a book to be kept for that purpose and which shall be known as "the police relief and pension fund book", and the said board shall direct payment of the amounts named therein to the persons entitled thereto, out of such fund. The treasurer shall prepare and enter into such book an

additional list showing those persons entitled to payment under RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 and shall on the last day of each month issue warrants in the appropriate amounts to such persons. A majority of all the members of said board herein provided for shall constitute a quorum, and have power to transact business. [1973 c 143 § 1; 1911 c 18 § 5; 1909 c 39 § 11; RRS § 9589.]

41.20.040 Additional powers of board. The board shall, in addition to other powers herein granted, have power:

(1) To compel witnesses to attend and testify before it upon all matters connected with the administration of this chapter, in the same manner as provided by law for the taking of testimony in courts of record in this state, and its president or any member of the board may administer oaths to such witnesses.

(2) To provide for the payment from the fund of all necessary expenses and printing.

No compensation or emolument shall be paid to any member of the board for any duty required or performed under this chapter.

Each board may make all needful rules and regulations for its guidance in the administration of and in conformity with the provisions of this chapter. [1955 c 69 § 2; 1909 c 39 § 12; RRS § 9590.]

41.20.050 Pension on retirement for years of service. Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing, if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired hereafter shall be paid from the fund during his lifetime a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position held by the retired member for the year preceding the date of his retirement: *Provided*, That, except as to a position higher than that of captain held for at least three calendar years prior to date of retirement, no such pension shall exceed an amount equivalent to fifty percent of the salary of captain, and all existing pensions shall be increased to not less than three hundred dollars per month as of April 25, 1973: *Provided further*, That a person hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Any person who has served in a position higher than the rank of captain for a minimum of three years may elect to retire at such higher position and receive for his lifetime a pension equal to fifty percent of the amount of the salary at any time hereafter attached to the position held by such retired member for the year preceding his date of retirement: *Provided*, That such person make the said election to retire at a higher position by September 1, 1969 and at the time of making the said

election, pay into the relief and pension fund in addition to the contribution required by RCW 41.20.130: (1) an amount equal to six percent of that portion of all monthly salaries previously received upon which a sum equal to six percent has not been previously deducted and paid into the police relief and pension fund; (2) and such person agrees to continue paying into the police relief and pension fund until the date of retirement, in addition to the contributions required by RCW 41.20.130, an amount equal to six percent of that portion of monthly salary upon which a six percent contribution is not currently deducted pursuant to RCW 41.20.130.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and is a veteran as defined in RCW 41.04.005, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130. [1973 1st ex.s. c 181 § 3; 1969 ex.s. c 269 § 6; 1969 ex.s. c 219 § 1; 1969 ex.s. c 209 § 36; 1969 c 123 § 1; 1961 c 191 § 1; 1959 c 78 § 3; 1959 c 6 § 1. Prior: 1957 c 84 § 1; 1955 c 69 § 3; 1945 c 45 § 1; 1937 c 24 § 1; 1915 c 40 § 2; 1911 c 18 § 2; 1909 c 39 § 4; Rem. Supp. 1945 § 9582.]

Reviser's note: The words "hereafter" and "at any time hereafter" first appear in the 1961 amendment.

Severability—Effective date—1969 ex.s. c 219: See notes following RCW 41.26.110.

41.20.060 Pension on retirement for disability. Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position which he held in the department at the date of his retirement, but not to exceed an amount equivalent to fifty percent of the salary of captain except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement in which case as to such position the provisions of RCW 41.20.050 shall apply, and all existing pensions shall be increased to not less than three hundred dollars per month as of April 25, 1973: *Provided*, That where, at the time of retirement hereafter for disability under this section, such person has served honorably for a period of more than twenty-five years as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of

this chapter, the foregoing percentage factors to be applied in computing the pension payable under this section shall be increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature. [1973 1st ex.s. c 181 § 4; 1969 ex.s. c 219 § 2; 1969 ex.s. c 209 § 37; 1969 c 123 § 2; 1961 c 191 § 2; 1959 c 78 § 4; 1959 c 6 § 2; 1957 c 84 § 2; 1955 c 69 § 5; 1937 c 24 § 2; 1911 c 18 § 3; 1909 c 39 § 5; RRS § 9583.]

Reviser's note: The words "at any time hereafter" first appear in the 1961 amendment.

Severability—Effective date—1969 ex.s. c 219: See notes following RCW 41.26.110.

41.20.061 Increase in presently payable benefits for service or disability authorized. See RCW 41.26.250.

41.20.070 Certificate of disability. No person shall be retired, as provided in RCW 41.20.060, or receive any benefit from said fund, unless there shall be filed with said board certificate of his disability, which certificate shall be subscribed and sworn to by said person, and by the city physician (if there be one) and two regularly licensed and practicing physicians of such city, and such board may require other evidence of disability before ordering such retirement and payment as aforesaid. [1909 c 39 § 6; RRS § 9584.]

41.20.080 Pension on death before or after retirement. Whenever any member of the police department of any such city loses his life while actually engaged in the performance of duty, or as the proximate result thereof, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension, equal to one-half of the amount of the salary at any time hereafter attached to the position which such member held in the police department at the time of his death, shall be paid to the surviving spouse for life, or if there is no surviving spouse, or if the surviving spouse shall die, then to the child or children until they are eighteen years of age: *Provided*, That if such spouse or child or children marry, the person so marrying shall thereafter receive no further pension from the fund: *Provided further*, That all existing pensions shall be increased to not less than three hundred dollars per month as of April 25, 1973.

If any member so losing his life, leaves no spouse, or child or children under the age of eighteen years, the board shall pay the sum of two hundred dollars toward the funeral expenses of such member. [1973 1st ex.s. c 181 § 5; 1961 c 191 § 3; 1959 c 78 § 5; 1959 c 6 § 3;

1957 c 84 § 3; 1955 c 69 § 6; 1937 c 24 § 3; 1915 c 40 § 3; 1909 c 39 § 7; RRS § 9585.]

Reviser's note: The words "at any time hereafter" first appear in the 1961 amendment.

41.20.085 Pension on death before or after retirement—Surviving spouse not formerly covered—"Surviving spouse" defined. Whenever any member of the police department of any such city shall die, or shall have heretofore died, or whenever any such member who has been heretofore retired or who is hereafter retired for length of service or a disability, shall have died, or shall die, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension equal to one-third of the amount of salary at any time hereafter attached to the position held by such member in the police department at the time of his death or retirement, not to exceed one-third of the salary of captain, shall be paid to the surviving spouse during the surviving spouse's life, and in addition, to the child or children, until they are eighteen years of age, as follows: For one child, one-eighth of the salary on which such pension is based; for two children, a total of one-seventh of said salary; and for three or more children, a total of one-sixth of said salary: *Provided*, If such spouse or child or children marry, the person so marrying shall receive no further pension from the fund. In case there is no surviving spouse, or if the surviving spouse shall die, the child or children shall be entitled to the spouse's share in addition to the share specified herein until they reach eighteen years of age. No spouse shall be entitled to any payments on the death of a retired officer unless such surviving spouse has been married to such officer for a period of at least five years prior to the date of his retirement.

As of April 25, 1973, a surviving spouse not otherwise covered by the provisions of section 2, chapter 78, Laws of 1959, shall be entitled to a pension of three hundred dollars per month.

"Surviving spouse" as used in this section means surviving female or male spouse. [1973 1st ex.s. c 181 § 6; 1969 ex.s. c 209 § 26; 1961 c 140 § 1; 1959 c 78 § 2.]

Effective date—Severability—Construction—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

41.20.086 Increase in certain presently payable death benefits authorized. See RCW 41.26.260.

41.20.090 Lump sum payment on death before or after retirement. Whenever any member of the police department of such city shall, after five years of service in said department, die, his surviving spouse or, if there is no surviving spouse, the child or children under the age of eighteen years, or if there is no surviving spouse or child or children, then his parents or unmarried sister or sisters, minor brother or brothers, dependent upon him for support, shall be entitled to the sum of one thousand dollars from such fund. This section to apply to members who shall have been retired, for any reason, from active service under the provisions of this chapter.

[1959 c 78 § 6; 1937 c 24 § 4; 1915 c 40 § 4; 1911 c 18 § 4; 1909 c 39 § 8; RRS § 9586.]

Construction—1937 c 24: "Nothing contained in this act shall affect or be construed as affecting the validity of any act done, obligation entered into, or rights accrued, or any proceedings had or pending under the act of which this act is amendatory." [1937 c 24 § 6; RRS § 9592-1.]

Severability—1937 c 24: "If any section or part of this act shall be held to be unconstitutional and void, such holding shall not effect [affect] the remaining portions of the act." [1937 c 24 § 7; RRS § 9592-2.]

The foregoing annotations apply to RCW 41.20.090 and 41.20.110.

41.20.100 Examination of disability pensioners—Emergency duty. Any person retired for disability under this chapter may be summoned before the board herein provided for, at any time thereafter, and shall submit himself thereto for examination as to his fitness for duty, and shall abide the decision and order of said board with reference thereto; and all members of such police force who may be retired under the provisions of this chapter, shall report to the chief of police of such city where so retired on the first Mondays of April, July, October and January of each year; and in cases of emergency, may be assigned to and shall perform such duty as said chief of police may direct, and such persons shall have no claim against such city for payment for such duty so performed. [1909 c 39 § 9; RRS § 9587.]

41.20.110 Withdrawal of pension—Grounds. Whenever any person who shall have received any benefit from said fund shall be convicted of any felony, or shall become an habitual drunkard, or shall fail to report himself for examination for duty as required herein, unless excused by the board, or shall disobey the requirements of said board then such board shall order and direct that such pension or allowance that may have been granted to such person shall immediately cease, and such person shall receive no further pension or allowance or benefit under this chapter, but in lieu thereof the said pension or allowance or benefit may, at the discretion of the board, be paid to those immediately dependent upon him, or to his legally appointed guardian. [1937 c 24 § 5; 1909 c 39 § 10; RRS § 9588.]

Construction—**Severability**—1937 c 24: See note following RCW 41.20.090.

41.20.120 Sick benefits. Whenever any active member of the police department, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the board shall be judge, is confined in any hospital or in his home and, whether or not so confined, requires nursing, care, or attention, the board shall pay for such active member the necessary hospital, care, and nursing expenses of such member out of the fund; and the board may pay for such retired member hospital, care, and nursing expenses as are reasonable, in the board's discretion. The salary of such active member shall continue while he is necessarily confined to such hospital or home or elsewhere during the period of recuperation, as determined by the board, for a period not exceeding six

months; after which period the other provisions of this chapter shall apply: *Provided*, That the board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section: *Provided further*, That the board shall designate the hospital and medical services available to such sick or disabled policeman. [1961 c 191 § 4; 1959 c 78 § 7; 1955 c 69 § 7; 1915 c 40 § 5; 1911 c 18 § 6; 1909 c 39 § 13; RRS § 9591.]

Reviser's note: The words "hereafter retired" first appear in the 1961 amendment.

41.20.130 Fund created. There is created in each city subject to the provisions of this chapter a police relief and pension fund. The fund shall be constituted as follows:

A sum equal to six percent thereof shall be deducted monthly from the salary of each police officer by the city treasurer and placed in the fund, but the maximum deduction shall not exceed six percent of the monthly salary of captain.

At the time the annual tax levy of the city is made, the city council, or other legislative body, shall order the transfer of an amount of money into the fund, sufficient with the salary deductions, to meet the financial requirements thereof:

(1) From moneys collected or received from all licenses issued;

(2) From fines and forfeitures collected or received in money for violation of city ordinances. [1959 c 78 § 8; 1955 c 69 § 8; 1933 c 30 § 1; 1929 c 101 § 3; 1923 c 54 § 1; 1915 c 40 § 1; 1909 c 39 § 3; RRS § 9581.]

41.20.140 Pension payments monthly—Surplus to general fund. Payments provided for in this chapter shall be made monthly upon proper vouchers. If at any time there is more money in the fund provided for in this chapter than is necessary for the purposes of this chapter, then such surplus shall be transferred from such fund to the general fund of the city: *Provided*, That at all times enough money shall be kept in said fund to meet all payments provided for in this chapter. [1911 c 18 § 7; 1909 c 39 § 14; RRS § 9592.]

41.20.150 Return of member's contributions—Option to be classified as vested member. Whenever any member affected by this chapter terminates his employment prior to the completion of twenty-five years of service he shall receive seventy-five percent of his contributions made after the effective date of this act and he shall not receive any contributions made prior thereto: *Provided*, That in the case of any member who has completed twenty years of service, such member, upon termination for any cause except for a conviction of a

felony, shall have the option of electing, in lieu of recovery of his contributions as herein provided, to be classified as a vested member in accordance with the following provisions:

(1) Written notice of such election shall be filed with the board within thirty days after the effective date of such member's termination;

(2) During the period between the date of his termination and the date upon which he becomes a retired member as hereinafter provided, such vested member and his spouse or dependent children shall be entitled to all benefits available under chapter 41.20 RCW to a retired member and his spouse or dependent children with the exception of the service retirement allowance as herein provided for: *Provided*, That any claim for medical coverage under RCW 41.20.120 shall be attributable to service connected illness or injury;

(3) Any member electing to become a vested member shall be entitled at such time as he otherwise would have completed twenty-five years of service had he not terminated, to receive a service retirement allowance computed on the following basis: Two percent of the amount of salary at any time hereafter attached to the position held by the vested member for the year preceding the date of his termination, for each year of service rendered prior to the date of his termination. At such time the vested member shall be regarded as a retired member and, in addition to the retirement allowance herein provided for, shall continue to be entitled to all such other benefits as are by chapter 41.20 RCW made available to retired members. [1969 c 123 § 3; 1955 c 69 § 4.]

Reviser's note: The words "the effective date of this act" first appear in 1955 c 69 § 4, which became effective June 8, 1955.

41.20.155 Return of member's contributions—Applicability. The provisions of RCW 41.20.050, 41.20.060 and 41.20.150 shall be applicable to all members employed on June 12, 1969, and to those who shall thereafter become members, but shall not apply to any former member who has terminated his employment prior to June 12, 1969. [1969 c 123 § 4.]

41.20.160 Credit for membership in private organization acquired by city of first class. Any person affected by this chapter who was a member of a police organization operated by a private enterprise which police organization shall be hereafter acquired before September 1, 1959, by a city of the first class as its police department as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such police organization, shall have added to his period of employment as computed under this chapter his period of service with said private enterprise, except that this shall apply only to those persons who are in the service of such police organization at the time of its acquisition by the city of the first class and who remain in the service of that city until this chapter shall become applicable to such persons.

No such person shall have added to his period of employment as computed under this chapter his period of service with said private enterprise unless he or a

third party shall pay to the city his contribution for the period of such service with the private enterprise, or, if he shall be entitled to any private pension or retirement benefits as a result of such service with the private enterprise, unless he agrees at the time of his employment by the city to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added service by the amount of those private pension or retirement benefits received. The rate of such contribution shall be two percent of the wage or salary of such person during that added period of service with the private enterprise before midnight, June 8, 1955, and four and one-half percent of such wage or salary after midnight, June 8, 1955. Such contributions shall be paid into the police relief and pension fund and shall be held subject to the provisions of RCW 41.20.150, except that all such contributions shall be deemed to have been made after June 8, 1955. Such contributions may be invested in investments permitted by RCW 35.39.040 and may be kept invested until required to meet payments of benefits to such persons.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the police relief and pension fund to assume its obligations. [1959 c 71 § 1.]

Severability—1959 c 71: "If any provision of this 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." [1959 c 71 § 2.] This applies to 1959 c 71 § 1 (RCW 41.20.160).

41.20.170 Transfer of membership. Any former employee of a department of a city of the first class who (1) was a member of the employees' retirement system of such city, and (2) is now employed within the police department of such city, may transfer his membership from the city employees' retirement system to the city's police relief and pension fund system by filing a written request with the board of administration and the board of trustees, respectively, of the two systems.

Upon the receipt of such request, the transfer of membership to the city's police relief and pension fund system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration of the city's employees' retirement system shall transmit to the board of trustees of the city's police relief and pension fund system a record of service credited to such member which shall be computed and credited to such member as a part of his period of employment in the city's police relief and pension fund system. For the purpose of the transfer contemplated by this section, the affected individuals shall be allowed to restore withdrawn contributions to the city employees' retirement system and reinstate their membership service records.

Any employee so transferring shall have all the rights, benefits and privileges that he would have been entitled to had he been a member of the city's police relief and pension fund system from the beginning of his employment with the city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 RCW or social security, which is based upon service with the city.

The right of any employee to file a written request for transfer of membership as set forth herein shall expire December 31, 1973. [1973 c 143 § 2; 1969 ex.s. c 209 § 27; 1963 c 82 § 1.]

Effective date—Severability—Construction—1969 ex.s. c 209: See RCW 41.26.900 through 41.26.920.

41.20.175 Transfer of service credit from firemen's pension system to city's police pension system. A former employee of a fire department of a city of the first class who (1) was a member of the fireman's pension system created by chapters 41.16 or 41.18 RCW, and (2) is now employed within the police department of such city, will be regarded as having received membership service credit for such service to the fire department in the city's police and relief pension system at the time he recovers such service credit by paying withdrawn contributions to the Washington law enforcement officers' and fire fighters' retirement system pursuant to RCW 41.26.030(14). [1974 1st ex.s. c 148 § 2.]

41.20.180 Exemption from taxation and judicial process—Assignability. The right of a person to a pension, an annuity, or retirement allowance, or disability allowance, or death benefits, or any optional benefit, or any other right accrued or accruing to any person under the provisions of this chapter, and any fund created hereby, and all moneys and investments and income thereof, are exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable. [1965 c 33 § 1.]

41.20.900 Construction—1959 c 6—Benefits retroactively authorized. The provisions of this act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act. [1959 c 6 § 4.]

Reviser's note: "this act" appears in chapter 6, Laws of 1959 which reenacted RCW 41.20.050, 41.20.060, and 41.20.080. These sections were subsequently amended by chapter 78, Laws of 1959.

41.20.910 Severability—1959 c 6. If any provision of this 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. [1959 c 6 § 5.]

Chapter 41.24 VOLUNTEER FIREMEN'S RELIEF AND PENSIONS

Sections

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41.24.300 State board for volunteer firemen—Vouchers, warrants.
41.24.310 State board for volunteer firemen—Secretary, duties, compensation.

Prior acts relating to volunteer firemen's relief and pensions:

- (1) 1935 c 121 (repealed by 1945 c 261 § 27).
(2) Benefits extended to volunteer firemen of fire protection districts: 1943 c 137.

Fire protection districts: Title 52 RCW.

Firemen's relief and pensions: Chapters 41.16, 41.18 RCW.

41.24.010 Definitions. As used in this chapter:

"Municipal corporation" or "municipality" includes any city or town, fire protection district, or any water, irrigation, or other district, authorized by law to afford protection to life and property within its boundaries from fire.

"Fire department" means any regularly organized fire department consisting wholly of volunteer firemen, or any part-paid and part-volunteer fire department duly organized and maintained by any municipality: *Provided*, That any such municipality wherein a part-paid fire department is maintained may by appropriate legislation permit the full-paid members of its department to come under the provisions of chapter 41.16 RCW.

"Firemen" includes any fireman who is a member of any fire department of any municipality but shall not include full time, paid fire fighters who are members of

the Washington law enforcement officers' and fire fighters' retirement system, with respect to periods of service rendered in such capacity.

"Performance of duty" shall be construed to mean and include any work in and about company quarters or any fire station or any other place under the direction or general orders of the chief or other officer having authority to order such member to perform such work; responding to, working at, or returning from an alarm of fire; drill; or any work performed of an emergency nature in accordance with the rules and regulations of the fire department.

"State board" means the state board for volunteer firemen created herein.

"Appropriate legislation" means an ordinance when an ordinance is the means of legislating by any municipality, and resolution in all other cases. [1970 ex.s. c 6 § 18; 1955 c 263 § 1; 1945 c 261 § 1; Rem. Supp. 1945 § 9578-15.]

Construction—Saving—1955 c 263: "Any provisions of chapter 41.24 RCW inconsistent with the provisions of this act are hereby repealed: *Provided*, That such repeal shall not affect any act or proceeding had or pending, under such provision repealed, but the same shall be construed and prosecuted as though such provision had not been repealed." [1955 c 263 § 12.] This applies to RCW 41.24.010, 41.24.080, 41.24.120 and 41.24.250 through 41.24.310.

Severability—1945 c 261: "If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, clause and phrase thereof irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses and phrases be declared unconstitutional." [1945 c 261 § 26.]

Construction—Saving—1945 c 261: "Chapter 121, Laws of 1935 (sections 9578-1 to 9578-11, inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 773-37 to -57), is hereby repealed: *Provided*, That such repeal shall not be construed as affecting any act done or right acquired, or obligation incurred, or proceedings had or pending, under said act repealed, but the same shall be continued and prosecuted as though such act had not been repealed." [1945 c 261 § 27.]

The two foregoing annotations apply to RCW 41.24.010 through 41.24.240.

Fire protection district having full paid fire department: RCW 41.16.240.

41.24.020 Enrollment of firemen—Death, disability, retirement benefits. (1) Every municipal corporation maintaining and operating a regularly organized fire department shall make provision by appropriate legislation for the enrollment of every fireman under the relief and compensation provisions of this chapter for the purpose of providing protection for all its firemen and their families from death or disability arising in the performance of their duties as firemen: *Provided*, That nothing herein shall prohibit any municipality from providing such additional protection for relief and compensation, or death benefit as it may deem proper.

(2) Any municipal corporation maintaining and operating a regularly organized fire department may make provision by appropriate legislation whereby any fireman may enroll under the pension provisions of this chapter for the purpose of enabling any fireman, so

electing, to avail himself of the retirement provisions of this chapter.

(3) Every municipal corporation shall make provisions for the collection and payment of the fees as herein provided, and shall continue to make such provisions for all firemen who come under this chapter as long as they shall continue to be members of its fire department. [1945 c 261 § 2; Rem. Supp. 1945 § 9578-16.]

41.24.030 State trust fund created—Composition—Investment—Use—Treasurer's report.

There is created in the state treasury a trust fund for the benefit of the firemen of the state covered by this chapter, which shall be designated the volunteer firemen's relief and pension fund and shall consist of:

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.

(2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided as follows:

(a) three dollars for each volunteer or part-paid member of its fire department;

(b) a sum equal to one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of thirty dollars for each of its firemen electing to enroll therein, ten dollars of which shall be paid by the municipality and twenty dollars of which shall be paid by the fireman.

(4) Forty percent of all moneys received by the state from its tax on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state finance committee, upon request of the state treasurer shall invest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments may be made in such bonds, notes or other obligations now or hereafter authorized as an investment for the funds of the state employees' retirement system.

(6) All bonds or other obligations purchased according to subdivision (5) shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state finance committee may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund shall be credited to and form a part of the fund.

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund. [1973 1st ex.s. c 170 § 1; 1970 ex.s. c 6 § 19; 1967 c 160 § 2; 1957 c 116 § 1;

1955 c 223 § 1; 1945 c 261 § 3; Rem. Supp. 1945 § 9578-17. Prior: 1935 c 121 § 1; RRS § 9578-1.]

Effective date—1973 1st ex.s. c 170: "This 1973 amendatory act shall take effect on July 1, 1973." [1973 1st ex.s. c 170 § 5.] This applies to the amendments to RCW 41.24.030, 41.24.170, 41.24.180 and 41.24.200 by 1973 1st ex.s. c 170.

41.24.031 Additional fees. In addition to the fees prescribed in RCW 41.24.030(2) the following fees shall be collected to finance the additional benefits conferred by this 1965 amendatory act:

(1) Two dollars per year for each volunteer or part-paid member of its fire department; and

(2) A sum equal to one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department prorated for 1970 on the basis of services prior to March 1, 1970.

These fees shall be paid into the volunteer firemen's relief and pension fund by each municipal corporation on behalf of the members of its fire department. [1970 ex.s. c 6 § 20; 1965 c 86 § 4.]

Reviser's note: "this 1965 amendatory act" is codified as RCW 41.24.031, 41.24.150, 41.24.160 and 41.24.220.

Severability—1965 c 86: "If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected." [1965 c 86 § 5.]

Effective date—1965 c 86: "The effective date of this 1965 amendatory act is July 1, 1965." [1965 c 86 § 6.] The foregoing annotations apply to RCW 41.24.031 and the 1965 amendments of RCW 41.24.150, 41.24.160 and 41.24.220.

41.24.040 Fees, when payable—Interest—Effect of nonpayment. On or before the first day of March of each year, every municipal corporation shall pay such amount as shall be due from it to said fund, together with the amounts collected from the firemen of its fire department: *Provided*, That no fireman shall forfeit his right to participate in the relief and compensation provisions of this chapter by reason of nonpayment: *Provided further*, That no fireman shall forfeit his right to participate in the retirement provisions of this chapter until after March 1st of such year: *And provided further*, That where a municipality has failed to pay or remit the annual fees required within the time provided such delinquent payment shall bear interest at the rate of one percent per month from March 1st until paid: *And provided further*, That where a fireman has forfeited his right to participate in the retirement provisions of this chapter he may be reinstated so as to participate to the same extent as if all fees had been paid by the payment of all back fees with interest at the rate of one percent per month provided he has at all times been otherwise eligible. [1945 c 261 § 4; Rem. Supp. 1945 § 9578-18. Prior: 1935 c 121 § 10; RRS § 9578-10.]

41.24.050 Limitation of membership of volunteer fire departments. Each municipal corporation shall by appropriate legislation limit the membership of its volunteer fire department to not to exceed twenty-five firemen for each one thousand population or fraction thereof: *Provided*, That in no case shall the membership

of any fire department coming under the provisions of this chapter be limited to less than fifteen firemen. [1945 c 261 § 5; Rem. Supp. 1945 § 9578-19. Prior: 1935 c 121 § 9; RRS § 9578-9.]

41.24.060 Board of trustees—How constituted. In every municipal corporation maintaining a regularly organized fire department there is hereby created and established a board of trustees for the administration of this chapter. Such board shall consist of the mayor, city clerk or comptroller, and one councilman of such municipality, the chief of the fire department, and one member of the fire department to be elected by the members of such fire department for a term of one year and annually thereafter. Where a municipality is governed by a board, the chairman, one member of the board and the secretary or clerk thereof shall serve as members of said board in lieu of the mayor, clerk or comptroller and councilman. [1945 c 261 § 6; 1943 c 137 § 2; Rem. Supp. 1945 § 9578-20. Prior: 1935 c 121 § 2; RRS § 9578-2.]

41.24.070 Officers of board—Record of proceedings—Forms. The mayor or chairman of the board or commission of any such municipality shall be chairman of the board of trustees, and the clerk or comptroller or secretary of any such municipality, board or commission shall be the secretary-treasurer of the board of trustees. The secretary shall keep a public record of all proceedings, of all receipts and disbursements made by the board of trustees and shall make an annual report of its expenses and disbursements with a full list of the beneficiaries of said fund in such municipality, such record to be placed on file in such municipality. Such forms as shall be necessary for the proper administration of this fund and of making the reports required hereunder shall be provided by the state board. [1969 c 118 § 1; 1945 c 261 § 7; Rem. Supp. 1945 § 9578-21. Prior: 1935 c 121 § 3; RRS § 9578-3.]

41.24.080 Duties of board and state board—Disbursements. The board of trustees of each municipal corporation shall provide for enrollment of all members of its fire department under the death and disability provisions hereof; receive all applications for the enrollment under the retirement provisions hereof when the municipality has elected to enroll thereunder; provide for disbursements of relief and compensation; determine the eligibility of firemen for pensions; and pass on all claims and direct payment thereof from the volunteer firemen's relief and pension fund to those entitled thereto. Vouchers shall be issued to the persons entitled thereto by the board. It shall send to the state board, after each meeting, a voucher for each person entitled to payment from the fund, stating the amount of such payment and for what granted, which voucher shall be certified and signed by the chairman and secretary of the board. The state board, after review and approval shall cause a warrant to be issued on the fund for the amount specified and approved on each voucher: *Provided*, That in pension cases after the applicant's eligibility for pension is verified the state board shall

authorize the regular issuance of monthly warrants in payment thereof without further action of the board of trustees of any such municipality. [1969 c 118 § 2; 1955 c 263 § 9; 1945 c 261 § 8; Rem. Supp. 1945 § 9578-22. Prior: 1935 c 121 § 2; RRS § 9578-2.]

41.24.090 Meetings. Said board of trustees shall meet on the call of its chairman on a regular monthly meeting day when there is business to come before it. The chairman shall be required to call a meeting on any regular meeting day at the request of any member of the fund or his beneficiary claiming any relief, compensation or pension therefrom. [1945 c 261 § 9; Rem. Supp. 1945 § 9578-23.]

41.24.100 Compelling attendance of witnesses—Oaths—Rules and regulations. The board of trustees herein, in addition to other powers herein granted, shall have power to compel the attendance of witnesses to testify before it on all matters connected with the operation of this chapter, and its chairman or any member of said board may administer oaths to such witnesses; to make all necessary rules and regulations for its guidance in conformity with the provisions of this chapter: *Provided, however,* That no compensation or emoluments shall be paid to any member of said board of trustees for any duties performed under this chapter as such trustees. [1945 c 261 § 10; Rem. Supp. 1945 § 9578-24. Prior: 1935 c 121 § 2; RRS § 9578-2.]

41.24.110 Employment of examining physician. The board shall make provisions for the employment of a regularly licensed practicing physician for the examination of members of fire departments making application for membership. Such appointed physician shall visit and examine all sick and injured firemen, perform such services and operations and render all medical aid and care necessary for the recovery of firemen on account of sickness or disability received while in the performance of duties. Such appointed physician shall be paid his fees from said fund but not in excess of the schedule of fees for like services approved by the director of labor and industries under Title 51 RCW. No physician or surgeon, not approved by the board, shall receive or be entitled to any compensation from said fund as the private or attending physician of any fireman. No person shall have any right of action against the board of trustees of said fund for the negligence of any physician or surgeon employed by it. Any physician employed by the board to attend upon any fireman shall report his findings in writing to said board. [1953 c 253 § 6; 1949 c 145 § 1; 1945 c 261 § 11; Rem. Supp. 1949 § 9578-25. Prior: 1935 c 121 § 2; RRS § 9578-2.]

41.24.120 Hearing of application for benefits—Appeal to state board. The local board shall initially hear and decide all applications for relief or compensation and pensions under this chapter, subject to review by, or appeal by the proper person to, the state board where decision on such review or appeal shall be final and conclusive. [1969 c 118 § 3; 1955 c 263 § 10; 1945 c

261 § 12; Rem. Supp. 1945 § 9578-27. Prior: 1935 c 121 § 2; RRS § 9578-2.]

41.24.130 Quorum—Vote on allowance of claims. A majority of the board of trustees shall constitute a quorum, and no business shall be transacted when a majority is not present, and no claim shall be allowed where a majority of the board has not voted favorably thereon. [1945 c 261 § 13; Rem. Supp. 1945 § 9578-27. Prior: 1935 c 121 § 2; RRS § 9578-2.]

41.24.140 Guardian may be appointed. Said board of trustees shall have the power and authority to ask for the appointment of a guardian whenever and wherever the claim of a fireman or his beneficiary would, in the opinion of the board, be best served thereby. The board shall have full power to make and direct the payments herein provided for to any person entitled thereto without the necessity of any guardianship or administration proceedings, when in its judgment, it shall determine it to be for the best interests of the beneficiary. [1945 c 261 § 14; Rem. Supp. 1945 § 9578-28. Prior: 1935 c 121 § 2; RRS § 9578-2.]

41.24.150 Disability payments. Whenever a fireman serving in any capacity as a member of a fire department subject to the provisions of this chapter becomes physically or mentally disabled, or sick, in consequence or as the result of the performance of his duties, so as to be wholly prevented from engaging in each and every duty as his regular occupation, business or profession, he shall be paid from the fund monthly, the sum of five hundred dollars for a period of not to exceed six months, or sixteen dollars and sixty-seven cents per day for such period as is part of a month, after which period, if the member is incapacitated to such an extent that he is thereby prevented from engaging in any occupation or performing any work for compensation or profit, he shall be entitled to draw from the fund monthly, the sum of two hundred fifty dollars so long as the disability continues, except as hereinafter provided: *Provided,* That if the member has a wife or husband and/or a child or children unemancipated or under eighteen years of age, he shall be entitled to draw from the fund monthly the additional sums of fifty dollars because of the fact of his wife or husband, twenty-five dollars because of the fact of his youngest or only child unemancipated or under eighteen years of age, and twenty dollars because of the fact of each additional child unemancipated or under eighteen years of age, all to a total maximum amount of five hundred dollars. The board may at any time reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce it in the proportion that the annual income from such gainful employment bears to the annual income received by the pensioner at the time of his disability: *Provided,* That where a fireman sustains a permanent partial disability the state board may provide that such injured fireman shall receive a lump sum compensation therefor to the same extent as is provided for permanent partial disability under the workmen's compensation act under Title 51 RCW in

lieu of such monthly disability payments. [1969 c 118 § 4; 1965 c 86 § 1; 1957 c 159 § 1; 1953 c 253 § 1; 1945 c 261 § 15; Rem. Supp. 1945 § 9578–29. Prior: 1935 c 121 § 4; RRS § 9578–4.]

41.24.160 Death benefits. Whenever a fireman dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his or her duties, the board of trustees shall order and direct the payment of the sum of one thousand dollars to his widow or her widower, or if there be no widow or widower, then to his or her dependent child or children, or if there be no dependent child or children, then to his or her parents or either of them, and the sum of one hundred dollars per month to his widow or her widower during his or her life together with the additional monthly sums of twenty-five dollars for the youngest or only child and twenty dollars for each additional child of the member, unemancipated or under eighteen years of age, dependent upon the member for support at the time of his or her death, to a maximum total of two hundred dollars per month: *Provided*, That if there is no widow or widower, or the widow or widower dies while there are children, unemancipated or under eighteen years of age, then the amount of one hundred dollars per month shall be paid for the youngest or only child together with an additional twenty dollars per month for each additional of such children to a maximum of two hundred dollars per month until they become emancipated or reach the age of eighteen years; and if there are no widow or widower, child or children entitled thereto, then to his or her parents or either of them the sum of one hundred dollars per month for life, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his or her death: *Provided*, That if the widow or widower, child or children, or the parents, or either of them, marry while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

In the case provided for herein, the monthly payment provided may be converted in whole or in part, into a lump sum payment, not in any case to exceed eight thousand five hundred dollars, equal or proportionate, as the case may be, to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payments shall cease in whole or in part accordingly or proportionately. Such conversion may be made either upon written application to the state board and shall rest in the discretion of the state board; or the state board is authorized to make, and authority is hereby given it to make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due to dependents. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the applicant and the state board. Any person receiving a monthly payment hereunder at the time of the effective date of this act may elect, within two years, to convert such payments into a lump sum payment as herein provided. [1973 1st ex.s. c 154 § 74;

1965 c 86 § 2; 1961 c 57 § 1; 1957 c 159 § 2; 1953 c 253 § 2; 1951 c 103 § 2; 1945 c 261 § 16; Rem. Supp. 1945 § 9578–30. Prior: 1935 c 121 § 6; RRS § 9578–6.]

Reviser's note: The language "the effective date of this act" first appears in 1961 c 57 which became effective at midnight June 29, 1961; see preface 1961 session laws.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.24.170 Retirement pensions. Whenever any fireman has been a member and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and which municipality and fireman are enrolled under the retirement provisions, and the fireman has reached the age of sixty-five years, the board of trustees shall order and direct that he be retired and be paid a monthly pension as provided in this section.

Whenever a fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and he has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of twenty-five years, the board of trustees shall order and direct that he be retired and such fireman be paid a monthly pension of one hundred dollars from the fund for the balance of his life.

Whenever any fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and the fireman has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of less than twenty-five years, the board of trustees shall order and direct that he be retired and that such fireman shall receive a minimum monthly pension of twenty-five dollars increased by the sum of three dollars each month for each year the annual fee has been paid, but not to exceed the maximum monthly pension herein provided, for the balance of his life.

No pension herein provided shall become payable before the sixty-fifth birthday of the fireman, nor for any service less than twenty-five years: *Provided, however*, That:

(1) Any fireman, upon completion of twenty-five years' service and attainment of age sixty, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to sixty percent of such pension.

(2) Any fireman, upon completion of twenty-five years' service and attainment of age sixty-two, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to seventy-five percent of such pension. [1973 1st ex.s. c 170 § 2; 1969 c 118 § 5; 1961 c 57 § 2; 1953 c 253 § 3; 1951 c 103 § 1; 1945 c 261 § 17; Rem. Supp. 1945 § 9578–31.]

Effective date—1973 1st ex.s. c 170: See note following RCW 41.24.030.

41.24.175 Disability or retirement payments—**Computation according to latest legislative expression.** Payments to persons who are now receiving, or who may hereafter receive any disability or retirement payments under the provisions of chapter 41.24 RCW shall be computed in accordance with the last act enacted by the legislature relative thereto: *Provided however*, That nothing herein contained shall be construed as reducing the amount of any pension to which any fireman shall have been eligible to receive under the provisions of section 1, chapter 103, Laws of 1951. [1959 c 9 § 1.]

41.24.176 Disability or retirement payments—**Construction.** The provisions of this act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as part of this act. [1959 c 9 § 2.]

Reviser's note: "this act" appears in chapter 9, Laws of 1959 codified as RCW 41.24.175 and 41.24.176.

41.24.180 Lump sum payments. The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(1) To any volunteer fireman, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself or herself.

(2) If any fireman dies before attaining the age at which a pension shall be payable to him or her under the provisions of this chapter, there shall be paid to his widow or her widower, or if there be no widow or widower to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself or herself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself and the municipality or municipalities in whose department he or she shall have served, there shall be paid to his widow or her widower, or if there be no widow or widower then to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees, or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself or herself and the municipality or municipalities in whose department he or she shall have served and the amount received by him or her as a pensioner.

(4) If any volunteer fireman retires from the fire service before attaining the age of sixty-five years, he or she may make application for the return of the amount paid

into said fund by himself or herself. [1974 1st ex.s. c 26 § 1. Prior: 1973 1st ex.s. c 170 § 3; 1973 1st ex.s. c 154 § 75; 1961 c 57 § 3; 1945 c 261 § 18; Rem. Supp. 1945 § 9578-22.]

Effective date—1973 1st ex.s. c 170: See note following RCW 41.24.030.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Conversion of death benefits to lump sum: RCW 41.24.160.

41.24.190 Proof of service. The filing of reports of enrollment shall be prima facie evidence of the service of the firemen therein listed for the year of such report as to service rendered subsequent to July 6, 1945. Proof of service of firemen prior to that date shall be by documentary evidence, or such other evidence reduced to writing and sworn to under oath, as shall be submitted to the state board and certified by it as sufficient. [1969 c 118 § 6; 1953 c 253 § 4; 1945 c 261 § 19; Rem. Supp. 1945 § 9578-33.]

41.24.200 Service need not be continuous nor in a single department. The aggregate term of service of any fireman need not be continuous nor need it be confined to a single fire department nor a single municipality in this state to entitle such fireman to a pension: *Provided*, That he has been duly enrolled in a fire department of a municipality which has elected to make provisions for the retirement of its firemen at the time he becomes eligible for such pension as in this chapter provided, and has paid all fees prescribed. To be eligible to the full pension a fireman must have an aggregate of twenty-five years service, have made twenty-five annual payments into the fund, and be sixty-five years of age at the time he commences drawing the pension provided for by this chapter, all of which twenty-five years service must have been in the fire department of a municipality or municipalities which have elected to make provisions for the retirement of its volunteer firemen: *Provided, however*, That nothing herein contained shall require any fireman having twenty-five years active service to continue as a fireman and no fireman who has completed twenty-five years of active service for which annual pension fees have been paid and who continues as a fireman shall be required to pay any additional annual pension fees. [1973 1st ex.s. c 170 § 4; 1961 c 57 § 4; 1953 c 253 § 5; 1945 c 261 § 20; Rem. Supp. 1945 § 9578-34.]

Effective date—1973 1st ex.s. c 170: See note following RCW 41.24.030.

41.24.210 Report of accident—Time limitation for filing report and claim. No fireman shall receive any disability pension from the fund, or be entitled to receive any relief or compensation for sickness or injuries received in the performance of his duties, unless there is filed with the board of trustees a report of accident, which report shall be subscribed to by the claimant, the fire chief, and the authorized attending physician, if there is one. No claim for benefits arising from sickness or injuries incurred in consequence or as a result of the performance of duties shall be allowed by the state

board unless there has been filed with it a report of accident within ninety days after its occurrence and a claim based thereon within one year after the occurrence of the accident on which such claim is based. The board may require such other or further evidence as it deems advisable before ordering any relief, compensation, or pension. [1969 c 118 § 7; 1957 c 159 § 3; 1945 c 261 § 21; Rem. Supp. 1945 § 9578-35.]

41.24.220 Hospitalization, surgery, etc. Whenever any fireman becomes disabled or sick in the performance of his duties by reason of which he is confined to any hospital an amount not exceeding the daily ward rate of the hospital shall be allowed and paid from said fund toward such hospital expenses for a period not exceeding twenty-six weeks: *Provided*, That this allowance shall not be in lieu of but in addition to any other allowance in this chapter provided: *Provided further*, That costs of surgery, medicine, laboratory fees, x-ray, special therapies, and similar additional costs shall be paid in addition thereto. [1965 c 86 § 3; 1961 c 57 § 5; 1957 c 159 § 4; 1953 c 253 § 7; 1951 c 103 § 3; 1949 c 145 § 2; 1945 c 261 § 22; Rem. Supp. 1949 § 9578-36. Prior: 1935 c 121 § 5; RRS § 9578-5.]

41.24.230 Funeral and burial expenses. Upon the death of any fireman resulting from injuries or sickness in consequence or as the result of the performance of his duties, the board of trustees shall authorize the issuance of a voucher for the sum of five hundred dollars, and upon the death of any fireman who is receiving any disability pension provided for in this chapter, the board of trustees shall authorize the issuance of a voucher for the sum of two hundred fifty dollars, to help defray the funeral expenses and burial of such fireman, which voucher shall be paid in the manner provided for payment of other charges against the fund. [1961 c 57 § 6; 1957 c 159 § 5; 1951 c 103 § 4; 1945 c 261 § 23; Rem. Supp. 1945 § 9578-37. Prior: 1935 c 121 § 7; RRS § 9578-7.]

41.24.240 Benefits not transferable or subject to legal process—Chapter not exclusive. The right of any person to any future payment under the provisions of this chapter shall not be transferable or assignable at law or in equity, and none of the moneys paid or payable or the rights existing under this chapter, shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law. Nothing in this chapter shall be construed to deprive any fireman, eligible to receive a pension hereunder, from receiving a pension under any other act to which he may become eligible by reason of services other than or in addition to his services as a fireman under this chapter. [1957 c 159 § 6; 1945 c 261 § 24; Rem. Supp. 1945 § 9578-38.]

41.24.250 State board for volunteer firemen—Composition—Terms—Vacancies—Oath. There is established a state board for volunteer firemen to consist of three members of a fire department covered by this chapter, no two of whom shall be from the same

congressional district, to be appointed by the governor to serve overlapping terms of six years. Of members first appointed, one shall be appointed for a term of six years, one for four years, and one for two years. Upon the expiration of a term, a successor shall be appointed by the governor for a term of six years. Any vacancy shall be filled by the governor for the unexpired term. Each member of the state board, before entering on the performance of his duties, shall take an oath that he will not knowingly violate or willingly permit the violation of any provision of law applicable to this chapter, which oath shall be filed with the secretary of state. [1955 c 263 § 2.]

41.24.260 State board for volunteer firemen—Meetings—Quorum. The state board shall hold regular semiannual meetings in April and October of each year, and special meetings not more than once monthly at such times and places as may be called by the chairman or by two of its members. No action shall be taken by the state board without the approval of two members. [1955 c 263 § 3.]

41.24.270 State board for volunteer firemen—Compensation—Expenses. Each member of the state board shall receive twenty-five dollars per day for each day actually spent in attending meetings of the state board. Each member shall also receive his actual and necessary traveling and other expenses, including going to and from meetings of the state board or other authorized business of the state board, at the same rate as other state officers and employees, but not to exceed the per diem allowance provided by law. [1969 c 118 § 8; 1955 c 263 § 4.]

41.24.280 State board for volunteer firemen—Attorney general is legal advisor. The attorney general shall be the legal advisor for the board. [1955 c 263 § 5.]

41.24.290 State board for volunteer firemen—Powers and duties. The state board shall:

- (1) Generally supervise and control the administration of this chapter;
- (2) Promulgate, amend, or repeal rules and regulations not inconsistent with this chapter for the purpose of effecting a uniform and efficient manner of carrying out the provisions of this chapter and the purposes to be accomplished thereby, and for the government of boards of trustees of the municipalities of this state in the discharge of their functions under this chapter;
- (3) Review any action, and hear and determine any appeal which may be taken from the decision of the board of trustees of any municipality made pursuant to this chapter;
- (4) Take such action as may be necessary to secure compliance of the municipalities governed by this chapter and to provide for the collection of all fees and penalties which are, or may be, due and delinquent from any such municipality;
- (5) Review the action of the board of trustees of any municipality authorizing any pension as provided by this chapter; and authorize the regular issuance of

monthly warrants in payment thereof without further action of the board of trustees of such municipality;

(6) Require periodic reports from the recipient of any benefits under this chapter for the purpose of determining their continued eligibility therefor;

(7) Maintain such records as may be necessary and proper for the proper maintenance and operation of the volunteer firemen's relief and pension fund and provide all necessary forms to enable local boards of trustees to effectively carry out their duties as provided by this chapter;

(8) Compel the taking of testimony from witnesses under oath before the state board, or any member or the secretary thereof, or before the local board of trustees or any member thereof, for the purpose of obtaining evidence, at any time, in connection with any claim or pension pending or authorized for payment. For such purpose the state board shall have the same power of subpoena as prescribed in RCW 51.52.100. Failure of any claimant to appear and give any testimony as herein provided shall suspend any rights or eligibility to receive payments for the period of such failure to appear and testify;

(9) Appoint a secretary to hold office at the pleasure of the state board, fix his compensation at such sum as it shall deem appropriate, and prescribe his duties not otherwise provided by this chapter. [1955 c 263 § 6.]

41.24.300 State board for volunteer firemen—Vouchers, warrants. All expenses incurred by the state board shall be accomplished by vouchers signed by two members of the state board and issued to the persons entitled thereto and sent to the proper state agency. The proper state agency shall issue a warrant on the fund for the amount specified. [1969 c 118 § 9; 1955 c 263 § 7.]

41.24.310 State board for volunteer firemen—Secretary, duties, compensation. The secretary shall maintain an office at Olympia at a place to be provided, wherein he shall

(1) keep a record of all proceedings of the state board, which shall be public,

(2) maintain a record of all members of the pension fund, including such pertinent information relative thereto as may be required by law or regulation of the state board,

(3) receive and promptly remit to the state treasurer all moneys received for the volunteer firemen's relief and pension fund,

(4) transmit periodically to the proper state agency for payment all claims payable from the volunteer firemen's relief and pension fund, stating the amount and purpose of such payment,

(5) certify monthly for payment a list of all persons approved for pensions and the amount to which each is entitled,

(6) perform such other and further duties as shall be prescribed by the state board.

The secretary shall receive such compensation as shall be fixed by the state board, together with his necessary traveling and other expenses in carrying out his

duties authorized by the state board. [1969 c 118 § 10; 1955 c 263 § 8.]

Chapter 41.26

LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM

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41.26.180	Exemption from judicial process, taxes—Deduction for insurance upon request.
41.26.190	Credit for military service.
41.26.200	Appeal to retirement board.
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41.26.300	Falsification—Penalty.
41.26.310	Transfer of service credit from firemen's pension system to city's police pension system.
41.26.900	Severability—1969 ex.s. c 209.
41.26.910	Act to control inconsistencies.
41.26.920	Effective date—1969 ex.s. c 209.

Reviser's note: Throughout chapter 41.26 RCW the phrase "this act" has been changed to "this chapter". 1969 ex.s. c 209 consists of this chapter, RCW 41.16.145, 41.18.010, 41.18.040, 41.18.045, 41.18.060, 41.18.100, 41.18.102, 41.18.104, 41.18.130, 41.18.190, 41.20.005, 41.20.085, 41.20.170, and 41.20.050 and 41.20.060, subsequently amended by 1969 ex.s. c 219.

41.26.010 Short title. This chapter shall be known and cited as the "Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act". [1969 ex.s. c 209 § 1.]

41.26.020 Purpose of chapter. The purpose of this chapter is to provide for an actuarial reserve system for the payment of death, disability, and retirement benefits to law enforcement officers and fire fighters, and to beneficiaries of such employees, thereby enabling such employees to provide for themselves and their dependents in case of disability or death, and effecting a system of retirement from active duty. [1969 ex.s. c 209 § 2.]

41.26.030 Definitions. As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) "Employer" means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers; and

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW

41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under chapter 52-.08 RCW;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter; and

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of *this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this chapter means every natural born child, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, stepchild and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and

regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(12) "Final average salary" means (a) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (b) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (c) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (d) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(13) "Basic salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(14) "Service" means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after his initial commencement of employment as a fire fighter or law enforcement officer, during which he worked for ten days or more, or the equivalent thereof, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (a) such military

service not exceeding five years as was creditable to the member as of March 1, 1970, under his particular prior pension act, and (b) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: *Provided*, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: *Provided further*, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: *And provided further*, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to his full salary prior to the commencement of disability retirement.

(20) "Disability retirement" means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW. [1974 1st ex.s. c 120 § 1; 1972 ex.s. c 131 § 1; 1971 ex.s. c 257 § 6; 1970 ex.s. c 6 § 1; 1969 ex.s. c 209 § 3.]

*Reviser's note: The effective date of "this 1972 amendatory act" [1972 ex.s. c 131] was February 25, 1972.

Reviser's note: The term "this 1970 amendatory act" has been changed to "this chapter" wherever the term occurs in the 1970 amendments to chapter 41.26 RCW. "This 1970 amendatory act" [1970 ex.s. c 6] consists of the 1970 amendments to this section and to RCW 41.26.040, 41.26.050, 41.26.090-41.26.200, 41.26.240, 41.24.010, 41.24.030, 41.24.031 and section 44, chapter 209, Laws of 1969 ex.s. [uncodified].

Severability—1974 1st ex.s. c 120: "If any provision of this 1974 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." [1974 1st ex.s. c 120 § 15.]

Severability—1972 ex.s. c 131: "If any provision of this 1972 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." [1972 ex.s. c 131 § 12.]

Purpose—1971 ex.s. c 257: "It is the purpose of this act to provide minimum medical and health standards for membership coverage into the Washington law enforcement officers' and fire fighters' retirement system act, for the improvement of the public service, and to safeguard the integrity and actuarial soundness of their pension systems, and to improve their retirement and pension systems and related provisions." [1971 ex.s. c 257 § 1.]

Severability—1971 ex.s. c 257: "If any provision of this 1971 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." [1971 ex.s. c 257 § 22.]

The foregoing annotations apply to RCW 41.16.146, 41.18.105, 41.26.030, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.050, 41.26.090, 41.26.100, 41.26.150, 41.26.160, 41.26.180, 41.26.200, 41.26.270, 41.26.280, 41.26.290, 41.48.030 and 41.48.050.

41.26.035 "Minimum medical and health standards" defined. The term "minimum medical and health standards" means minimum medical and health standards adopted by the retirement board pursuant to this chapter. [1971 ex.s. c 257 § 2.]

Reviser's note: "this act" translated to "this chapter"; 1971 ex.s. c 257 consists of RCW 41.16.146, 41.18.105, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.270, 41.26.280, 41.26.290, and amendments to RCW 41.26.030, 41.26.050, 41.26.090, 41.26.100, 41.26.150, 41.26.160, 41.26.180, 41.26.200, 41.48.030 and 41.48.050.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.035.

41.26.040 System created—Membership—Funds, transfers—Amortization of unfunded liabilities. The Washington law enforcement officers' and fire fighters' retirement system is hereby created for fire fighters and law enforcement officers.

(1) All fire fighters and law enforcement officers employed as such on or after March 1, 1970, on a full time fully compensated basis in this state shall be members of the retirement system established by this chapter with respect to all periods of service as such, to the exclusion of any pension system existing under any prior act except as provided in subsection (2) of this section.

(2) Any employee serving as a law enforcement officer or fire fighter on March 1, 1970, who is then making retirement contributions under any prior act shall have his membership transferred to the system established by this chapter as of such date. Upon retirement for service or for disability, or death, of any such employee, his retirement benefits earned under this chapter shall be computed and paid. In addition, his benefits under the prior retirement act to which he was making contributions at the time of this transfer shall be computed as if

he had not transferred. For the purpose of such computations, the employee's creditability of service and eligibility for service or disability retirement and survivor and all other benefits shall continue to be as provided in such prior retirement act, as if transfer of membership had not occurred. The excess, if any, of the benefits so computed, giving full value to survivor benefits, over the benefits payable under this chapter shall be paid whether or not the employee has made application under the prior act. If the employee's prior retirement system was the Washington public employees' retirement system, payment of such excess shall be made by that system; if the employee's prior retirement system was the state-wide city employees' retirement system, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred: *Provided*, That any death in line of duty lump sum benefit payment shall continue to be the obligation of that system as provided in RCW 41.44.210; in the case of all other prior retirement systems, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred.

(3) All funds held by any firemen's or policemen's relief and pension fund shall remain in that fund for the purpose of paying the obligations of the fund. The municipality shall continue to levy the dollar rate as provided in RCW 41.16.060, and this dollar rate shall be used for the purpose of paying the benefits provided in chapters 41.16 and 41.18 RCW. The obligations of chapter 41.20 RCW shall continue to be paid from whatever financial sources the city has been using for this purpose.

(4) Any member transferring from the Washington public employees' retirement system or the state-wide city employees' retirement system shall have transferred from the appropriate fund of the prior system of membership, a sum sufficient to pay into the Washington law enforcement officers' and fire fighters' retirement system fund the amount of the employees' and employers' contributions plus credited interest in the prior system for all service, as defined in this chapter, from the date of the employee's entrance therein until March 1, 1970. Except as provided for in subsection (2), such transfer of funds shall discharge said state retirement systems from any further obligation to pay benefits to such transferring members with respect to such service.

(5) All unfunded liabilities created by this or any other section of this chapter shall be computed by the actuary in his biennial evaluation. Such computation shall provide for amortization of the unfunded liabilities over a period of not more than forty years from March 1, 1970. The amount thus computed as necessary shall be reported to the governor by the board of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation to fund the unfunded liability from the state general fund beginning with the 1971-1973 biennium. [1974 1st ex.s. c 120 § 7; 1973 1st ex.s. c 195 § 44; 1970 ex.s. c 6 § 2; 1969 ex.s. c 209 § 4.]

Reviser's note: See note following RCW 41.26.030.

~~Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.~~

41.26.045 Minimum medical and health standards. Notwithstanding any other provision of law after February 19, 1974 no law enforcement officer or fire fighter, may become eligible for coverage in the pension system established by this chapter, until he has met and has been certified as having met minimum medical and health standards: *Provided*, That an elected sheriff shall not be required to meet the age standard: *Provided further*, That in cities and towns having not more than two law enforcement officers and/or not more than two fire fighters and if one or more of such persons do not meet the minimum medical and health standards as required by the provisions of this chapter, then such person or persons may join any other pension system that the city has available for its other employees: *And provided further*, That for one year after February 19, 1974 any such medical or health standard now existing or hereinafter adopted, insofar as it establishes a maximum age beyond which an applicant is to be deemed ineligible for coverage, shall be waived as to any applicant for employment or reemployment who is otherwise eligible except for his age, who has been a member of any one or more of the retirement systems created by chapter 41.20 of the Revised Code of Washington and who has restored all contributions which he has previously withdrawn from any such system or systems. [1974 1st ex.s. c 120 § 8; 1971 ex.s. c 257 § 3.]

Reviser's note: "this 1971 act" translated to "this chapter" [1971 ex.s. c 257] consists of RCW 41.16.146, 41.18.105, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.270, 41.26.280, 41.26.290, and amendments to RCW 41.26.030, 41.26.050, 41.26.090, 41.26.100, 41.26.150, 41.26.160, 41.26.180, 41.26.200, 41.48.030 and 41.48.050.

~~Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.035.~~

41.26.046 Minimum medical and health standards—Board to adopt—Publication and distribution—Employer certification procedures. By July 31, 1971, the retirement board shall adopt minimum medical and health standards for membership coverage into the Washington law enforcement officers' and fire fighters' retirement system act. In adopting such standards the retirement board shall consider existing standards recommended by the international association of chiefs of police and the international association of fire fighters, and shall adopt equal or higher standards, together with appropriate standards and procedures to insure uniform compliance with this chapter. The standards when adopted shall be published and distributed to each employer, and each employer shall adopt certification procedures and such other procedures as are required to insure that no law enforcement officer or fire fighter receives membership coverage unless and until he has actually met minimum medical and health standards: *Provided*, That an elected sheriff shall not be required to meet the age standard. The retirement board may amend the minimum medical and health standards as experience indicates, even if the standards as so amended are lower or less rigid than those recommended by the international associations mentioned

above. The cost of the medical examination contemplated by this section is to be paid by the employer. [1974 1st ex.s. c 120 § 12; 1972 ex.s. c 131 § 2; 1971 ex.s. c 257 § 4.]

Reviser's note: "this 1971 act" translated to "this chapter" [1971 ex.s. c 257] consists of RCW 41.16.146, 41.18.105, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.270, 41.26.280, 41.26.290, and amendments to RCW 41.26.030, 41.26.050, 41.26.090, 41.26.100, 41.26.150, 41.26.160, 41.26.180, 41.26.200, 41.48.030 and 41.48.050.

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.047 Minimum medical and health standards—Exemptions—Employer may adopt higher standards. Nothing in RCW 41.26.035, 41.26.045 and 41.26.046 shall apply to any fire fighters or law enforcement officers who are employed as such on or before August 1, 1971, as long as they continue in such employment; nor to promotional appointments after becoming a member in the police or fire department of any employer nor to the reemployment of a law enforcement officer or fire fighter by the same or a different employer within six months after the termination of his employment, nor to the reinstatement of a law enforcement officer or fire fighter who has been on military or disability leave, disability retirement status, or leave of absence status. Nothing in this chapter shall be deemed to prevent any employer from adopting higher medical and health standards than those which are adopted by the retirement board. [1972 ex.s. c 131 § 3; 1971 ex.s. c 257 § 5.]

Reviser's note: "this act" translated to "this chapter"; 1971 ex.s. c 257 consist of RCW 41.16.146, 41.18.105, 41.26.035, 41.26.045, 41.26.046, 41.26.047, 41.26.270, 41.26.280, 41.26.290, and amendments to RCW 41.26.030, 41.26.050, 41.26.090, 41.26.100, 41.26.150, 41.26.160, 41.26.180, 41.26.200, 41.48.030 and 41.48.050.

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.035.

41.26.050 Public employees' retirement board to administer system—Additional members, election, terms. The retirement board shall be composed of the members of the public employees' retirement board established in RCW 41.40.030 as now or hereafter amended. Their terms of office shall be the same as their term of office with the public employees' retirement board. The members of the retirement system shall elect two additional members to the board who shall be members of the Washington law enforcement officers' and fire fighters' retirement system. One board member shall be a fire fighter and shall be elected by the fire fighter members and one shall be a law enforcement officer elected by the law enforcement members. Both shall serve two years unless they cease to be members of the retirement system by separating from service (except when on disability leave), vesting or retiring. In such case there shall be elected in the same manner another member from the same service to fill out the remaining part of the term. Two additional representatives of counties and cities shall be added to the retirement board. One

of these representatives shall be appointed by the Washington state association of counties and the other shall be appointed by the association of Washington cities. In case of a vacancy in these county and city representative positions, a new appointee will be designated by the appropriate organization to fill out the unexpired term. The additional elected and appointed board members shall serve on the retirement board for the purpose of administering this chapter and chapter 41.40 RCW. The appointed board members shall serve two year terms. All administrative services of this system shall be performed by the director and staff of the public employees' retirement system with the cost of administration as determined by the retirement board charged against the Washington law enforcement officers' and fire fighters' retirement fund as provided in this chapter from funds appropriated for this purpose. The retirement board provided by this section shall be entitled the Washington law enforcement officers' and fire fighters' retirement board and may enter legal relationships in that name. Legal relationships entered into in that name prior to February 25, 1972 are hereby ratified. [1974 1st ex.s. c 120 § 2; 1972 ex.s. c 131 § 4; 1971 ex.s. c 257 § 7; 1970 ex.s. c 6 § 3; 1969 ex.s. c 209 § 5.]

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.060 Public employees' retirement board to administer system—Duties—Liability of board members. The administration of this system is hereby vested in the board of the Washington public employees' retirement system pursuant to RCW 41.26.050 and the board shall:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;

(2) As of March 1, 1970, and at least every two years thereafter, through its actuary, make an actuarial valuation as to the mortality and service experience of the beneficiaries under this chapter and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Keep a record of all its proceedings, which shall be open to inspection by the public;

(5) From time to time adopt such rules and regulations not inconsistent with this chapter, for the administration of the provisions of this chapter, for the administration of the fund created by this chapter and the several accounts thereof, and for the transaction of the business of the board;

(6) Provide for investment, reinvestment, deposit and withdrawal of funds;

(7) Prepare and publish annually a financial statement showing the condition of the fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the Washington law enforcement officers' and fire fighters' retirement

system, and furnish a copy thereof to each employer, and to such members as may request copies thereof;

(8) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(9) Perform such other functions as are required for the execution of the provisions of this chapter;

(10) No member of the board shall be liable for the negligence, default or failure of any employee or of any other member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence in providing for the safeguarding of the funds and assets of the system;

(11) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the fund for the preceding twelve-month period and from time to time make any necessary changes in such rate;

(12) Pay from the retirement system expense fund the expenses incurred in administration of the retirement system from those funds appropriated for that purpose;

(13) Perform any other duties prescribed elsewhere in this chapter: *Provided*, That all disability claims shall be submitted and approved or disapproved by the disability boards established by this chapter and the retirement board shall have authority to approve or disapprove disability retirement requests only. [1971 ex.s. c 216 § 1; 1969 ex.s. c 209 § 6.]

Effective date—1971 ex.s. c 216: See RCW 41.26.070(8).

Severability—1971 ex.s. c 216: "If any provision of this 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." [1971 ex.s. c 216 § 4.] This applies to RCW 41.26.060, 41.26.070 and 41.26.085.

41.26.070 Washington law enforcement officers' and fire fighters' retirement fund—Created—Trustees—Custodian—Retirement system expense fund—Employer reimbursement—Legislative appropriation. A fund is hereby created and established in the state treasury to be known as the Washington law enforcement officers' and fire fighters' retirement fund, and shall consist of all moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets. The members of the retirement board shall be the trustees of these funds created by this chapter and the retirement board shall have full power to invest or reinvest these funds in the securities authorized by RCW 43.84.150 and 41.40.072: *Provided*, That the board shall authorize the state finance committee to execute all transactions in connection with the purchase, sale, or exchange of any investment that it has authorized pursuant to its statutory authority.

(1) The state treasurer shall be the custodian of all funds of the retirement system and all disbursements therefrom shall be paid by the state treasurer upon vouchers duly authorized by the retirement board and

bearing the signature of the duly authorized officer of the retirement board.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund or the retirement system expense fund.

(3) Into the retirement system fund shall be paid all moneys received by the retirement board, and paid therefrom shall be all refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the state treasurer from the retirement system fund to the retirement system expense fund upon authorization of the retirement board.

(4) There is hereby utilized for the purposes of this chapter, the retirement system expense fund, as provided for in RCW 41.40.080 and from which shall be paid the expenses of the administration of this retirement system.

(5) In order to reimburse the retirement system expense fund on an equitable basis the retirement board shall ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(6) The retirement board shall compute and bill each employer at the end of each month for the amount due for that month to the retirement system expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a percentage rate of salary established by the board: *Provided*, That the retirement board may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(7) For the purpose of providing amounts to be used to defray the cost of such administration, the retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the retirement system expense fund sufficient to cover estimated expenses for the said biennium.

(8) RCW 41.26.060, 41.26.070 and 41.26.085 shall take effect commencing on January 1, 1972. [1973 1st ex.s. c 103 § 2; 1971 ex.s. c 216 § 2; 1969 ex.s. c 209 § 7.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

41.26.080 Funding total liability of system. The total liability of this system shall be funded as follows:

(1) Every member shall have deducted from each payroll a sum equal to six percent of his basic salary for each pay period.

(2) Every employer shall contribute monthly a sum equal to six percent of the basic salary of each employee who is a member of this retirement system. The employer shall transmit the employee and employer contributions with a copy of the payroll to the retirement system monthly.

(3) The biennial actuarial evaluation required by RCW 41.26.060(2) shall establish the total liability for this system. This liability shall be divided into current service liability and prior service liability. The contributions required by (1) and (2) above shall be applied toward the current service liability with the balance of the current service liability to be appropriated from the state general fund. The prior service liability shall be amortized over a period of not more than forty years from March 1, 1970. The amount thus computed shall be added to the current service liability to be appropriated from the state general fund.

This total amount shall be reported to the governor by the director of the retirement system, upon approval of the board, for inclusion in the budget. The legislature shall make the necessary appropriation from the state general fund to the Washington law enforcement officers' and fire fighters' retirement fund after considering the estimates as prepared and submitted. The transfer of funds from the state general fund to the retirement system shall be at a rate determined by the board of trustees on the basis of the latest actuarial valuation. The total amount of such transfers for a biennium shall not exceed the total amount appropriated by the legislature.

(4) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contributions shall be a complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except his claim to the benefits to which he may be entitled under the provisions of this chapter. [1969 ex.s. c 209 § 8.]

41.26.085 Employee contributions to retirement system expense fund. Each employee who is a member of the retirement system on January 1, 1972 or thereafter, shall contribute two dollars and fifty cents per annum to the retirement system expense fund. Beginning January 1, 1972, and thereafter each employee entering membership shall contribute the sum of one dollar and twenty-five cents to the retirement system expense fund for the fractional portion of the semiannual period during which he enters or reenters membership: *Provided*, That beginning January 1, 1972, the expense fund contributions, as set forth in this section, shall be transferred, from each employee's accumulated contributions, to the retirement expense fund account. [1972 ex.s. c 131 § 5; 1971 ex.s. c 216 § 3.]

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

Effective date—1971 ex.s. c 216: See RCW 41.26.070(8).

Severability—1971 ex.s. c 216: See note following RCW 41.26.060.

41.26.090 Retirement for service. Retirement of a member for service shall be made by the board as follows:

(1) Any member having five or more years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon his written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more years of service, who terminates his employment with any employer, may leave his contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his years of service, commencing on the first day following his attainment of age fifty. This section shall also apply to a person who rendered service as a law enforcement officer or fire fighter, as those terms are defined in RCW 41.26.030, on or after July 1, 1969, but who was not employed as a law enforcement officer or fire fighter on March 1, 1970, by reason of his having been elected to a public office. Any member selecting this optional vesting with less than twenty years of service shall not be covered by the provisions of RCW 41.26.150, and his survivors shall not be entitled to the benefits of RCW 41.26.160 unless his death occurs after he has attained the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of RCW 41.26.150 until the attainment of the age of fifty years: *Provided*, That a member selecting this option, with less than twenty years of service credit, who shall die prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and fire fighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in writing, or if no such designation has been made, to the personal representative of his estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest: *Provided further*, That if the vested member has twenty or more years of service credit the surviving spouse or children shall then become eligible for the benefits of RCW 41.26.160 regardless of his age at the time of his death, to the exclusion of the lump sum amount provided by this subsection.

(3) 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 and may not thereafter be employed as a law enforcement officer or fire fighter: *Provided*, That for any member who is elected or appointed to the office of sheriff, his election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his present term of office and any succeeding periods for which he may be

so elected or appointed: *Provided further*, That the provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970. [1972 ex.s. c 131 § 6; 1971 ex.s. c 257 § 8; 1970 ex.s. c 6 § 4; 1969 ex.s. c 209 § 9.]

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

~~Purpose~~ **Severability**—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.100 Allowance on retirement for service. A member upon retirement for service shall receive a monthly retirement allowance computed according to his completed creditable service as follows: Five years but under ten years, one-twelfth of one percent of his final average salary for each month of service; ten years but under twenty years, one-twelfth of one and one-half percent of his final average salary for each month of service; and twenty years and over one-twelfth of two percent of his final average salary for each month of service: *Provided*, That the recipient of a retirement allowance who shall return to service as a law enforcement officer or fire fighter shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his return to service and he shall make contributions and receive service credit. Such a member shall have the right to again retire at any time and his retirement allowance shall be recomputed, and paid, based upon additional service rendered and any change in final average salary: *Provided further*, That no retirement allowance paid pursuant to this section shall exceed sixty percent of final average salary, except as such allowance may be increased by virtue of RCW 41.26.240, as now or hereafter amended. [1974 1st ex.s. c 120 § 3; 1972 ex.s. c 131 § 7; 1971 ex.s. c 257 § 9; 1970 ex.s. c 6 § 5; 1969 ex.s. c 209 § 10.]

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

~~Purpose~~ **Severability**—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.110 City and county disability boards authorized—Composition—Terms—Reimbursement for travel expenses—Duties. (1) All claims for disability shall be acted upon and either approved or disapproved by either type of disability board hereafter authorized to be created.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by said cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor, one fire fighter to be elected by the fire fighters employed by the city, one law enforcement officer to be elected by the law enforcement officers employed by the city and one member from the public at large who resides within the city to be appointed by the other four

appointed members heretofore designated in this subsection. Beginning with the next election following February 19, 1974, the law enforcement officer member shall serve a one year term and the fire fighter member shall serve a two year term. Thereafter each of the elected members shall serve a two year term. The members appointed pursuant to this subsection shall serve for two year terms: *Provided*, That cities of the first class only, shall retain existing firemen's pension boards established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant to RCW 41-20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by fire fighters' or law enforcement officers' as provided under the Washington law enforcement officers' and fire fighters' retirement system act.

(b) Each county shall establish a disability board having jurisdiction over all members residing in the county and not employed by a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body, one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to subsection (1)(a) of this section to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board, one fire fighter to be elected by the fire fighters subject to the jurisdiction of the county disability board, one law enforcement officer to be elected by the law enforcement officers subject to the jurisdiction of the county disability board, and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but said members shall be reimbursed by their respective county or city for all expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this chapter. [1974 1st ex.s. c 120 § 9; 1970 ex.s. c 6 § 6; 1969 ex.s. c 219 § 3; 1969 ex.s. c 209 § 11.]

Severability—1969 ex.s. c 219: "If any provision of this 1969 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." [1969 ex.s. c 219 § 5.]

Effective date—1969 ex.s. c 219: "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 July 1, 1969." [1969 ex.s. c 219 § 6.]

41.26.120 Retirement for disability. Any member, regardless of his age or years of service may be retired by the disability board, subject to approval by the retirement board as hereinafter provided, for any disability which has been continuous since his discontinuance of active service and which renders him unable to continue his service, whether incurred in the line of duty or not. No disability retirement allowance shall be paid until the expiration of a period of six months after the disability is incurred during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of his application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to his full monthly salary and shall continue to receive all other benefits provided to active employees from his employer for such period. However, if, at any time during the initial six-month period, the disability board finds the beneficiary is no longer disabled, his disability leave allowance shall be canceled and he shall be restored to duty in the same rank or position, if any, held by the beneficiary at the time he became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he is or is believed to be physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally: *Provided*, That no such application shall be considered unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, and that such disability has been continuous from the discontinuance of active service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter as now or hereafter amended, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the retirement board in accordance with RCW 41.26.200: *Provided*, That the disability board shall make a finding of whether or not the disability was incurred in line of duty.

(3) Every order of a disability board granting a disability retirement allowance shall forthwith be reviewed by the retirement board for the purposes of determining (a) whether the facts as found by the disability board are supported by substantial evidence in the record, except the finding of whether or not the disability was incurred in line of duty; and (b) whether the order is in accordance with law on the basis of such facts. If an affirmative determination is made by the retirement

board on both of the aspects of the decision and order, it shall be affirmed; otherwise, it shall be reversed and remanded to the disability board for such further proceedings as the retirement board may direct.

(4) Every member who can establish, to the disability board, that he is physically or mentally disabled from the further performance of duty and that such disability will be in existence for a period of at least six months may waive the six-month period of disability leave and be immediately granted a disability retirement allowance, subject to the approval of the state board as provided in subsection (3) above. [1974 1st ex.s. c 120 § 10; 1972 ex.s. c 131 § 8; 1970 ex.s. c 6 § 7; 1969 ex.s. c 209 § 12.]

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

41.26.130 Allowance on retirement for disability. (1) Upon retirement for disability a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability retirement, and (b) an additional five percent of final average salary for each child as defined in RCW 41.26.030(7), (c) the combined total of subsections (1)(a) and (1)(b) of this section shall not exceed a maximum of sixty percent of final average salary.

(2) A disabled member shall begin receiving his disability retirement allowance as of the expiration of his six month period of disability leave or, if his application was filed after the sixth month of disability but prior to the one year time limit, the member's disability retirement allowance shall be retroactive to the end of the sixth month.

(3) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he shall then receive either his disability retirement allowance or his retirement for service allowance, whichever is greater.

(4) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability.

(5) A member retired for disability shall, at the discretion of the disability board, be subject to a semiannual medical examination by a physician approved by the disability board prior to his attainment of age fifty. [1970 ex.s. c 6 § 8; 1969 ex.s. c 209 § 13.]

41.26.140 Semiannual reexamination of disability beneficiaries—Reentry. (1) Upon the basis of a semiannual reexamination of members on disability retirement, the disability board shall determine whether such disability beneficiary is still unable to perform his duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank, if any, held by the beneficiary at the time of his retirement or if unable to perform the duties of said rank, then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. In no event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system.

(4) Should any disability beneficiary under age fifty refuse to submit to medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall be canceled.

(5) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid the excess, if any, of his accumulated contributions at the time of his retirement over all payments made on his behalf under this chapter. [1974 1st ex.s. c 120 § 4; 1970 ex.s. c 6 § 9; 1969 ex.s. c 209 § 14.]

41.26.150 Sick or disability benefits—Medical services. (1) Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires medical services, the employer shall pay for such active or retired member the necessary medical services not payable from some other source as provided for in subsection (2). In the case of active or retired fire fighters the employer may make the payments provided for in this section from the firemen's pension fund established pursuant to RCW 41.16.050 where such fund had been established prior to March 1, 1970: *Provided*, That in the event the pension fund is depleted, the employer shall have the obligation to pay all benefits payable under chapters 41.16 and 41.18 RCW: *Provided further*, That the disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired

member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section for the period of such refusal: *And provided further*, That the disability board shall designate the medical services available to any sick or disabled member.

(2) The medical services payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, other pension plan, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this chapter.

(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries or for the payment of the cost of medical services in connection with a member's sickness or disability to the extent necessary to recover the amount of payments made by the employer.

(4) Any employer under this chapter, either singly, or jointly with any other such employer or employers through an association thereof as provided for in chapter 48.21 RCW, may provide for all or part of one or more plans of group hospitalization and medical aid insurance to cover any of its employees who are members of the Washington law enforcement officers' and fire fighters' retirement system, and/or retired former employees who were, before retirement, members of said retirement system, through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW. Benefits payable under any such plan or plans shall be deemed to be amounts received or eligible to be received by the active or retired member under subsection (2) of this section. [1974 1st ex.s. c 120 § 11; 1971 ex.s. c 257 § 10; 1970 ex.s. c 6 § 10; 1969 ex.s. c 219 § 4; 1969 ex.s. c 209 § 15.]

~~Purpose~~ **Severability**—1971 ex.s. c 257: See notes following RCW 41.26.030.

~~Severability~~ **Effective date**—1969 ex.s. c 219: See notes following RCW 41.26.110.

41.26.160 Death benefits. (1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more years of service, or who is on disability leave or retired, whether for disability or service, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent

of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: *Provided*, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian.

(2) If at the time of the death of a vested member with twenty or more years service as provided above or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to his retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: *Provided*, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter: *Provided*, That payments under this subsection to children shall be prorated equally among the children, if more than one.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies or remarries and there are children as defined in RCW 41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date. [1974 1st ex.s. c 120 § 5; 1972 ex.s. c 131 § 9; 1971 ex.s. c 257 § 11; 1970 ex.s. c 6 § 12; 1969 ex.s. c 209 § 17.]

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

Purpose—**Severability**—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.170 Refund of contributions on discontinuance of service—**Reentry**. (1) Should service of a member be discontinued except by death, disability or retirement, he shall, upon application therefor, be paid his accumulated contributions within sixty days after the day of application and his rights to all benefits as a

member shall cease: *Provided*, That any member with at least five years' service may elect the provisions of RCW 41.26.090(2).

(2) Any member whose contributions have been paid to him in accordance with subsection (1) of this section and who reenters the service of an employer within ten years of the date of his separation shall upon the restoration of all withdrawn contributions, which restoration must be completed within a total period of five years of service following resumption of employment, then receive credit toward retirement for the period of previous service which these contributions are to cover. [1970 ex.s. c 6 § 14; 1969 ex.s. c 209 § 22.]

41.26.180 Exemption from judicial process, taxes—Deduction for insurance upon request. The right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable: *Provided*, That on the written request of any person eligible to receive benefits under this section, the board may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the legal guardian of such child or children. The board may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors. [1971 ex.s. c 257 § 12; 1970 ex.s. c 6 § 15; 1969 ex.s. c 209 § 23.]

Purpose—**Severability**—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.190 Credit for military service. Each person affected by this chapter who at the time of entering the armed services was a member of this system, and has honorably served in the armed services of the United States, shall have added to his period of service as computed under this chapter, his period of service in the armed forces: *Provided*, That such credited service shall not exceed five years. [1970 ex.s. c 6 § 13; 1969 ex.s. c 209 § 18.]

41.26.200 Appeal to retirement board. (1) Any person feeling aggrieved by any order or determination of a disability board denying disability leave or disability retirement, or canceling a previously granted disability retirement allowance, shall have the right to appeal the said order or determination to the retirement board. The said retirement board shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the said retirement board within thirty days following the rendition of the order by the applicable disability board. A copy of the notice of appeal shall be served upon the applicable disability board and, within

ninety days thereof, the disability board shall certify its decision and order which shall include findings of fact and conclusions of law, together with a transcript of all proceedings in connection therewith, to the retirement board for its review. Upon its review of the record, the retirement board may affirm the order of the disability board or it may remand the case for such further proceedings as it may direct, in accordance with such rules of procedure as the retirement board shall promulgate.

(2) The said appeal authorized by this section shall be governed by the provisions of RCW 41.26.210 and 41.26.220. [1974 1st ex.s. c 120 § 6; 1971 ex.s. c 257 § 13; 1970 ex.s. c 6 § 11; 1969 ex.s. c 209 § 16.]

~~Purpose~~—~~Severability~~—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.210 Notice for hearing required prior to petitioning for judicial review. Any person aggrieved by any final decision of the retirement board must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system. [1969 ex.s. c 209 § 19.]

41.26.220 Hearing—Conduct. A hearing shall be held by members of the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board. Such hearing shall be de novo and shall conform to the provisions of chapter 34.04 RCW, as now or hereafter amended. The retirement board shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now law or hereafter amended. [1969 ex.s. c 209 § 20.]

41.26.230 No bond required on appeal to court. No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board affecting such claimant's right to retirement or disability benefits. [1971 c 81 § 103; 1969 ex.s. c 209 § 21.]

41.26.240 Increases or decreases in retirement allowances to be determined by retirement board in accordance with consumer price index. For purposes of this section of this chapter:

(1) "Index" shall mean, for any calendar year, that year's average Consumer Price Index—Seattle, Washington area for urban wage earners and clerical workers, all items (1957–1959=100), compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Retirement allowance" shall mean the retirement allowance provided for in RCW 41.26.100 and 41.26.130, and the monthly allowance provided for in RCW 41.26.160.

Effective April 1 of 1971, and of each succeeding year, every retirement allowance which has been in effect for more than one year shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the board finds to exist between the index for the previous calendar year and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid.

For the purposes of this section, basic allowance shall mean that portion of a total retirement allowance, and any cost of living adjustment thereon, attributable to a member (individually) and shall not include the increased amounts attributable to the existence of a child or children. In those cases where a child ceases to be qualified as an eligible child, so as to lessen the total allowance, the allowance shall, at that time, be reduced to the basic allowance plus the amount attributable for the appropriate number of eligible children. In those cases where a child qualifies as an eligible child subsequent to the retirement of a member so as to increase the total allowance payable, such increased allowance shall at the time of the next and appropriate subsequent cost of living adjustments, be considered the original dollar amount of the allowance. [1974 1st ex.s. c 120 § 13; 1970 ex.s. c 6 § 16; 1969 ex.s. c 209 § 24.]

41.26.250 Increase in presently payable benefits for service or disability authorized. All benefits presently payable pursuant to the provisions of RCW 41.20.050, 41.20.060 and 41.20.080 as such RCW sections existed prior to the effective date of the amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws of 1961 to persons who retired prior to the effective date of the said 1961 amendatory act, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the percentage increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: *Provided*, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased as authorized by this section. This benefit increase shall be paid monthly as

part of the regular pension payment and shall be cumulative.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the average consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor. [1974 1st ex.s. c 190 § 3; 1970 ex.s. c 37 § 2; 1969 ex.s. c 209 § 34.]

Construction—1970 ex.s. c 37: See note following RCW 41.18.104.

41.26.260 Increase in certain presently payable death benefits authorized. All benefits presently payable pursuant to the provisions of RCW 41.20.085 which are not related to the amount of current salary attached to the position held by the deceased member, shall be increased annually in the same manner and to the same extent as provided for pursuant to RCW 41.26.250. [1974 1st ex.s. c 190 § 4; 1969 ex.s. c 209 § 35.]

41.26.270 Declaration of policy respecting benefits for injury or death—Civil actions abolished. The legislature of the state of Washington hereby declares that the relationship between members of the law enforcement officers' and fire fighters' retirement system and their governmental employers is similar to that of workmen to their employers and that the sure and certain relief granted by this chapter is desirable, and as beneficial to such law enforcement officers and fire fighters as workmen's compensation coverage is to persons covered by Title 51 RCW. The legislature further declares that removal of law enforcement officers and fire fighters from workmen's compensation coverage under Title 51 RCW necessitates the (1) continuance of sure and certain relief for injuries, which the legislature finds to be accomplished by the provisions of this chapter and (2) protection for the governmental employer from actions at law; and to this end the legislature further declares that the benefits and remedies conferred by this chapter upon law enforcement officers and fire fighters covered hereunder, shall be to the exclusion of any other remedy, proceeding, or compensation for personal injuries, caused by the governmental employer except as otherwise provided by this chapter; and to that end all civil actions and civil causes of actions by such law enforcement officers and fire fighters against their governmental employers for personal injuries are hereby abolished, except as otherwise provided in this chapter. [1971 ex.s. c 257 § 14.]

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.280 Cause of action for injury or death, when. If injury or death results to a member from the intentional or negligent act or omission of his governmental employer, the member, the widow, widower, child, or dependent of the member shall have the privilege to benefit under this chapter and also have cause of action against the governmental employer as otherwise provided by law, for any excess of damages over the amount

received or receivable under this chapter. [1971 ex.s. c 257 § 15.]

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.290 Adjustment of payments when record error. Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the retirement board shall correct such error, and, as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid. [1971 ex.s. c 257 § 16.]

Purpose—Severability—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.26.300 Falsification—Penalty. Any employer, member or beneficiary who shall knowingly make false statements or shall falsify or permit to be falsified any record or records of the retirement system in an attempt to defraud the retirement system, shall be guilty of a felony. [1972 ex.s. c 131 § 10.]

Severability—1972 ex.s. c 131: See note following RCW 41.26.030.

41.26.310 Transfer of service credit from firemen's pension system to city's police pension system. See RCW 41.20.175.

41.26.900 Severability—1969 ex.s. c 209. If any provision of this 1969 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. [1969 ex.s. c 209 § 42.]

Reviser's note: "this 1969 amendatory act", see note following RCW 41.26.010.

41.26.910 Act to control inconsistencies. To the extent that the provisions of this 1969 amendatory act are inconsistent with the provisions of any other law, the provisions of this 1969 amendatory act shall be controlling. [1969 ex.s. c 209 § 43.]

Reviser's note: "this 1969 amendatory act", see note following RCW 41.26.010.

41.26.920 Effective date—1969 ex.s. c 209. 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 July 1, 1969. [1969 ex.s. c 209 § 45.]

Reviser's note: "this 1969 amendatory act", see note following 41.26.010.

Appropriation—1969 ex.s. c 209: "There is appropriated and transferred to the Washington law enforcement officers' and fire fighters' retirement system fund from the general fund the sum of one million, seven hundred thousand dollars to carry out the purposes of this 1969 amendatory act. Of this amount two hundred fifty thousand dollars shall be available for costs of administration during the 1969-

1971 fiscal biennium and said sum is hereby appropriated from the retirement fund for that purpose." [1969 ex.s. c 209 § 44.]

Chapter 41.28
RETIREMENT OF PERSONNEL IN CERTAIN
FIRST CLASS CITIES

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41.28.920	Effective date—1939 c 207.

Investment of pension funds: RCW 35.39.040.

State-wide city employees retirement system: Chapter 41.44 RCW.

41.28.005 Establishment of retirement and pension systems authorized. Any city attaining the status of a first class city after July 1, 1939, is empowered by this chapter to establish retirement and pension systems for superannuated or totally and permanently disabled officers and employees of cities of the first class. [1939 c 207 § 1; RRS § 9592-101. Formerly RCW 41.28.020, part.]

41.28.010 Definitions. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Retirement system" shall mean "employees' retirement system", provided for in RCW 41.28.020.

(2) "Employee" shall mean any regularly appointed officer or regularly appointed employee of a first class city as described in RCW 41.28.005, whose compensation in such employment is paid wholly by that city.

(3) "Member" shall mean any person included in the membership of the retirement system as provided in RCW 41.28.030.

(4) "City" shall mean any city of the first class as described in RCW 41.28.005.

(5) "Board" shall mean "board of administration" as provided in RCW 41.28.080.

(6) "Retirement fund" shall mean "employees' retirement fund" as created and established in RCW 41.28.070.

(7) "City service" shall mean service rendered to city for compensation, and for the purpose of this chapter, a member shall be considered as being in city service only while he is receiving compensation from the city for such service.

(8) "Prior service" shall mean the service of a member for compensation rendered to the city prior to July 1, 1939, and shall also include military or naval service of a member to the extent specified in RCW 41.28.050.

(9) "Continuous service" shall mean uninterrupted employment by that city, except that discontinuance of city service of a member caused by layoff, leave of absence, suspension, or dismissal, followed by reentrance into city service within one year, shall not count as a break in the continuity of service: *Provided*, That for the purpose of establishing membership in the retirement system continuous service shall mean six months' service in any one year.

(10) "Beneficiary" shall mean any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit provided in this chapter.

(11) "Compensation" shall mean the compensation payable in cash, plus the monetary value, as determined by the board of administration, of any allowance in lieu thereof.

(12) "Compensation earnable" by a member shall mean the average compensation as determined by the board of administration upon the basis of the average period of employment of members in the same group or class of employment and at the same rate of pay.

(13) "Final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive five-year period of service for which service credit is allowed.

(14) "Normal contributions" shall mean contributions at the rate provided for in RCW 41.28.040(1).

(15) "Additional contributions" shall mean the contributions provided for in RCW 41.28.040(4).

(16) "Regular interest", unless changed by the board of administration as provided in RCW 41.28.060, shall mean interest at four percent per annum, compounded annually.

(17) "Accumulated normal contribution" shall mean the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(18) "Accumulated additional contributions" shall mean the sum of all the additional contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(19) "Accumulated contributions" shall mean accumulated normal contributions plus accumulated additional contributions.

(20) "Pension" shall mean payments derived from contributions made by the city as provided for in RCW 41.28.130 and 41.28.150.

(21) "Annuity" shall mean payments derived from contributions made by a member as provided in RCW 41.28.130 and 41.28.150.

(22) "Retirement allowance" shall mean the pension plus the annuity.

(23) "Fiscal year" shall mean any year commencing with January 1st, and ending with December 31st, next following.

(24) "Creditable service" shall mean such service as is evidenced by the record of normal contributions received from the employee plus prior service if credit for same is still intact or not lost through withdrawal of accumulated normal contributions as provided in RCW 41.28.110. [1967 c 185 § 1; 1963 c 91 § 1; 1939 c 207 § 2; RRS § 9592-102.]

41.28.020 Retirement system created—Adoption by cities. A retirement system is hereby created and established in each city of the first class in each first class county to be known as the "employees' retirement system". This chapter shall become effective as to any such city when by ordinance of the city duly enacted its terms are expressly accepted and made applicable thereto. This section shall not be construed as preventing performance before July 1, 1939, of any preliminary work which any city council, city commission or board of administration shall deem necessary. [1939 c 207 § 3; RRS § 9592-103. FORMER PART OF SECTION: 1939 c 207 § 1; RRS § 9592-101 now codified as RCW 41.28.005.]

41.28.030 Employees within or excluded from system.

(1) With the exception of those employees who are excluded from membership as herein provided, all employees shall become members of the retirement system as follows:

(a) Every employee in city service as defined in this chapter, on July 1, 1939, shall become a member of the retirement system on that date.

(b) Every employee who enters or reenters city service after July 1, 1939, shall become a member of the retirement system upon the completion of six months of continuous service.

(2) The following shall be specifically exempted from the provisions of this chapter:

(a) Members of the police departments who are entitled to the benefits of the police relief and pension fund as established by state law.

(b) Members of the fire departments who are entitled to the benefits of the firemen's relief and pension fund as established by state law.

(3) It shall be the duty of the head of each office or department to give immediate notice in writing to the board of administration of the change in status of any member of his office or department, resulting from transfer, promotion, leave of absence, resignation, reinstatement, dismissal or death. The head of each office or department shall furnish such other information concerning any member as the board may require.

(4) Each member shall be subject to all the provisions of this chapter and to all the rules and regulations adopted by the board of administration. Should the service of any member, in any period of ten consecutive years, amount to less than five years, or should he withdraw more than one quarter of his accumulated contributions, or should he die or be retired, he shall thereupon cease to be a member. [1939 c 207 § 4; RRS § 9592-104.]

41.28.040 Rates of contribution—Deduction and payment into fund. (1) The normal rate of contribution of members shall be those adopted by the board of administration, subject to the approval of the city council or city commission, and for the first five-year period such rates shall be based on sex and on age of entry into the retirement system, which age shall be the age at the birthday nearest the time of entry into the system. The rates so adopted shall remain in full force and effect until revised or changed by the board of administration in the manner provided in RCW 41.28.060. The normal rates of contribution shall be so fixed as to provide an annuity which, together with the pension provided by the city, shall give as nearly as may be a retirement allowance at the age of sixty-two years of one and one-third percent of the final compensation multiplied by the number of years of service of the retiring employee. The normal rate established for age sixty-one shall be the rate for any member who has attained a greater age before entry into the retirement system. The normal rate of contribution for age twenty shall be the rate for any member who enters the retirement system at an earlier age.

(2) Subject to the provision of this chapter, the board of administration shall adopt rules and regulations governing the making of deductions from the compensation of employees and shall certify to the head of each office or department the normal rate of contribution for each member provided for in subdivision (1) of this section. The head of the department shall apply such rate of contribution, and shall certify to the city comptroller on each and every payroll the amount to be contributed and shall furnish immediately to the board a copy of each and every payroll; and each of said amounts shall be deducted by the city comptroller and shall be paid into the retirement fund, hereinafter provided for, and shall be credited by the board together with regular interest to an individual account of the member for whom the contribution was made.

Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contribution shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his claim to the benefits to which he may be entitled under the provisions of this chapter.

(3) At the end of each payroll period, the board shall determine the aggregate amount of the normal contributions for such period, and shall certify such aggregate to the city comptroller, who shall thereupon transfer to

the retirement fund, hereinafter provided for, from the money appropriated for that purpose in the budget for the fiscal year, an amount equal to the aggregate normal contributions for the period received from members.

(4) Any member may elect to contribute at rates in excess of those provided for in subdivision (1) of this section, for the purpose of providing additional benefits, but the exercise of this privilege by a member shall not place on the city any additional financial obligation. The board of administration, upon application, shall furnish to such member information concerning the nature and amount of additional benefits to be provided by such additional contribution. [1967 c 185 § 2; 1939 c 207 § 5; RRS 9592-105.]

41.28.050 Allowance of service credit. (1) Subject to the following and all other provisions of this chapter, including such rules and regulations as the board shall adopt in pursuance thereof, the board, subject to the approval of the city council or city commission, shall determine and may modify allowance for service.

Time during which a member is absent on leave without pay shall not be allowed in computing service: *Provided, however,* That any member shall be given credit for any period served by him in the national guard, or in the United States army, navy, or marine corps, upon the call of the president, if at the time of such service such member was a regular employee under leave of absence. Certificate of honorable discharge from and/or documentary evidence of such service shall be submitted to the board in order to obtain credit for such service.

Each member shall file with the board such information affecting his status as a member of the retirement system as the board may require.

(2) The board shall grant credit for prior service to each member entering the retirement system on July 1, 1939, and to each member entering after that date, if such entry is within one year after rendering service prior to July 1, 1939: *Provided, however,* That the board may grant credit for prior service to those entering the retirement system after July 1, 1939, where the employee, because of sickness or other disability, has been on leave of absence, regularly granted, since discontinuance of city service, regardless of the length of such leave. No prior service credit shall be used as a basis for retirement or other benefit unless the membership continues until retirement on a retirement allowance or until the granting of other benefits. [1939 c 207 § 6; RRS § 9592-106.]

41.28.060 Board of administration to administer system—Powers and duties—Actuarial investigations and valuations—Reports, records, and accounts. The administration of the retirement system is hereby vested in the board of administration created in RCW 41.28-.080. The board shall exercise the powers and duties conferred upon it by said section, and in addition thereto:

(1) The board shall keep in convenient form such data as shall be necessary for the actuarial valuation of

the retirement fund created by this chapter. At the end of the five-year period beginning with the year 1939, and at the end of every five-year period thereafter, the board shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members, and beneficiaries as defined by this chapter; and shall further cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation and subject to the approval of the city council or city commission, shall:

(a) Make any necessary changes in the rate of interest;

(b) Adopt for the retirement system such mortality, service and other tables as shall be necessary;

(c) Revise or change the rates of contribution by members on the basis of such mortality, service and other tables.

(2) The board shall promptly transmit to the city council or city commission a report covering the actuarial investigation and actuarial valuation provided for in subdivision (1) of this section.

(3) In addition to other records and accounts, the board shall keep such detailed reports and accounts as shall be necessary to show the financial condition of the retirement fund at all times.

(4) The board shall annually transmit to the city council or city commission a report showing the financial condition of the fund established by this chapter. [1939 c 207 § 7; RRS § 9592-107.]

41.28.070 Employees' retirement fund created—Composition. A fund is hereby created and established in all cities of the first class as under this chapter provided to be known as the "employees' retirement fund" and shall consist of all the moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets. [1939 c 207 § 8; RRS § 9592-108.]

41.28.080 Board of administration—Members—Duties—Fiscal affairs. (1) There is hereby created and established a board of administration in each city coming under this chapter, which shall, under the provisions of this chapter and the direction of the city council or city commission, administer the retirement system and the retirement fund created by this chapter. Under and pursuant to the direction of the city council or city commission, the board shall provide for the proper investment of the moneys in the said retirement fund.

(2) The board of administration shall consist of seven members, as follows: Three members appointed by the regular appointing authority of the city, and three employees who are eligible to membership in the retirement system, to be elected by the employees. The above six members shall appoint the seventh member.

(3) The investment of all or any part of the retirement fund shall be subject to RCW 35.39.040 or as amended or supplemented from time to time.

(4) Subject to such provisions as may be prescribed by law for the deposit of municipal funds in banks, cash belonging to the retirement fund may be deposited in

any licensed national bank or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of the state of Washington.

(5) The city treasurer shall be the custodian of the retirement fund. All payments from said fund shall be made by the city treasurer but only upon warrant duly executed by the city comptroller.

(6) Except as herein provided, no member and no employee of the board of administration shall have any interest, direct or indirect, in the making of any investments from the retirement fund, or in the gains or profits accruing therefrom. And no member or employee of said board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by said board; nor shall any member or employee of said board become an endorser or surety or become in any manner an obligor for moneys invested by the board. [1969 ex.s. c 211 § 2; 1939 c 207 § 9; RRS § 9592-109.]

41.28.085 Legislative intent—Investments. In order that the intent of the legislature may be made clear with respect to investments, but without restricting the necessary flexibility that must exist for successful investing of the retirement and pension funds, the legislature makes this declaration of its desire that the investment authority shall give primary consideration to dealing with brokerage firms which maintain offices in the state of Washington so that the investment programs may make a meaningful contribution to the economy of the state. It is further the desire of the legislature that the retirement and pension funds shall be used as much as reasonably possible to benefit and expand the business and economic climate within the state of Washington so long as such use would be consistent with sound investment policy. [1969 ex.s. c 211 § 3.]

41.28.090 Contributions by city. (1) There shall be paid into the retirement fund by contributions of the city, the amounts necessary to pay all pensions and all other benefits allowable under this chapter to members on account of prior service, and minimum allowances provided for in RCW 41.28.130. Until the amount accumulated in the retirement fund becomes at least as large as the present value of all amounts thereafter payable from said fund the amount annually due to the said fund under this section shall be the amount payable from said fund in the ensuing fiscal year on account of prior service and minimum allowances. [1939 c 207 § 10; RRS § 9592-110.]

41.28.100 City obligated to contribute. The payments of the city due the retirement fund as provided for in this chapter are hereby made obligations of the city as defined in this chapter. The board shall annually, on or before the tenth day of July each year, prepare and

submit to the city council or city commission an estimate of the amounts necessary to meet such obligations, and the city council or city commission shall provide for the raising of such amounts as are necessary to make such payments. [1939 c 207 § 11; RRS § 9592-111.]

41.28.110 Payments on discontinuance of service—Reemployment—Redeposit. (1) Should the service of a member be discontinued, except by death or retirement, he shall be paid not later than six months after the day of discontinuance such part of his accumulated contributions as he shall demand: *Provided, however,* That a member may appeal to the board and by unanimous vote, the board may grant a request for immediate withdrawal of contributions. If in the opinion of the board said member is permanently separated from service by reason of such discontinuance he shall be paid forthwith all of his accumulated contributions with interest: *And provided also,* That the board may, in its discretion, withhold for not more than one year after a member last rendered service all or part of his accumulated normal contributions if after a previous discontinuance of service he withdrew all or part of his accumulated normal contributions and failed to redeposit such withdrawn amount in the retirement fund as provided in this section: *Provided further,* That the city shall receive credit for the full amount deposited by the city in the retirement fund for such member's benefit plus interest. Any member may redeposit in the retirement fund an amount equal to that which he previously withdrew therefrom at the last termination of his membership, such redeposit to be paid into the retirement fund in accordance with rules established by the board. If a member upon reentering the retirement system after a termination of his membership shall not make such a redeposit as hereinabove provided, the rate of his contributions for future years shall be the normal rate provided for in RCW 41.28.040(1) at his age of reentrance; otherwise his rate of contribution for future years shall be the same as his rate prior to the termination of his membership. In the event such redeposit is made by a member, an amount equal to the accumulated normal contributions so redeposited shall again be held for the benefit of said member, and shall no longer be included in the amounts available to meet the obligations of the city on account of benefits that have been granted or liabilities that have been assumed on account of prior service of members, and the city shall reinstate the prior service credit for such member. [1939 c 207 § 12; RRS § 9592-112.]

41.28.120 Retirement for service. Retirement of member for service shall be made by the board of administration as follows:

(1) Each member in the city service on June 8, 1967, who, on or before such effective date, has attained the age of sixty-five years or over, shall be forthwith retired on the first day of the calendar month next succeeding the month in which the employee shall have attained the age of sixty-five: *Provided,* That none of such members shall be subject to compulsory retirement for

a period of five years following said effective date, but during such period any member having attained the age of sixty-five may voluntarily retire after attaining such age. Members attaining the age of sixty-five after June 8, 1967 shall be retired on the first day of the calendar month next succeeding the month in which the member shall have attained the age of sixty-five, but none of such members shall be subject to compulsory retirement until five years after said effective date: *Provided, further*, That any member attaining the age of seventy years during said five year period shall be forthwith retired on the first day of the calendar month next succeeding the month in which the employee shall have attained the age of seventy years, except as otherwise provided in this chapter. The board shall extend the time of retirement for any member hired prior to June 8, 1967 so as to enable said member to qualify for retirement benefits under this chapter, but in no event should such extension extend beyond the age of seventy years.

(2) Any member in the city service may retire by filing with the board a written application, stating when he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided, however*, That said member, at the time specified for his retirement, shall have completed ten years of city service as defined in this chapter, and shall have attained the age of fifty-seven years, or shall have completed thirty years of city service as defined in this chapter. Permanent discontinuance of city service after age of fifty-seven shall entitle the member to his retirement allowance: *Provided*, That such employee has had at least ten years of city service to his credit: *And provided further*, That permanent discontinuance of city service after the completion of thirty years of city service shall entitle the member to his retirement allowance. [1967 c 185 § 3; 1939 c 207 § 13; RRS § 9592-113.]

41.28.130 Service retirement allowances. (1) A member, upon retirement from service, shall receive a retirement allowance subject to the provisions of paragraph (2) of this section, which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) A pension purchased by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member.

(c) For any member having credit for prior service an additional pension, purchased by the contributions of the city equal to one and one-third percent of the final compensation, multiplied by the number of years of prior service credited to said member, except that if a member shall retire before attaining the age of sixty-two years, the additional pension shall be reduced to an amount which shall be equal to a lesser percentage of final compensation, multiplied by the number of years of prior service credited to said member, which lesser percentage shall be applied to the respective ages of retirement in accordance with the following tabulation:

Retirement age	Percentage
62	1.333
61	1.242
60	1.158
59	1.081
58	1.010
57	0.945
56	0.885
55	0.829
54	0.778
53	0.731
52	0.687
51	0.646
50	0.608

(2) If the retirement allowance of the member as provided in this section, exclusive of any annuity purchased by his accumulated additional contributions, is in excess of two-thirds of his final salary, the pension of the member, purchased by the contributions of the city, shall be reduced to such an amount as shall make the member's retirement allowance, exclusive of any annuity purchased by his accumulated additional contributions, equal to two-thirds of his final salary, and the actuarial equivalent of such reduction shall remain in the retirement fund to the credit of the city: *Provided*, That the retired member will be granted a cost of living increase, in addition to the allowance provided in this section, of one percent commencing January 1, 1968 and an additional one percent on the first day of each even-numbered year thereafter if the U.S. Bureau of Labor Statistics' Cost of Living Index has increased one percent or more since the last cost of living increase in the member's retirement allowance; such increases shall apply only to retirement allowances approved on or after January 1, 1967.

(3) Any member, who enters the retirement system on July 1, 1939, or who enters after that date and who is given the credit for prior service, and who is retired by reason of attaining the age of seventy years, shall receive such additional pension on account of prior service, purchased by the contributions of the city, as will make his total retirement allowance not less than four hundred twenty dollars per year.

(4) Any member who, at the time of his retirement, has at least ten years of creditable service, as defined in this chapter, and who has attained the age of sixty-five years or over, shall receive such additional pension, purchased by the contributions of the city, as will make his total retirement allowance not less than nine hundred sixty dollars per year. [1969 c 31 § 1; 1967 c 185 § 4; 1961 c 260 § 1; 1939 c 207 § 14; RRS § 9592-114.]

Validation—1969 c 31: "Any action effected in accordance with the provisions of the last two paragraphs of section 1 of this 1969 amendatory act during the period of from June 8, 1967 until the effective date of this 1969 amendatory act is hereby declared valid." [1969 c 31 § 2.] "Section 1 of this 1969 amendatory act" refers to RCW 41.28.130 above; "the effective date of this 1969 amendatory act" is March 18, 1969.

41.28.140 Retirement for disability. Any member while in city service may be retired by the board of administration for permanent and total disability, either ordinary or accidental, upon examination, as follows:

(1) Any member who has not attained the age of sixty-five years and who has at least ten years of city service as defined in this chapter, to his credit: *Provided*, That the required ten years of city service shall have been credited to the member over a period of not to exceed fifteen years immediately preceding retirement, within three months after the discontinuance of city service, or while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of city service, shall be examined by a physician or surgeon, appointed by the board of administration upon the application of the head of the office or department in which said member is employed, or upon application of said member, or a person acting in his behalf, stating that said member is permanently and totally incapacitated, either physically or mentally, for the performance of duty and ought to be retired. If such medical examination shows, to the satisfaction of the board, that the said member is permanently and totally incapacitated either physically or mentally for the performance of duty and ought to be retired, the board shall retire the said member for disability forthwith.

(2) The board shall secure such medical services and advice as it may deem necessary to carry out the purpose of this section and of RCW 41.28.160, and shall pay for such medical services and advice such compensation as the board shall deem reasonable. [1939 c 207 § 15; RRS § 9592-115.]

41.28.150 Disability retirement allowances—Grounds for denial. (1) Upon retirement for disability, as hereinabove provided: *Provided*, The disability is not due to intemperance, wilful misconduct or violation of law, of which the board shall be the judge, a member shall receive a retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) A pension purchased by the contributions of the city, which, together with his annuity provided by his accumulated normal contributions, shall make the retirement allowance, exclusive of the annuity provided by his additional contributions equal to (i) one and one-fourth percent of his final compensation multiplied by the number of years of service which would be creditable to him were his services to continue until attainment by him of age sixty-two. The minimum disability retirement allowance shall be nine hundred sixty dollars per year.

(2) If disability is due to intemperance, wilful misconduct or violation of law on the part of the member, the board of administration in its discretion may pay to said member in one lump sum, his accumulated contributions, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member, and upon receipt of

such payment he shall cease to be a member of the retirement system.

(3) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board. [1963 c 91 § 2; 1961 c 260 § 2; 1939 c 207 § 16; RRS § 9592-116.]

41.28.160 Physical examination of disabled members—Reentry. (1) The board of administration may at its pleasure require any disability beneficiary under age sixty-two years to undergo medical examination to be made by a physician or surgeon appointed by the board, at a place to be designated by the board. Upon the basis of such examination the board shall determine whether such disability beneficiary is still totally and permanently incapacitated either mentally or physically for service in the office or department of the city where he was employed or in any other city service for which he is qualified. If the board of administration shall determine that said beneficiary is not so incapacitated, his retirement allowance shall be canceled and he shall be reinstated forthwith in the city service.

(2) Should a disability beneficiary reenter the city service and be eligible for membership in the retirement system in accordance with RCW 41.28.030(1), his retirement allowance shall be canceled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of reentry. His individual account shall be credited with his accumulated contributions less the annuity payments made to him. An amount equal to the accumulated normal contributions so credited to him shall again be held for the benefit of said member and shall no longer be included in the amounts available to meet the obligations of the city on account of benefits that have been granted and on account of prior service of members. Such member shall receive credit for prior service in the same manner as if he had never been retired for disability.

(3) Should any disability beneficiary under age sixty-two years refuse to submit to medical examination, his pension may be discontinued until his withdrawal of such refusal, and should refusal continue for one year, his retirement allowance may be canceled. Should said disability beneficiary, prior to attaining age sixty-two years, engage in a gainful occupation not in city service, or should he reenter the city service and be ineligible for membership in the retirement system in accordance with RCW 41.28.030(2), the board of administration shall reduce the amount of his retirement allowance to an amount, which when added to the compensation earned by him in such occupation shall not exceed the amount of the final compensation on the basis of which his retirement allowance was determined. Should the earning capacity of such beneficiary be further altered, the board may further alter his retirement allowance to an amount which shall not exceed the amount upon which he was originally retired, but which, subject to

such limitation shall equal, when added to the compensation earned by him, the amount of his final compensation on the basis of which his retirement allowance was determined. When said disability beneficiary reaches the age of sixty-two years, his retirement allowance shall be made equal to the amount upon which he was originally retired, and shall not again be modified for any cause except as provided in RCW 41.28.220.

(4) Should the retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into the city service he shall be paid his accumulated contributions, less annuity payments made to him. [1939 c 207 § 17; RRS § 9592-117.]

41.28.170 Optional allowances. A member may elect to receive, in lieu of the retirement allowance provided for in RCW 41.28.130, its actuarial equivalent in the form of a lesser retirement allowance, payable in accordance with the terms and conditions of one of the options set forth below in this section. Election of any option must be made by written application filed with the board of administration at least thirty days in advance of retirement as provided in RCW 41.28.120, and shall not be effective unless approved by the board prior to retirement of the member.

Option A. The lesser retirement allowance shall be payable to the member throughout his life: *Provided*, That if he die before he receive in annuity payments referred to in RCW 41.28.130 (1), (a), a total amount equal to the amount of his accumulated contributions as it was at the date of his retirement, the balance of such accumulated contributions shall be paid in one sum to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option B. The lesser retirement allowance shall be payable to a member throughout his life: *Provided*, That if he die before he receive in annuity payments referred to in RCW 41.28.130 (1), (a), a total amount equal to the amount of his accumulated contributions as it was at the date of his retirement, the said annuity payments resulting from his accumulated contributions shall be continued and paid to his estate or such person, having an insurable interest in his life, as he shall nominate by written designation duly executed and filed with the board until the total amount of annuity payments shall equal the amount of his accumulated contributions as it was at the date of his retirement.

Option C. The member shall elect a "guaranteed period" of any number of years. If he dies before the lesser retirement allowance has been paid to him for the number of years elected by him as the "guaranteed period", the lesser retirement allowance shall be continued to the end of the "guaranteed period", and during such continuation shall be paid to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option D. The lesser retirement allowance shall be payable to the member throughout life, and after the death of the member, one-half of the lesser retirement

allowance shall be continued throughout the life of and paid to the wife or husband of the member.

Option E. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member it shall be continued throughout the life of and paid to the wife or husband of the member. [1967 c 185 § 5; 1963 c 91 § 3; 1939 c 207 § 18; RRS § 9592-118.]

41.28.180 Payments on death of unretired members. Upon the death of any person who has not been retired, pursuant to the provisions of this chapter, there shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board, his accumulated contributions less any payments therefrom already made to him, if any. [1939 c 207 § 19; RRS § 9592-119.]

41.28.190 Payments to be made monthly. A pension annuity or a retirement allowance granted under the provisions of this chapter, unless otherwise specified herein, shall be payable in monthly installments, and each installment shall cover for the current calendar month. [1939 c 207 § 20; RRS § 9592-120.]

41.28.200 Exemption from process—Rights not assignable. The right of a person to a pension, an annuity or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, attachment, or any other process whatsoever and shall be unassignable except as in this chapter specifically provided. [1939 c 207 § 21; RRS § 9592-121.]

41.28.210 Estimates of service, compensation, or age. If it shall be impracticable for the board of administration to determine from the records the length of service, the compensation, or the age of any member, the said board may estimate for the purpose of this chapter, such length of service, compensation or age. [1939 c 207 § 22; RRS § 9592-122.]

41.28.220 Suspension of allowances during other public aid. The payment of any retirement allowance to a member who has been retired from service shall be suspended during the time that the beneficiary is in receipt of other pension or of other compensation for state or public service paid from direct or indirect state or municipal taxes or revenues of publicly owned utilities, except as to the amount by which such retirement allowance may exceed such compensation for the same period. [1939 c 207 § 23; RRS § 9592-123.]

41.28.230 Administrative expense. The city council or city commission shall appropriate annually from the retirement fund the amount it deems necessary for the

purpose of paying the expenses of administering the retirement system. The board of administration shall annually submit to the city council or city commission its estimate of the amount necessary to pay such expenses. The preliminary cost of establishment of said retirement system, such as clerical help and actuarial survey costs, etc., shall be paid by the department or departments affected. [1939 c 207 § 24; RRS § 9592-124.]

41.28.240 Existing systems preserved. Nothing in this chapter shall repeal, supersede, alter, amend or be regarded as a substitute for any existing retirement or pension system, duly established by city ordinance. [1939 c 207 § 28; RRS § 9592-128.]

41.28.900 Severability—1939 c 207. If any one or more sections, subsections, subdivisions, sentences, clauses or phrases of this chapter are for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter, but the same shall remain in full force and effect. [1939 c 207 § 25; RRS § 9592-125.]

41.28.910 Repeal. All laws and parts of laws in conflict herewith be and the same are hereby repealed. [1939 c 207 § 26.]

41.28.920 Effective date—1939 c 207. The retirement system shall become effective on July 1, 1939, as provided in RCW 41.28.020. [1939 c 207 § 27.]

Chapter 41.32 TEACHERS' RETIREMENT

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Prior acts relating to teachers' retirement:

(1) 1943 c 116; 1941 c 97; 1939 c 86, 40; 1937 c 221 (repealed by 1947 c 80 § 70).

(2) 1931 c 115; 1923 c 187; 1919 c 150; 1917 c 163 (repealed by 1937 c 221 § 14).

Community college faculties and nonacademic personnel, retention of pension rights and benefits: RCW 28B.50.570.

Teachers in state penal reformatory institutions as members of teachers' retirement fund: RCW 72.01.200.

41.32.010 Definitions. As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the sum of all regular annuity contributions together with regular interest thereon less cost of operation.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability.

(11) "Earnable compensation" means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money: *Provided*, That if a leave of absence, without

pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for his two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: *Provided*, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund.

(25) "Regular interest" means the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees.

(26) "Retirement allowance" means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) "Service" means the time during which a member has been employed by an employer for compensation: *Provided*, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, intermediate school district, city superintendents and their assistants and certificated employees; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature. [1974 1st ex.s. c 199 § 1; 1969 ex.s. c 176 § 95; 1967 c 50 § 11; 1965 ex.s. c 81 § 1; 1963 ex.s. c 14 § 1; 1955 c 274 § 1; 1947 c 80 § 1; Rem. Supp. 1947 § 4995-20. Prior: 1941 c 97 § 1; 1939 c 86 § 1; 1937 c 221 § 1; 1931 c 115 § 1; 1923 c 187 § 1; 1917 c 163 § 1; Rem. Supp. 1941 § 4995-1.]

Emergency—1974 1st ex.s. c 199: "This 1974 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 immediately." [1974 1st ex.s. c 199 § 7.]

Severability—1974 1st ex.s. c 199: "If any provision of this 1974 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." [1974 1st ex.s. c 199 § 8.]

The above annotations apply to RCW 41.32.010, 41.32.260, 41.32-4945, 41.32.497, and 41.32.498.

Construction—1974 1st ex.s. c 199: "(1) Subsection (3) of section 4 of this 1974 amendatory act relating to elected and appointed officials shall be retroactive to January 1, 1973.

(2) Amendatory language contained in subsection (11) of section 1 relating to members as members of the legislature and in provisos (2) and (3) of section 2 of this 1974 amendatory act shall only apply to those members who are serving as a state senator, state representative or state superintendent of public instruction on or after the effective date of this 1974 amendatory act.

(3) Notwithstanding any other provision of this 1974 amendatory act, RCW 41.32.497 as last amended by section 2, chapter 189, Laws of 1973 1st ex. sess. shall be applicable to any member serving as a state senator, state representative or superintendent of public instruction on the effective date of this 1974 amendatory act." [1974 1st ex.s. c 199 § 5.]

(1) "Subsection (3) of section 4 of this 1974 amendatory act" is codified as RCW 41.32.498(3).

(2) Amendatory language contained in sections 1 and 2 of this 1974 amendatory act [1974 1st ex.s. c 199] [Substitute House Bill No. 779] reads as follows:

"Section 1. Section 1, chapter 80, Laws of 1947 as last amended by section 95, chapter 176, Laws of 1969 ex. sess. and RCW 41.32.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the sum of all regular annuity contributions together with regular interest thereon less cost of operation.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability.

(11) "Earnable compensation" means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money: *Provided*, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature 5 or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for 5 or more years, earnable compensation for his two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: *Provided*, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision

thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund.

(25) "Regular interest" means the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees.

(26) "Retirement allowance" means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) "Service" means the time during which a member has been employed by an employer for compensation: *Provided, That where a member is employed by two or more employers during any calendar year he shall not receive more than a total of twelve months of service credit during any such calendar year.*

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, intermediate school district, city superintendents and their assistants and certificated employees; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

Sec. 2. Section 26, chapter 80, Laws of 1947 as last amended by section 1, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.260 are each amended to read as follows:

Any member whose public school service is interrupted by active service to the United States as a member of its military, naval or air service, or to the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the board of trustees: *Provided (1), That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war: Provided further (2), That a member of the retirement system who is a member of the state legislature or a state official eligible for the combined pension and annuity provided by RCW 41.32.497, or 41.32.498, as now or hereafter amended shall have deductions taken from his salary in the amount of ~~[(seven and one-half)]~~ six percent of earnable compensation and that service credit shall be established with the retirement system while such deductions are reported to the retirement system, unless he has by reason of his employment become a contributing member of another public retirement system in the state of Washington: And provided further (3), That such elected official who has retired or otherwise terminated his public school service may then elect to terminate his membership in the retirement system and receive retirement benefits while continuing to serve as an elected official: And, provided further (4), That a member of the retirement system who had previous service as an elected or appointed official, for which he did not contribute to the retirement system, may receive credit for such legislative service unless he has received credit for that service in another state retirement system, upon making contributions in such amounts as shall be determined by the board of trustees."*

Note: The change above in proviso (2) was vetoed by the governor, thus retaining the seven and one-half percent figure; see veto message as attached to chapter 199, Laws of 1974 1st ex. sess.

(3) (a) "this 1974 amendatory act" is codified in RCW 41.32.010, 41.32.260, 41.32.497, 41.32.498 and 41.32.4945.

(b) "the effective date of this 1974 amendatory act" [1974 1st ex. s. c 199] is May 6, 1974.

Effective date—1969 ex.s. c 176: The effective date of this section and RCW 41.32.420 is April 25, 1969.

Effective date—1967 c 50: "This 1967 amendatory act shall take effect on July 1, 1967." [1967 c 50 § 12.]

Severability—1967 c 50: "If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected." [1967 c 50 § 13.]

The foregoing annotations apply to the 1967 amendments of RCW 41.32.010, 41.32.250, 41.32.260, 41.32.280, 41.32.420, 41.32.430, 41.32.500, 41.32.520, 41.32.522, 41.32.523, and 41.32.550.

Severability—1965 ex.s. c 81: "If any provision of this act is held to be invalid the remainder of this act shall not be affected." [1965 ex.s. c 81 § 9.]

Effective date—1965 ex.s. c 81: "The effective date of this act is July 1, 1965." [1965 ex.s. c 81 § 10.]

The foregoing annotations apply to the 1965 amendments of RCW 41.32.010, 41.32.200, 41.32.240, 41.32.470, 41.32.500, 41.32.520, 41.32-523, and 41.32.310.

Saving—1963 ex.s. c 14: "The amendment of any section by this 1963 act shall not be construed as impairing any existing right acquired or any liability incurred by any member under the provisions of the section amended; nor shall it affect any vested right of any former member who reenters public school employment or becomes reinstated as a member subsequent to the effective date of such act." [1963 ex.s. c 14 § 23.]

Severability—1963 ex.s. c 14: "If any provision of this act is held to be invalid the remainder of the act shall not be affected." [1963 ex.s. c 14 § 24.]

Effective date—1963 ex.s. c 14: "The effective date of this act is July 1, 1964." [1963 ex.s. c 14 § 26.]

The foregoing annotations apply to the 1963 amendments of RCW 41.32.010, 41.32.030, 41.32.200, 41.32.240, 41.32.300, 41.32.320, 41.32-350, 41.32.360, 41.32.410, 41.32.420, 41.32.430, 41.32.470, 41.32.510, 41.32.540, 41.32.550; also to the 1963 repeals of RCW 41.32.270, 41.32.400 and 41.32.450; also to RCW 41.32.365, 41.32.401, 41.32.497, 41.32.522 and 41.32.523.

41.32.020 Name of system. The name of the retirement system provided for in this chapter shall be the "Washington State Teachers' Retirement System" and by this name all of its business shall be transacted and all of its funds invested and all of its cash, securities and other property held. [1947 c 80 § 2; Rem. Supp. 1947 § 4995-21. Prior: 1937 c 221 § 2; Rem. Supp. 1941 § 4995-2.]

41.32.030 Retirement system funds. All of the assets of the retirement system shall be credited according to the purposes for which they are held, to one of two funds to be maintained in the state treasury, namely, the teachers' retirement pension reserve fund and the teachers' retirement fund. In the records of the teachers' retirement system the teachers' retirement fund shall be subdivided into the annuity fund, the annuity reserve fund, the survivors' benefit fund, the pension fund, the disability reserve fund, the death benefit fund, the income fund, the expense fund, and such other funds as may from time to time be created by the board of trustees for the purpose of the internal accounting record. [1969 ex.s. c 150 § 1; 1963 ex.s. c 14 § 2; 1947 c 80 § 9; Rem. Supp. 1947 § 4995-28. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1923 c 187 § 5, part; Rem. Supp. 1941 § 4995-3, part.]

Effective date—1969 ex.s. c 150: "The provisions of sections 1 through 20 of this 1969 amendatory act shall take effect on July 1, 1969." [1969 ex.s. c 150 § 21.] This applies to RCW 41.32.030, 41.32-070, 41.32.100, 41.32.120, 41.32.180, 41.32.200, 41.32.203, 41.32.220, 41.32.310, 41.32.330, 41.32.340, 41.32.405, 41.32.410, 41.32.480, 41.32-497, 41.32.500, 41.32.510, 41.32.522, 41.32.523 and 41.32.550.

Certain moneys payable during 1973-1975 biennium to be from interest earnings: RCW 41.32.4982.

41.32.040 Board of trustees—Composition. The general administration and responsibility for the proper operation of the retirement system are vested in a board of trustees; the members of the board of trustees shall

be the state superintendent of public instruction, ex officio, the state insurance commissioner, ex officio, and five members of the retirement system to be chosen by the state board of education for a term of three years, and at least three of said members shall be classroom teachers. [1947 c 80 § 4; Rem. Supp. 1947 § 4995–23. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1923 c 187 § 3, part; 1917 c 163 § 3, part; Rem. Supp. 1941 § 4995–3, part.]

41.32.050 Vacancies. Upon expiration of the term of office of a trustee of the retirement system a successor shall be appointed by the state board of education for a term of three years. Any vacancy in the board of trustees shall be filled by the state board of education by the appointment of a member for the unexpired term, except in the case of an ex officio member. [1947 c 80 § 5; Rem. Supp. 1947 § 4995–24. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1923 c 187 § 3, part; 1917 c 163 § 3, part; Rem. Supp. 1941 § 4995–3, part.]

41.32.060 Compensation—Expenses. The members of the board of trustees shall serve without compensation but they shall be reimbursed from the expense fund for all necessary expenses which they may incur through service on the board. [1947 c 80 § 6; Rem. Supp. 1947 § 4995–25. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1923 c 187 § 5, part; 1917 c 163 § 4, part; Rem. Supp. 1941 § 4995–3, part.]

41.32.070 Oath of office. Each member of the board of trustees shall at the first board meeting which he attends after his appointment or election take an oath of office that so far as it devolves upon him he will diligently and honestly administer the affairs of said board, and that he will not knowingly violate or willingly permit to be violated any provisions of the law applicable to the retirement system. Such oath shall be subscribed to by the members making it and certified by the officer before whom it is taken and immediately filed in the office of the secretary of state. [1969 ex.s. c 150 § 2; 1947 c 80 § 7; Rem. Supp. 1947 § 4995–26. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1917 c 163 § 3, part; Rem. Supp. 1941 § 4995–3, part.]

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

41.32.080 Voting. Each trustee shall be entitled to one vote in the board. Four favorable votes shall be necessary for a decision by the trustees at any meeting of the board. [1947 c 80 § 8; Rem. Supp. 1947 § 4995–27. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995–3, part.]

41.32.090 Ex officio officers—Duties. The state treasurer, the state auditor, and the attorney general shall be ex officio treasurer, auditor and legal adviser, respectively, of the board of trustees and shall be liable respectively upon their official bonds for the faithful performance of their duties under this chapter, but no charge shall be made for this service. [1947 c 80 § 9; Rem. Supp. 1947 § 4995–28. Prior: 1941 c 97 § 2, part;

1937 c 221 § 3, part; 1923 c 187 § 5, part; Rem. Supp. 1941 § 4995–3, part.]

41.32.100 Officers and employees. The board of trustees shall from its membership annually at the first meeting in July elect a chairman. The board shall by a majority vote of all its members appoint a director who shall not be a member of the board and who shall serve until a successor is appointed. The board shall also have authority to appoint an assistant director upon the advice and recommendation of the director. The positions of director and assistant director shall be exempt from the classification requirements and merit system rules of the state of Washington personnel board. The director shall engage, upon authorization of the board of trustees, such clerical and technical services as shall be required to transact the business of the retirement system. The compensation of all persons engaged or authorized by the board of trustees and all other expenses of the board necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees shall approve. [1969 ex.s. c 150 § 3; 1947 c 80 § 10; Rem. Supp. 1947 § 4995–29. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; 1923 c 187 § 5, part; 1917 c 163 § 4, part; Rem. Supp. 1941 § 4995–3, part.]

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

41.32.110 Actuarial data. The board of trustees shall keep in convenient form such data as shall be necessary for actuarial evaluation of the various funds of the retirement system and for checking the experience of the retirement system. [1947 c 80 § 11; Rem. Supp. 1947 § 4995–30. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995–3, part.]

Actuarial studies required by state supported systems: RCW 41.04.040 through 41.04.060.

41.32.120 Records—Annual report. The board of trustees shall keep a record of all its proceedings, which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding school year; the amount of the accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of an actuarial valuation of the assets and liabilities of the retirement system. [1969 ex.s. c 150 § 4; 1947 c 80 § 12; Rem. Supp. 1947 § 4995–31. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995–3, part.]

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

Actuarial reports required: RCW 41.04.060.

41.32.130 Medical director. The board of trustees shall designate a medical director. If required, other physicians may be employed to report on special cases. The medical director shall arrange for and pass upon all medical examinations required under the provisions of this chapter; he shall investigate all essential statements

and certificates by or on behalf of a member in connection with an application for a disability allowance, and shall report in writing to the board of trustees his conclusions and recommendations upon all matters referred to him. [1947 c 80 § 13; Rem. Supp. 1947 § 4995-32. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

41.32.140 Actuary. The board of trustees shall designate an actuary who shall be the technical adviser of the board of trustees on matters regarding the operation of the funds of the system and shall perform such other duties as are required in connection therewith. [1947 c 80 § 14; Rem. Supp. 1941 § 4995-33. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

41.32.150 Actuarial investigations, valuation of assets, tables. Before the year 1951, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, earnable interest, service and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds of the system; taking into account the results of such investigation and valuation, the board of trustees shall adopt for the retirement system such tables as shall be deemed necessary. [1947 c 80 § 15; Rem. Supp. 1947 § 4995-34. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

Actuarial investigations, valuations, etc., required of state supported systems: RCW 41.04.050.

41.32.160 Rules and regulations—Trustees' powers to determine eligibility. The board of trustees shall, from time to time, establish rules and regulations for the administration of the funds created by this chapter and for the transaction of its business. The board of trustees shall be empowered within the limits of this chapter to decide on all questions of eligibility covering membership, service credit and benefits. [1955 c 274 § 3; 1947 c 80 § 16; Rem. Supp. 1947 § 4995-35. Prior: 1941 c 97 § 2, part; 1937 c 221 § 3, part; Rem. Supp. 1941 § 4995-3, part.]

41.32.170 Meetings of board. The board of trustees shall hold regular meetings on the second Monday which is not a holiday of January, April, July and October of each year, and may hold as many other meetings as may be found necessary to properly transact the business of the retirement system. Special meetings may be called by the chairman of the board either on his own initiative or at the request in writing of four other members of the board of trustees. [1955 c 274 § 4; 1947 c 80 § 17; Rem. Supp. 1947 § 4995-36. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; 1923 c 187 § 6, part; 1917 c 163 § 5, part; Rem. Supp. 1941 § 4995-7, part.]

41.32.180 Business to be transacted—Payment of allowances. At each regular meeting, the board of trustees shall authorize payment of retirement allowances,

disability allowances, salaries and other regular disbursements to be made during the succeeding three months. Retirement and disability allowances shall be paid monthly. [1969 ex.s. c 150 § 5; 1947 c 80 § 18; Rem. Supp. 1947 § 4995-37. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995-7, part.]

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

41.32.190 Annual interest to be credited. From interest and other earnings on the moneys of the retirement system, and except as otherwise provided in RCW 41.32.405 and 41.32.499, at the close of each fiscal year the board of trustees shall make such allowance of regular interest on the balance which was on hand at the beginning of the fiscal year in each of the funds as they may deem advisable; however, no interest shall be credited to the expense fund or the pension fund. [1973 1st ex.s. c 189 § 7; 1955 c 274 § 5; 1947 c 80 § 19; Rem. Supp. 1947 § 4995-38. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995-7, part.]

Severability—1973 1st ex.s. c 189: "If any provision of this 1973 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." [1973 1st ex.s. c 189 § 12.] This applies to RCW 41.32.190, 41.32.245, 41.32.260, 41.32.350, 41.32.405, 41.32.4944, 41.32.497, 41.32.498, 41.32.4982 and 41.32.499.

41.32.201 Investments—General criterion specified. Any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived. [1973 1st ex.s. c 103 § 3; 1961 c 297 § 2.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

Severability—1961 c 297: "If any provisions of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected." [1961 c 297 § 6.] This applies to RCW 41.32.200 through 41.32.203. RCW 41.32.200 was repealed by 1973 1st ex.s. c 103 § 17.

41.32.202 Securities purchased or held for funds under state treasurer's control to be in his custody. All securities purchased or held on behalf of funds, pursuant to RCW 43.84.150 and 41.32.207, held or disbursed through the state treasury shall be in the physical custody of the state treasurer who may deposit with the fiscal agent of the state, or with a state depository, such of said securities as he shall consider advisable to be held in safekeeping by said agent or bank for collection of principal and interest, or of the proceeds of sale thereof. [1973 1st ex.s. c 103 § 4; 1961 c 297 § 3.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

41.32.203 Duty of state treasurer as to securities in his custody—Interest, collections, payment, etc. It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his custody pursuant to RCW 41.32.202 as the said sums become due and payable, and to pay the same, when so collected, into the fund to which the investments belong. The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the teachers' retirement fund or the teachers' retirement pension reserve fund. [1969 ex.s. c 150 § 7; 1961 c 297 § 4.]

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

41.32.207 Authority over funds—Investment. The board of trustees shall be the trustees of the several funds created by this chapter and shall have full power to authorize the state finance committee to invest and reinvest such funds in the manner prescribed by RCW 43.84.150, and not otherwise. [1973 1st ex.s. c 103 § 15.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

41.32.220 Disbursement of funds. The treasurer of the state shall be the custodian of all moneys received by him for the retirement system. All payments from several funds of the retirement system shall be made only upon vouchers signed by the director of the department or such persons as he may designate. [1969 ex.s. c 150 § 8; 1947 c 80 § 22; Rem. Supp. 1947 § 4995-41. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995-7, part.]

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

41.32.230 Member not to guarantee loans. No trustee or employee of the board of trustees shall become an endorser or surety or an obligor for moneys loaned by the board of trustees. [1947 c 80 § 23; Rem. Supp. 1947 § 4995-42. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995-7, part.]

41.32.240 Membership in system—Procedure when exempted person desires membership—Continuation of exemption—Persons formerly exempt, minimum period to qualify for retirement allowance. All teachers employed full time in the public schools shall be members of the system except those who have previously exempted themselves from membership and alien teachers who have been granted a temporary permit to teach as exchange teachers. A minimum of ninety days or the equivalent of ninety days of employment during a fiscal year shall be required to establish membership.

A teacher shall be considered as employed full time if serving regularly for four-fifths or more of a school day or if assigned to duties which are the equivalent of four-fifths or more of a full time assignment. A teacher who is employed for less than full time service may become a member by filing an application with the retirement system, submitting satisfactory proof of teaching service and making the necessary payment before June 30 of the school year immediately following the one during which the service was rendered. If an exempted teacher desires membership he must file with the board of trustees a written request, duly executed, that his exemption certificate be cancelled, present proof of service, and make the necessary payment before June 30 of the school year immediately following the one in which his request for cancellation of the exemption was filed. Any teacher who is still exempt from membership in the teachers' retirement system after July 1, 1965 and chooses not to become a member of the teachers' retirement system may continue his exemption and shall not become a member of the state employees' retirement system while employed as a teacher. All service rendered in this state subsequent to his exemption from membership must be established by proper proof and paid for, with interest at three percent, upon the same basis as he would have paid had he been a member during the period covered by his exemption. Twenty percent of the total amount due must be paid before membership can be established. Payment of the remainder, including interest, must be completed before June 30th of the fourth school year following that in which membership was established. A minimum of five years of membership in the present system and/or the former state fund or a local fund shall be required of a member who was formerly exempt from membership before such member may qualify for a retirement allowance. [1965 ex.s. c 81 § 3; 1963 ex.s. c 14 § 4; 1961 c 132 § 1; 1955 c 274 § 7; 1947 c 80 § 24; Rem. Supp. 1947 § 4995-43. Prior: 1941 c 97 § 3, part; 1939 c 86 § 2, part; 1937 c 221 § 4, part; 1931 c 115 § 3, part; 1923 c 187 § 10, part; Rem. Supp. 1941 § 4995-4, part.]

Effective date—1965 ex.s. c 81: See note following RCW 41.32.010.

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

Effective date—1961 c 132: "The provisions of this act shall be effective July 1, 1961." [1961 c 132 § 8.] This applies to chapter 132, Laws of 1961 codified as RCW 41.32.240, 41.32.260, 41.32.300, 41.32.340, 41.32.550, 41.32.561 and 41.32.590.

Eligibility for retirement allowance: RCW 41.32.470.

41.32.245 Certain physically incapacitated may enter system—Limitations. Notwithstanding the provisions of RCW 41.32.240, any person who has left employment within the state for any reason at least fifteen years prior to April 25, 1973 with at least fifteen years of service credit at the time of such withdrawal and who because of physical incapacities is no longer employable as a teacher within this state may be admitted into the system upon acceptance by the board and making such reasonable payments as the board shall determine necessary therefor. Said application to

be submitted before January 1, 1974. [1973 1st ex.s. c 189 § 13.]

Severability—1973 1st ex.s. c 189: See note following RCW 41.32.190.

41.32.250 Member's statement of service. Under such rules and regulations as the board of trustees shall adopt, each teacher, upon becoming a member of the retirement system, shall file with the board of trustees during his first year of service a detailed statement of all services as a teacher rendered by him in this state, together with a statement of such other facts as the board shall require. The board of trustees may, at the option of a member, accept the service record of a member of a local fund or the former state fund in lieu of such detailed statement; and issue a prior service certificate to the applicant for such prior service. [1967 c 50 § 1; 1947 c 80 § 25; Rem. Supp. 1947 § 4995-44. Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 5, part; 1923 c 187 § 8, part; Rem. Supp. 1941 § 4995-5, part.]

Effective date—**Severability**—1967 c 50: See notes following RCW 41.32.010.

41.32.260 Credit for military service or as state legislator. Any member whose public school service is interrupted by active service to the United States as a member of its military, naval or air service, or to the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the board of trustees: *Provided* (1), That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war: *Provided further* (2), That a member of the retirement system who is a member of the state legislature or a state official eligible for the combined pension and annuity provided by RCW 41.32.497, or 41.32.498, as now or hereafter amended shall have deductions taken from his salary in the amount of seven and one-half percent of earnable compensation and that service credit shall be established with the retirement system while such deductions are reported to the retirement system, unless he has by reason of his employment become a contributing member of another public retirement system in the state of Washington: *And provided further* (3), That such elected official who has retired or otherwise terminated his public school service may then elect to terminate his membership in the retirement system and receive retirement benefits while continuing to serve as an elected official: *And, provided further* (4), That a member of the retirement system who had previous service as an elected or appointed official, for which he did not contribute to the retirement system, may receive credit for such legislative service unless he has received credit for that service in another state retirement system, upon making contributions in such amounts as shall be determined by the board of trustees. [1974 1st ex.s. c 199 § 2; 1973 1st ex.s. c 189 § 1; 1971 ex.s. c 271 § 1; 1967 c 50 § 2; 1961 c 132 § 2; 1955

c 274 § 8; 1947 c 80 § 26; Rem. Supp. 1947 § 4995-45. Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 1, part; Rem. Supp. 1941 § 4995-5, part.]

Emergency—**Severability**—1974 1st ex.s. c 199: See notes following RCW 41.32.010.

Construction—1974 1st ex.s. c 199: See note following RCW 41.32.010.

Severability—1973 1st ex.s. c 189: See note following RCW 41.32.190.

Parts of sections retroactive—1973 1st ex.s. c 189: See note following RCW 41.32.498.

Severability—1971 ex.s. c 271: "If any provision of this 1971 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." [1971 ex.s. c 271 § 17.] This applies to RCW 41.32.260, 41.40.010, 41.40.030, 41.40.120, 41.40.180, 41.40.190, 41.40.195, 41.40.220, 41.40.260, 41.40.330, 41.40.361, 41.40.410, 41.44.050, 41.44.110 and 41.44.120.

Effective date—**Severability**—1967 c 50: See notes following RCW 41.32.010.

Effective date—1961 c 132: See note following RCW 41.32.240.

41.32.270 Teaching service, how credited. Service rendered for four-fifths or more of the official school year of the school district or institution in which a teacher is employed shall be credited as a year's service regardless of the length of the school term, but in no case shall more than one year of service be creditable for service rendered in one fiscal year. Service rendered for less than four-fifths of the official school year shall be credited for that portion of the school year for which it was rendered: *Provided*, That no service of less than twenty days in any school year shall be creditable. [1947 c 80 § 27; Rem. Supp. 1947 § 4995-46. Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 5, part; Rem. Supp. 1941 § 4995-5, part.]

41.32.280 Prior service certificate. As soon as practicable after the filing of statements of services, the board of trustees shall determine the number of years of service with which an applicant shall be credited and shall issue a prior service certificate to the applicant therefor. The member shall be bound by the terms of this certificate unless prior to June 30th of the fifth school year after entry into public school employment in this state he shall have filed an application for additional service credit, presented satisfactory proof of such service and made the necessary payment. [1967 c 50 § 3; 1955 c 274 § 9; 1947 c 80 § 28; Rem. Supp. 1947 § 4995-47. Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 5, part; Rem. Supp. 1941 § 4995-5, part.]

Effective date—**Severability**—1967 c 50: See notes following RCW 41.32.010.

41.32.290 Credit for prior service in state. No credit shall be given for services rendered in a district which at the time such service was rendered was under the jurisdiction of a local fund or the former state fund or under the teachers' retirement system as it existed prior to July 1, 1955, unless contributions were made to such local fund or the former state fund or retirement system during such time, except upon making the contributions as provided under RCW 41.32.310 and 41.32.380. [1955 c 274 § 10; 1947 c 80 § 29; Rem. Supp. 1947 § 4995-48.

Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 5, part; Rem. Supp. 1941 § 4995-5, part.]

41.32.300 Limitation on credit for out-of-state service. Henceforth a total of not more than four years of service outside of the state shall be credited to a member who establishes or reestablishes credit for out-of-state public school employment in this state subsequent to July 1, 1961. Foreign public school teaching service shall be creditable as out-of-state service: *Provided*, That no out-of-state service credit shall be established or reestablished subsequent to July 1, 1964, except that a member who has been granted official leave of absence by his employer may, upon his return to public school service in this state, establish out-of-state membership service credit, within the limitations of this section, for public school service rendered in another state or in another country. No member who establishes out-of-state service credit after July 1, 1947, shall at retirement for pension payment purposes be allowed credit for out-of-state service in excess of the number of years credit which he shall have earned in the public schools of the state of Washington. [1963 ex.s. c 14 § 5; 1961 c 132 § 7; 1955 c 274 § 11; 1947 c 80 § 30; Rem. Supp. 1947 § 4995-49.]

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.310 Time limit for claiming service credit—
Payments. Any member desiring to establish credit for services previously rendered, must present proof and make the necessary payments on or before June 30 of the fifth school year of his membership. Payments covering all types of membership service credit must be made in a lump sum when due, or in annual installments. The first annual installment of at least twenty percent of the amount due must be paid before the above deadline date, and the final payment must be made by June 30th of the fourth school year following that in which the first installment was made. The amount of payment and the interest thereon, whether lump sum or installments, shall be made by a method and in an amount established by the board of trustees: *Provided*, That a member who had the opportunity under chapter 41.32 RCW prior to July 1, 1969, to establish credit for active United States military service or credit for professional preparation and failed to do so shall be permitted to establish such additional credit within the provisions of RCW 41.32.260 and 41.32.330: *Provided further*, That a member who was not permitted to establish credit pursuant to section 2, chapter 32, Laws of 1973 2nd ex. sess., for Washington teaching service previously rendered, must present proof and make the necessary payment to establish such credit as membership service credit. Payment for such credit must be made in a lump sum on or before June 30, 1974. Any member desiring to establish credit under the provisions of *this 1969 amendment must present proof and make the necessary payment before June 30, 1974; or, if not employed on the effective date of this amendment, before June 30th of the fifth school year upon returning to public school employment in this state. [1974

1st ex.s. c 193 § 1; 1973 2nd ex.s. c 32 § 2; 1969 ex.s. c 150 § 9; 1965 ex.s. c 81 § 8; 1955 c 274 § 12; 1947 c 80 § 31; Rem. Supp. 1947 § 4995-50.]

***Reviser's note:** "this 1969 amendment" added the last proviso to this section relating to the establishment of military service credit.

Emergency—1974 1st ex.s. c 193: "This 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 immediately." [1974 1st ex.s. c 193 § 10.]

Severability—1974 1st ex.s. c 193: "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." [1974 1st ex.s. c 193 § 9.]

The foregoing annotations apply to RCW 41.32.310, 41.32.480, 41.32.500, 41.32.520, 41.32.522, 41.32.523, 41.32.540, and 41.32.567.

Emergency—1973 2nd ex.s. c 32: "This 1973 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 immediately." [1973 2nd ex.s. c 32 § 7.]

Severability—1973 2nd ex.s. c 32: "If any provision of this 1973 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." [1973 2nd ex.s. c 32 § 6.]

The foregoing annotations apply to RCW 41.32.310, 41.32.4931, 41.32.499, 41.32.520 and 41.32.580.

Effective date—1969 ex.s. c 150: July 1, 1969, see note following RCW 41.32.030.

41.32.320 Credit for subsequent service outside state. Any teacher who leaves the state after becoming a member, upon becoming reemployed in the public schools of the state, may be credited with membership service in an amount, which when added to the out-of-state credits for prior service shall not exceed the allowable total, conditioned upon satisfactory proof and upon contributions to the annuity fund: *Provided*, That out-of-state service credit established or reestablished after July 1, 1964 may be granted only for out-of-state service rendered while a member was on official leave of absence granted by his employer. [1963 ex.s. c 14 § 6; 1955 c 274 § 13; 1947 c 80 § 32; Rem. Supp. 1947 § 4995-51. Prior: 1931 c 115 § 6; 1923 c 187 § 16; 1919 c 150 § 3; 1917 c 163 § 15.]

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.330 Credit for professional preparation subsequent to becoming teacher. The board of trustees may allow credit for professional preparation to a member for attendance at institutions of higher learning, or for a scholarship or grant under an established foundation, subsequent to becoming a public school teacher; but not more than two years of such credit may be granted to any member. [1969 ex.s. c 150 § 10; 1955 c 274 § 14; 1947 c 80 § 33; Rem. Supp. 1947 § 4995-52.]

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

41.32.340 Creditable service, what to consist of. Creditable service of a member at retirement shall consist of the membership service rendered by him for which credit has been allowed, and also, if he has a

prior service certificate that is in full force and effect, the amount of the service certified on his prior service certificate. No pension payments shall be made for service credits established or reestablished after July 1, 1955, if such credits entitle the member to retirement benefits from any other public state or local retirement system or fund. No pension payments shall be made for service credits established or reestablished after July 1, 1961, if such credits entitle the member to retirement benefits from a public federal retirement system or fund for services rendered under a civilian program: *Provided*, That no pension payments shall be made for service credits established or reestablished after July 1, 1969, if credit for the same service is retained for benefits under any other retirement system or fund. [1969 ex.s. c 150 § 11; 1961 c 132 § 3; 1955 c 274 § 15; 1947 c 80 § 34; Rem. Supp. 1947 § 4995-53. Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 5, part; Rem. Supp. 1941 § 4995-5, part.]

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

41.32.350 Contributions to annuity, disability reserve, and death benefit funds—Additional contributions. Each year during which he is employed each member shall contribute five percent of his earnable compensation. These contributions shall be placed in the annuity fund, the disability reserve fund and the death benefit fund. A member may make an additional lump sum payment at date of retirement, not to exceed his accumulated contributions, to purchase additional annuity: *Provided*, That effective July 1, 1974, the amount of contribution required from each member by this section shall be increased to six percent of his earnable compensation. [1973 1st ex.s. c 189 § 6; 1963 ex.s. c 14 § 7; 1955 c 274 § 16; 1947 c 80 § 35; Rem. Supp. 1947 § 4995-54. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; 1931 c 115 § 4, part; 1923 c 115 § 11, part; 1917 c 163 § 10, part; Rem. Supp. 1941 § 4995-6, part.]

Severability—1973 1st ex.s. c 189: See note following RCW 41.32.190.

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.360 Basis of contributions to disability reserve fund. Each year during which he is employed each member who is employed on a full time basis shall have transferred from his contributions such sum as the board of trustees shall determine necessary, in accordance with the recommendations of the actuary appointed by the board of trustees, to create a fund sufficient, with regular interest, to provide temporary disability benefits for the members whose claims will be approved by the board of trustees in accordance with the provisions of RCW 41.32.540. These transfers shall be placed in the disability reserve fund. [1963 ex.s. c 14 § 8; 1955 c 274 § 17; 1947 c 80 § 36; Rem. Supp. 1947 § 4995-55. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; 1917 c 163 § 10, part; Rem. Supp. 1941 § 4995-6, part.]

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.365 Transfer from disability reserve fund to death benefit fund. Upon July 1, 1964, the board of trustees shall be authorized to transfer one million dollars from the disability reserve fund to create the death benefit fund from which death benefits shall be paid to beneficiaries or legal representatives of deceased members or former members retired for age, service or disability who are eligible for such benefits under the provisions of this chapter. [1963 ex.s. c 14 § 9.]

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.366 Basis of contributions to death benefit fund. Each fiscal year during which a member is employed on a full time basis, there shall be transferred from his contributions such sum as will, with regular interest, create a fund sufficient according to actuarial rates adopted by the board of trustees, to pay the death benefits as provided for in this chapter. [1963 ex.s. c 14 § 10.]

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.380 Source of pension reserve fund—Contributions. There shall be placed in the pension reserve fund all appropriations made by the legislature for the purpose of establishing and maintaining an actuarial reserve and all gifts and bequests to the pension reserve fund, and contributions of persons entering the retirement system who have established prior service credit. Members establishing prior service credit shall contribute to the pension reserve fund as follows:

For the first ten years of prior service fifteen dollars per year;

For the second ten years of prior service thirty dollars per year;

For the third ten years of prior service forty-five dollars per year. [1947 c 80 § 38; Rem. Supp. 1947 § 4995-57.]

41.32.390 Contributions for prior service credits. At least twenty percent of the total amount due for prior service credit must be paid before an application for such credit may be presented to the board of trustees for approval. The balance is not due until date of retirement and may be paid at that time without additional charge. Any unpaid installments at the time the member is retired for service or disability shall constitute a first, paramount and prior lien against his retirement allowance. [1955 c 274 § 18; 1947 c 80 § 39; Rem. Supp. 1947 § 4995-58. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; Rem. Supp. 1941 § 4995-6, part.]

41.32.401 Budget and appropriations—Transfers from state general fund. For the purpose of establishing and maintaining an actuarial reserve adequate to meet present and future pension liabilities of the system and to pay for one-half of the operating expenses of the

system, the board of trustees at each regular July meeting next preceding a regular session of the legislature shall compute the amount necessary to be appropriated during the next legislative session for transfer from the state general fund to the teachers' retirement system during the next biennium. Such computation shall provide for amortization of unfunded pension liabilities over a period of not more than fifty years from July 1, 1964. The amount thus computed as necessary shall be reported to the governor by the secretary-manager of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation from the state general fund to the teachers' retirement system after considering the estimates as prepared and submitted, and shall appropriate from the teachers' retirement fund the amount to be expended during the next biennium for operating expenses. The transfer of funds from the state general fund to the retirement system shall be at a rate determined by the board of trustees on the basis of the latest valuation prepared by the actuary employed by the board, and shall include a percentage contribution of the total earnable compensation of the members for the biennium for which the appropriation is to be made, to be known as the "normal contribution," and an additional percentage contribution of such earnable compensation, to be known as the "unfunded liability contribution." Such transfers from the general fund shall be made before the end of each calendar quarter at the rate determined by the board of trustees and shall be computed on the basis of the members' total earnable compensation received for the quarter. The members' total contributions to the teachers' retirement fund for each quarter shall serve as the basis for determining the members' total earnable compensation for the quarter. The amounts transferred shall be distributed first to the teachers' retirement fund for the payment of pensions, survivors' benefits and the state's share of the operating expenses for the system, and the balance shall be credited to the teachers' retirement pension reserve fund. The total amount of such transfers for a biennium shall not exceed the total amount appropriated by the legislature. [1963 ex.s. c 14 § 11.]

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.405 Income fund created. An income fund is hereby created for the purpose of crediting regular interest and such other income as may be derived from the deposits and investments of the various funds of the teachers' retirement fund. All accumulated contributions in the account of a terminated member which remain unclaimed after the expiration of ten years from the date of termination shall thereafter be transferred to the income fund as provided in RCW 41.32.510. Any moneys that may come into the possession of the retirement system in the form of gifts or bequests which are not allocated to a specific fund, or any other moneys the disposition of which is not otherwise provided herein, shall be credited to the income fund. The moneys accumulated in the income fund shall be available for transfer, upon board authorization, to the expense

fund toward payment of the members' share of the operating costs of the system as provided in RCW 41.32.410, and for regular interest allowance to the various funds of the teachers' retirement fund as provided in RCW 41.32.190 and 41.32.460: *Provided*, That from such accumulated moneys the board shall have sole discretion to determine an amount thereof to be credited to the annuity fund which will thereupon be credited as regular interest to the individual members' accounts: *Provided further*, That from interest and other earnings on the moneys in the annuity fund the board may specifically allocate up to one percent per annum of such interest and other earnings for the purpose of making sufficient funds available to facilitate the adjustment in the retirement allowance provided in RCW 41.32.499. [1973 1st ex.s. c 189 § 8; 1969 ex.s. c 150 § 12.]

Severability—1973 1st ex.s. c 189: See note following RCW 41.32.190.

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

41.32.410 Expense fund—Service charges. At the beginning of each fiscal year the board of trustees shall transfer from the pension fund and the income fund to the expense fund amounts sufficient to defray the expenses of the retirement system estimated by them for that year: *Provided*, That the amounts transferred to the expense fund shall result in the state and the members of the system sharing equally in the operating costs of the system. The board of trustees shall have authority to assess a withdrawal fee and such other service charges as may be necessary to assist in providing for the members' contributions to the expense fund. Any such withdrawal fee or other service charges shall be deducted from the member's annuity fund account during the year in which the assessment is made and all money received from such assessments shall be credited to the expense fund toward payment of the members' share of the operating costs of the system. [1969 ex.s. c 150 § 13; 1963 ex.s. c 14 § 12; 1955 c 274 § 19; 1947 c 80 § 41; Rem. Supp. 1947 § 4995-60. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995-7, part.]

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

41.32.420 Employer reports to board—Notice to new employees. On or before a date specified by the board of trustees in each month every employer shall file a report with the board of trustees of the retirement system on a form provided, stating the name of the employer and with respect to each employee who is a member or who is required to become a member of the retirement system: (1) The full name, (2) the earnable compensation paid, (3) the employee's contribution to the retirement system, and (4) such other information as the board shall require, and at the same time notify each new employee in writing with reference to the Washington state teachers' retirement system and that an application for prior service credit may be filed with the board of trustees thereof on a form furnished by the board. The intermediate school district superintendent

shall perform the duties imposed by this section for the employers in second and third class school districts and the city superintendents for the employers in first class school districts. The chief executive officers of other institutions shall perform such duties. [1969 ex.s. c 176 § 96; 1967 c 50 § 4; 1963 ex.s. c 14 § 13; 1947 c 80 § 42; Rem. Supp. 1947 § 4995-61.]

Effective date—1969 ex.s. c 176: See note following RCW 41.32.010.

Effective date—Severability—1967 c 50: See note following RCW 41.32.010.

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.430 Salary deductions. Every officer authorized to issue salary warrants to teachers shall deduct from such salary payments to any member regularly employed an amount which will result in total deductions of five percent of the amount of earnable compensation paid in any fiscal year. Such deductions shall be transmitted and reported to the retirement system as directed by the board of trustees. [1967 c 50 § 5; 1963 ex.s. c 14 § 14; 1955 c 274 § 20; 1947 c 80 § 43; Rem. Supp. 1947 § 4995-62. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; Rem. Supp. 1941 § 4995-6, part.]

Effective date—Severability—1967 c 50: See notes following RCW 41.32.010.

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.440 Transmittal to state treasurer. On or before the tenth of such months as are designated by the trustees of the system for remittance, the officers authorized to issue salary warrants to members shall draw warrants in favor of the state treasurer out of the appropriate funds, covering the amounts of deductions made from the salaries of members of the retirement system and forthwith remit them to the trustees of the system accompanied by a report listing the names of the members and the amount of each deduction, also the serial number, date and amount of each warrant remitted. [1947 c 80 § 44; Rem. Supp. 1947 § 4995-63. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; Rem. Supp. 1941 § 4995-6, part.]

41.32.460 Validity of deductions. The deductions from salaries of members of the retirement system for their contributions to the system are not considered diminution of pay and every member is conclusively presumed to consent thereto as a condition of his employment. All contributions to the annuity fund shall be credited to the individual for whose account the deductions from salary were made. Regular interest shall be credited to each member's account at the end only of each fiscal year, based upon the balance in his account at the beginning of the year. [1947 c 80 § 46; Rem. Supp. 1947 § 4995-65. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; Rem. Supp. 1941 § 4995-6, part.]

41.32.470 Eligibility for retirement allowance. A member must have established or reestablished with the retirement system at least five years of credit for public school service in this state to be entitled to a retirement allowance. [1965 ex.s. c 81 § 4; 1963 ex.s. c 14 § 15; 1947 c 80 § 47; Rem. Supp. 1947 § 4995-66. Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; 1931 c 115 § 7, part; 1923 c 187 § 17, part; Rem. Supp. 1941 § 4995-8, part.]

Effective date—1965 ex.s. c 81: See note following RCW 41.32.010.

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

Persons formerly exempt, minimum period to qualify for retirement allowance: RCW 41.32.240.

41.32.480 Qualifications for retirement. (1) Any member who has left public school service after having completed thirty years of creditable service may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension as provided in RCW 41.32.497 as now or hereafter amended. Effective July 1, 1967, anyone then receiving a retirement allowance or a survivor retirement allowance under this chapter, based on thirty-five years of creditable service, and who has established more than thirty-five years of service credit with the retirement system, shall thereafter receive a retirement allowance based on the total years of service credit established.

(2) Any member who has attained age sixty years, but who has completed less than thirty years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance consisting of an annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension as provided in RCW 41.32.497 as now or hereafter amended.

(3) Any member who has attained age fifty-five years and who has completed not less than twenty-five years of creditable service, upon leaving public school service, may retire upon the approval by the board of trustees of an application for retirement filed on the prescribed form. Upon retirement such member shall receive a retirement allowance which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension as provided in RCW 41.32.497 as now or hereafter amended: *Provided*, That no individual who has retired pursuant to this subsection, on or after July 1, 1969, shall suffer an actuarial reduction in his retirement allowance, except as such allowance may be actuarially reduced pursuant to the options contained in RCW 41.32.530: *Provided further*, That *this 1974 amendment shall be retroactive to July 1, 1969. [1974 1st ex.s. c 193 § 2; 1972 ex.s. c 147 § 1; 1970 ex.s. c 35 § 2; 1969 ex.s. c 150 § 14; 1967 c 151 § 1; 1955 c 274 § 21; 1947 c 80 § 48; Rem. Supp. 1947 §

4995-67. Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; 1931 c 115 § 7, part; 1923 c 187 § 17, part; Rem. Supp. 1941 § 4995-8, part.]

***Reviser's note:** "this 1974 amendment" consisted of provisos to second sentence, in subsection (3) above.

Emergency—Severability—1974 1st ex.s. c 193: See notes following RCW 41.32.310.

Effective date—1972 ex.s. c 147: "The effective date of this 1972 amendatory act shall be July 1, 1972." [1972 ex.s. c 147 § 9.]

Severability—1972 ex.s. c 147: "If any provision of this 1972 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." [1972 ex.s. c 147 § 10.]

Effective date—1970 ex.s. c 35: "The provisions of sections 1 through 5 and 7 of this 1970 amendatory act shall take effect on July 1, 1970; the provisions of section 6 of this 1970 amendatory act shall be effective on the date chapter 223, Laws of 1969 ex. sess. becomes effective, at which time section 5 of this 1970 amendatory act shall be void and of no effect." [1970 ex.s. c 35 § 8.] Sections 1 through 5 and 7 of this 1970 amendatory act are codified in RCW 41.32.480, 41.32.4932, 41.32.4943, 41.32.497, 41.32.550 and 28.81.170; section 6, RCW 28B.10.465, becoming effective "on the date chapter 223, Laws of 1969 ex. sess. becomes effective"; will also be effective July 1, 1970, see RCW 28B.98.080, thus replacing RCW 28.81.170.

Severability—1970 ex.s. c 35: "If any provision of this 1970 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." [1970 ex.s. c 35 § 9.] This applies to RCW 41.32.480, 41.32.4932, 41.32.4943, 41.32.497, 41.32.550 and 28.81.170 (reenacted as RCW 28B.10.465).

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

Effective date—1967 c 151: "This act shall become effective on July 1, 1967." [1967 c 151 § 9.]

Severability—1967 c 151: "If any provision of this 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 shall not be affected." [1967 c 151 § 8.]

The foregoing annotations apply to the 1967 amendments to RCW 28B.10.465, 41.32.480, 41.32.493, 41.32.561, 41.32.570, also to RCW 41.32.4931 and 41.32.4942.

41.32.491 Pension rights of existing annuitant. Any former member of the retirement system or a former fund who was receiving a pension on July 1, 1947, shall in lieu of any pension allowance under any former law receive beginning on the effective date of this act a pension equal to as many thirtieths (not to exceed thirty thirtieths) of one hundred dollars per month as he has had years of creditable service: *Provided*, That any former member who had not yet attained age sixty years upon July 1, 1947, shall receive a pension of one hundred dollars per month less two dollars per month for each year such former member shall have been under age sixty years on July 1, 1947.

Any former member of the retirement system or a former fund who was receiving a retirement allowance either for service or disability on June 30, 1955, shall have, in addition to the pension he was receiving on that date, such pension from the state increased by a cost of living adjustment of twenty-five percent beginning on the effective date of this act; but no former member who has been retired for disability shall receive an allowance of less than seventy-five dollars per month. [1959 c 7 § 1.]

Reviser's note: The effective date of this act (1959 c 7) was January 27, 1959.

Severability—1959 c 7: "If any provision of this 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." [1959 c 7 § 3.] This applies to RCW 41.32.491 and 41.32.492.

41.32.492 Temporary increase of pension for certain prior pensioners. Any person who has received a pension from the retirement system during the period between July 1, 1947 and the effective date of this act pursuant to section 49, chapter 80, Laws of 1947, section 48, chapter 80, Laws of 1947, and section 22, chapter 274, Laws of 1955, is hereby granted an increase in pension allowance, for the first payment following the effective date of this act only, in an amount to be determined by and equal to the total sum of pension allowance granted said person pursuant to section 49, chapter 80, Laws of 1947, section 48, chapter 80, Laws of 1947, and section 22, chapter 274, Laws of 1955, during the period between July 1, 1947 and the effective date of this act: *Provided*, That the actual payment of the increase herein granted shall be reduced by an amount to be determined by and equivalent to any pension payments previously made during the period between July 1, 1947 and the effective date of this act. [1959 c 7 § 2.]

41.32.493 Rights of former members receiving retirement allowance for service or disability on July 1, 1961. Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance for service or disability on July 1, 1961, shall, effective July 1, 1967, receive a pension of four dollars and no cents per month for each year of creditable service established with the retirement system: *Provided*, That such former members who were retired pursuant to option 2 or 3 of RCW 41.32.530 shall receive a pension which is actuarially equivalent under said options to the benefits provided in this section: *Provided further*, That anyone qualifying for benefits pursuant to this section shall not receive a smaller pension than he was receiving prior to July 1, 1961. [1967 c 151 § 2; 1961 ex.s. c 22 § 2.]

Effective date—Severability—1967 c 151: See notes following RCW 41.32.480.

Severability—1961 ex.s. c 22: "If any provision of this 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." [1961 ex.s. c 22 § 5.] This applies to RCW 41.32.493, 41.32.494 and 41.32.4941.

41.32.4931 Rights of former members receiving retirement allowance for service or disability on July 1, 1967. (1) Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance for service or disability on July 1, 1967, shall upon application approved by the board of trustees of the retirement system receive a pension of five dollars and fifty cents per month for each year of creditable service established with the retirement system: *Provided*, That such former members who were retired pursuant to option 2 or option 3 of RCW 41.32.530 shall upon like application receive a pension which is actuarially equivalent under said option to the benefits

provided in this section: *Provided further*, That the benefits provided under this section shall be available only to former members who have reached age sixty-five or are disabled for further public school service and are not receiving federal old age, survivors or disability benefit payments (social security) and are not able to qualify for such benefits: *Provided further*, That anyone qualifying for benefits pursuant to this section shall not receive a smaller pension than he was receiving prior to July 1, 1967.

(2) Effective the first day of the month following *the effective date of this 1973 amendatory act, former members who have qualified for and have been granted benefits under this section shall receive an additional special pension of three dollars per month per year of service credit. Such special pension shall be in addition to the minimum pension provided by RCW 41.32.497 and the cost-of-living increases provided under section 9, chapter 189, Laws of 1973 1st ex. sess., RCW 41.32.499. [1973 2nd ex.s. c 32 § 3; 1967 c 151 § 6.]

***Reviser's note:** "the effective date of this 1973 amendatory act", because of the emergency clause footnoted to RCW 41.32.310, is September 27, 1973, the date of approval by the governor. Note retroactive effect of amendment to RCW 41.32.499(4).

Emergency—Severability—1973 2nd ex.s. c 32: See notes following RCW 41.32.310.

Effective date—Severability—1967 c 151: See notes following RCW 41.32.480.

41.32.4932 Rights of former members receiving retirement allowance for service or disability—"Index", "prior pension" and "current pension" defined. (1) "Index", for purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred) compiled by the Bureau of Labor Statistics, United States Department of Labor.

(2) "Prior pension" shall mean the pension portion of any retirement allowance computed and payable under the pre-July 1, 1969 provisions of RCW 41.32.480 or 41.32.497, including all options available under RCW 41.32.530, survivor retirement under RCW 41.32.520, subsection (2), and disability retirement under RCW 41.32.540, to any recipient based upon an effective date which is prior to July 1, 1969.

(3) "Current pension" shall mean the pension portion of any retirement allowance computed and payable under the provisions of RCW 41.32.497 as now or hereafter amended, including all options available under RCW 41.32.530, survivor retirement pensions under RCW 41.32.520, subsection (2), and disability retirement pensions under RCW 41.32.540 and 41.32.550, to any recipient based on an effective retirement date which is on or after July 1, 1969.

(4) Effective July 1, 1970, every prior pension which is computed and then being paid under the provisions of RCW 41.32.480, which is less than five dollars and fifty cents per month for each year of service credit established with the retirement system as of July 1, 1970, shall be increased to five dollars and fifty cents per month for each year of service credit of record on July 1, 1970, except for actuarial adjustments required under

Option 2 and Option 3 retirement plans as provided in RCW 41.32.520 or 41.32.530.

(5) Effective July 1, 1970, every prior pension which is then being paid to a retired member who qualified or who may qualify for a pension of five dollars and fifty cents per month for each year of service credit, as provided under RCW 41.32.4931, shall be adjusted to that dollar amount which exceeds his adjusted pension of July 1, 1967 by the percentage difference which the retirement board finds to exist between the index for 1969 and the index for 1966.

(6) Effective July 1, 1970, every prior pension which is computed and then being paid under RCW 41.32.497 to any recipient, based upon an effective retirement date which is prior to July 1, 1969, shall be adjusted to that dollar amount which exceeds its original dollar amount by the percentage difference which the retirement board finds to exist between the index for 1969 and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid: *Provided*, That no prior pension shall be less than five dollars and fifty cents per month for each year of service credit established with the retirement system except as adjusted actuarially under Option 2 and Option 3 retirement plans, as provided in RCW 41.32.520 or 41.32.530.

(7) Effective July 1, 1970, every current pension which is then being paid, which is less than five dollars and fifty cents per month for each year of service credit established with the retirement system, shall be increased to five dollars and fifty cents per month for each year of service credit, except as actuarial adjustments are required under RCW 41.32.480, 41.32.520, or 41.32.530.

(8) Effective July 1, 1972, every prior pension and every current pension which became effective prior to July 1, 1971, and which is then being paid to any retired member or his designated beneficiary shall be adjusted to that dollar amount which bears the ratio to its original dollar amount which the board of trustees finds to exist between the index for calendar year 1970 and the index for calendar year 1969.

(9) Effective July 1, 1972, every current pension which became effective July 1, 1969, through and including June 30, 1970, shall be further adjusted to that dollar amount which bears the ratio to its original dollar amount which the board of trustees finds to exist between the index for calendar year 1969 and the index for calendar year 1968. [1972 ex.s. c 147 § 2; 1970 ex.s. c 35 § 1.]

Effective date—Severability—1972 ex.s. c 147: See notes following RCW 41.32.480.

41.32.494 Increase of pension for certain pensioners—1961 ex.s. c 22. In addition to the pension provided under RCW 41.32.493, a pension increase of eighty-three cents per month for each year of creditable service established with the retirement system, but not to exceed thirty-five years of creditable service, shall be granted to the following persons:

(1) Former members of the teachers' retirement system or a former fund who were receiving a retirement

allowance for service on June 30, 1957, and who have not returned to active membership in the system since June 30, 1957, and who are receiving a retirement allowance on July 1, 1961, and who were sixty-two years of age or older in the case of females and sixty-five years of age or older in the case of males by June 30, 1957.

(2) All former members of the teachers' retirement system or a former fund who were receiving a retirement allowance for disability on December 31, 1960, and who have not returned to active membership in the retirement system since December 31, 1960, and who are receiving a retirement allowance for disability on July 1, 1961.

(3) Members who were receiving a temporary disability allowance on December 31, 1960, and who qualify for disability retirement benefits upon termination of the temporary disability benefit, provided they are not at that time eligible for benefits pursuant to chapter 41.33 RCW.

(4) Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance from the teachers' retirement system on July 1, 1961, and who, on that date, is permanently disabled for further teaching duties, but is unable to qualify for the increased benefits as set forth under subsection (1), (2) or (3) of this section, shall be eligible to apply for such increased benefits: *Provided*, That he is not eligible for benefits pursuant to chapter 41.33 RCW. Such person may qualify for the increased pension provided in this section upon approval by the board of trustees of a written application, together with a medical report approved by the medical director of the retirement system, certifying that the applicant is physically or mentally incapacitated for further teaching duties. [1961 ex.s. c 22 § 3.]

41.32.4941 Funds required for payment under RCW 41.32.493 and 41.32.494 are separate appropriation transfers from general fund to teachers' retirement fund. The funds necessary for the payment of benefits provided by RCW 41.32.493 and 41.32.494 shall constitute a separate appropriation transfer from the state general fund to the teachers' retirement fund: *Provided*, That for the 1961-1963 biennium the sum of one million eight hundred and forty-seven thousand dollars, or so much as may be needed of this amount, shall be transferred from the Teachers' Retirement Pension Reserve Fund to the Teachers' Retirement Fund for the payment of benefits under RCW 41.32.493 and 41.32.494. [1961 ex.s. c 22 § 4.]

41.32.4942 Funds required for payment under RCW 28.81.170, 41.32.480, 41.32.493, 41.32.4931, 41.32.561 and 41.32.570 are separate appropriation transfers from general fund to teachers' retirement fund. The funds necessary for the payment of benefits provided by RCW *28.81.170, 41.32.480, 41.32.493, 41.32.4931, 41.32.561 and 41.32.570 shall constitute a separate appropriation transfer from the state general fund to the teachers' retirement fund together with the appropriation required under RCW 41.32.494: *Provided*, That for

the 1967-69 biennium the sum of one million three hundred seventy-five thousand dollars or so much as may be needed of this amount shall be transferred from the state general fund to the teachers' retirement fund for the payment of benefits under RCW *28.81.170, 41.32.480, 41.32.493, 41.32.4931, 41.32.561 and 41.32.570. [1967 c 151 § 7.]

***Reviser's note:** RCW 28.81.170 was repealed and reenacted as RCW 28B.10.465. RCW 28B.10.465 was repealed by section 6, chapter 261, Laws of 1971 ex. sess.

Effective date—Severability—1967 c 151: See notes following RCW 41.32.480.

41.32.4943 Funds required for payment under RCW 41.32.4932 as separate appropriation transfer from general fund to teachers' retirement system—Other. The funds necessary for the payment of benefits under subsections (4), (5), (6) and (7) of RCW 41.32.4932 shall be provided on a biennial basis as payment of benefits are due and shall constitute a separate appropriation transfer from the state general fund to the teachers' retirement system and shall include such separate transfer of funds as now required for the payment of benefits under RCW 41.32.493, 41.32.4931, 41.32.494, and *RCW 28.81.170 (reenacted as RCW 28B.10.465), 41.32.480 and 41.32.561 as amended in chapter 151, Laws of 1967, regular session. Funds required for the payment of benefits under RCW 41.32.480, 41.32.497 and 41.32.550 as the same were amended by chapter 35, Laws of 1970 ex. sess., shall be provided in accordance with RCW 41.32.401. [1972 ex.s. c 147 § 3; 1970 ex.s. c 35 § 7.]

***Reviser's note:** See note following RCW 41.32.4942.

Effective date—Severability—1972 ex.s. c 147: See notes following RCW 41.32.480.

41.32.4944 Funds required for payment of benefits to elected and appointed officials under RCW 41.32.497 and 41.32.498. The board of trustees shall determine the amount of employer contribution rate necessary to properly fund the increased benefits granted elected and appointed officials by RCW 41.32.497 and 41.32.498. Upon determining the amount of employer contribution necessary, the board shall inform, bill and collect from the employer of those elected or appointed officials the amount so determined in the same manner and to the same extent as the public employees' retirement system pursuant to RCW 41.40.370. [1973 1st ex.s. c 189 § 5.]

Severability—1973 1st ex.s. c 189: See note following RCW 41.32.190.

41.32.4945 Limitation as to earnable compensation of member as member of the legislature. Notwithstanding any other provision of RCW 41.32.010, 41.32.260, 41.32.497, 41.32.498 and this section, when the salary of any member as a member of the legislature is increased beyond the amount provided for in Initiative Measure No. 282 then earnable compensation for the purposes of this chapter shall be based solely on the sum of (1) the compensation actually received from the salary for the job from which such leave of absence may have been

taken and (2) such member's salary as a legislator during his two highest compensated consecutive years. [1974 1st ex.s. c 199 § 6.]

Emergency—Severability—1974 1st ex.s. c 199: See notes following RCW 41.32.010.

Construction—1974 1st ex.s. c 199: See note following RCW 41.32.010.

41.32.497 Retirement allowance for members entering system before April 25, 1973—Election. Any person who became a member on or before April 25, 1973 and who qualifies for a retirement allowance shall, at time of retirement, make an irrevocable election to receive either the retirement allowance by RCW 41.32.498 as now or hereafter amended or to receive a retirement allowance pursuant to this section consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement, (2) A basic service pension of one hundred dollars per annum, and (3) A service pension which shall be equal to one one-hundredth of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system: *Provided*, That no beneficiary now receiving benefits or who receives benefits in the future, except those beneficiaries receiving reduced benefits pursuant to RCW 41.32.520(1), options 2 and 3 provided in RCW 41.32.530, or options 2 or 3 of RCW 41.32.498 as now or hereafter amended, shall receive a pension of less than six dollars and fifty cents per month for each year of creditable service established with the retirement system. Pension benefits payable under the provisions of this section shall be prorated on a monthly basis and paid at the end of each month. [1974 1st ex.s. c 199 § 3; 1973 1st ex.s. c 189 § 2; 1970 ex.s. c 35 § 3; 1969 ex.s. c 150 § 15; 1963 ex.s. c 14 § 16.]

Emergency—Severability—1974 1st ex.s. c 199: See notes following RCW 41.32.010.

Construction—1974 1st ex.s. c 199: See note following RCW 41.32.010.

Severability—1973 1st ex.s. c 189: See note following RCW 41.32.190.

Parts of sections retroactive—1973 1st ex.s. c 189: See note following RCW 41.32.498.

Effective date—Severability—1970 ex.s. c 35: See notes following RCW 41.32.480.

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.498 Retirement allowance for members entering system after April 25, 1973 or in lieu of allowance under RCW 41.32.497. Any person who becomes a member subsequent to April 25, 1973 or who has made the election, provided by RCW 41.32.497, to receive the benefit provided by this section, shall receive a retirement allowance consisting of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions on full salary as provided by chapter 274, Laws of 1955 and his lump sum payment in excess of the required contribution rate

made at date of retirement, pursuant to RCW 41.32-.350, if any; and

(2) A combined pension and annuity service retirement allowance which shall be equal to two percent of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system, to a maximum of sixty percent of such average earnable compensation: *Provided*, That any member may irrevocably elect, at time of retirement, to withdraw all or a part of his accumulated contributions and to receive, in lieu of the full retirement allowance provided by this subsection, a reduction in the standard two percent allowance, of the actuarially determined amount of monthly annuity which would have been purchased by said contributions: *Provided further*, That no member may withdraw an amount of accumulated contributions which would lower his retirement allowance below the minimum allowance provided by RCW 41.32.497 as now or hereafter amended: *And provided further*, That said reduced amount may be reduced even further pursuant to the options provided in subsection (4) below;

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the retirement allowance payable for service of a member who was state superintendent of public instruction on January 1, 1973 shall be equal to three percent of the average earnable compensation of his two highest consecutive years of service for each year of such service.

(4) Upon an application for retirement approved by the board of trustees every member shall receive the maximum retirement allowance available to him throughout life unless prior to the time the first installment thereof becomes due he has elected to receive the reduced amount provided in subsection (2) and/or has elected by executing the proper application therefor, to receive the actuarial equivalent of his retirement allowance in reduced payments throughout his life, with the options listed below:

Option 1. If he dies before he has received the present value of his accumulated contributions at the time of his retirement by virtue of the annuity portion of his retirement allowance, the unpaid balance shall be paid to his estate or to such person as he shall have nominated by written designation executed and filed with the board of trustees.

Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.

Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement. [1974 1st ex.s. c 199 § 4; 1973 1st ex.s. c 189 § 3.]

Emergency—Severability—1974 1st ex.s. c 199: See notes following RCW 41.32.010.

Construction—1974 1st ex.s. c 199: See note following RCW 41.32.010.

Parts of sections as retroactive: "Subsection (3) of section 3 of this 1973 amendatory act and the equivalent language contained in the last proviso in section 1 of this 1973 amendatory act, relating to elected and appointed officials, shall be retroactive to January 1, 1973." [1973 1st ex.s. c 189 § 4.]

Reviser's note: The reference to "subsection (3) of section 3" appears to be erroneous. Section 13 of the original bill (House Bill No. 419) referred to equivalent language in subsection (3) of section 12 and the last proviso in section 4, amending RCW 41.32.497. The language referred to in section 4 remains in section 2 of the final bill which amends RCW 41.32.497, but was deleted by senate committee amendment from section 3 (formerly section 12 of the original bill) of the engrossed substitute bill, codified herein as RCW 41.32.498.

Severability—1973 1st ex.s. c 189: See note following RCW 41.32.190.

Certain moneys payable during 1973–1975 biennium to be from interest earnings: RCW 41.32.4982.

41.32.4982 Certain moneys payable during 1973–1975 biennium to be from interest earnings. Notwithstanding any other provision of this chapter, moneys necessary to pay the combined pension and annuity service retirement allowance provided for in RCW 41.32.498(2) shall be payable for the 1973–1975 biennium from interest earnings on the pension reserve fund as provided for in RCW 41.32.030. [1973 1st ex.s. c 189 § 10.]

Severability—1973 1st ex.s. c 189: See note following RCW 41.32.190.

41.32.499 Service retirement allowance adjustments based on cost-of-living factors. (1) "Index" for the purposes of this section shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957–1959 equal one hundred)—compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Cost-of-living factor" for the purposes of this section for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

- (a) less than 1.000;
- (b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or
- (c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1972;

(3) The "initial date of payment" for the purposes of adjusting the annuity portion of a retirement allowance for the purposes of this section shall mean the date of retirement of a member.

(4) The "initial date of payment" for the purposes of adjusting the pension portion of a retirement allowance for the purposes of this section shall mean the date of retirement of a member or July 1, 1972, whichever is later: *Provided*, That *this 1973 amendment to this subsection shall be retroactive to July 1, 1973.

(5) Each service retirement allowance payable from July 1, 1973, until any subsequent adjustment pursuant to subsection (6) of this section shall be adjusted so as to equal the product of the cost-of-living factor for

1973 and the amount of said retirement allowance on the initial date of payment.

(6) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of said retirement allowance on the initial date of payment: *Provided*, That the board finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time. [1973 2nd ex.s. c 32 § 1; 1973 1st ex.s. c 189 § 9.]

***Reviser's note:** "this 1973 amendment" changed the date in subsection (4) from "June 30, 1970" to "July 1, 1972", as appears above.

Emergency—Severability—1973 2nd ex.s. c 32: See notes following RCW 41.32.310.

Severability—1973 1st ex.s. c 189: See note following RCW 41.32.190.

Increase in pension portion of retirement allowance—Authorized—As separate appropriation: RCW 41.32.567.

41.32.500 Termination of membership—When membership may be retained—Prior service certificate void, when. Membership in the retirement system is terminated when a member retires for service or disability, dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years; however, a member may retain membership in the teachers' retirement system by leaving his accumulated contributions in the teachers' retirement fund under one of the following conditions:

- (1) If he is eligible for retirement;
- (2) If he is a member of another public retirement system in the state of Washington by reason of change in employment and has arranged to have membership extended during the period of such employment;
- (3) If he is not eligible for retirement but has established five or more years of Washington membership service credit.

The prior service certificate becomes void when a member dies, withdraws his accumulated contributions or does not establish service credit with the retirement system for five consecutive years, and any prior administrative interpretation of the board of trustees, consistent with this section, is hereby ratified, affirmed and approved. [1974 1st ex.s. c 193 § 3; 1969 ex.s. c 150 § 16; 1967 c 50 § 6; 1965 ex.s. c 81 § 5; 1955 c 274 § 23; 1947 c 80 § 50; Rem. Supp. 1947 § 4995–69.]

Emergency—Severability—1974 1st ex.s. c 193: See notes following RCW 41.32.310.

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

Effective date—Severability—1967 c 50: See notes following RCW 41.32.010.

Effective date—Severability 1965 ex.s. c 81: See notes following RCW 41.32.010.

41.32.510 Payment on withdrawal—Reentry. Should a member cease to be employed in the public schools of this state and request upon a form provided by the board of trustees a refund of his accumulated

contributions with interest to the June 30th next preceding, this amount shall be paid to him less any withdrawal fee which may be assessed by the board of trustees which shall be deposited to the expense fund. The amount withdrawn, together with interest must be paid if he desires to reestablish his former service credits. Upon termination of membership, interest on accumulated contributions in the annuity fund shall cease and all accumulated contributions unclaimed after the expiration of ten years thereafter become an integral part of the income fund. Termination of employment with one employer for the specific purpose of accepting employment with another employer or termination with one employer and reemployment with the same employer, whether for the same school year or for the ensuing school year, shall not qualify a member for a refund of his accumulated contributions. A member who files an application for a refund of his accumulated contributions and subsequently enters into a contract for or resumes public school employment before a refund payment has been made shall not be eligible for such payment. [1969 ex.s. c 150 § 17; 1963 ex.s. c 14 § 17; 1955 c 274 § 24; 1947 c 80 § 51; Rem. Supp. 1947 § 4995-70. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995-7, part.]

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.520 Payment on death before retirement. Upon receipt of proper proofs of death of any member before retirement or before the first installment of his retirement allowance shall become due his accumulated contributions and/or other benefits payable upon his death shall be paid to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or reestablishment of membership following termination by withdrawal, lapsation, or retirement, payment of his accumulated contributions and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his estate. If a member had established ten or more years of Washington membership service credit or was eligible for retirement, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan:

(1) A widow or widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

(2) The beneficiary, if a surviving spouse or a dependent (as that term is used in computing the dependent exemption for federal internal revenue purposes) may elect to receive a retirement allowance under Option 2 of RCW 41.32.530. In the case of a dependent child the allowance shall continue until attainment of majority or so long as the board judges that the circumstances

which created his dependent status continue to exist. In any case, if at the time dependent status ceases, an amount equal to the amount of accumulated contributions of the deceased member has not been paid to the beneficiary, the remainder shall then be paid in a lump sum to the beneficiary: *Provided*, That if at the time of death, the member was not then qualified for a service retirement allowance, such Option 2 benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance.

If no qualified beneficiary survives a member, at his death his accumulated contributions shall be paid to his estate, or his dependents may qualify for survivor benefits under benefit plan (2) in lieu of a cash refund of the members accumulated contributions in the following order: Widow or widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

Under survivors' benefit plan (1) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary. [1974 1st ex.s. c 193 § 5; 1973 2nd ex.s. c 32 § 4; 1973 1st ex.s. c 154 § 76; 1967 c 50 § 7; 1965 ex.s. c 81 § 6; 1957 c 183 § 3; 1955 c 274 § 25; 1947 c 80 § 52; Rem. Supp. 1947 § 4995-71. Prior: 1941 c 97 § 6; 1939 c 86 § 6; 1937 c 221 § 7; 1923 c 187 § 22; 1917 c 163 § 21; Rem. Supp. 1941 § 4995-7.]

Emergency—Severability—1974 1st ex.s. c 193: See notes following RCW 41.32.310.

Emergency—Severability—1973 2nd ex.s. c 32: See notes following RCW 41.32.310.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Effective date—Severability—1967 c 50: See notes following RCW 41.32.010.

Effective date—Severability—1965 ex.s. c 81: See notes following RCW 41.32.010.

41.32.522 Death benefits. Upon receipt of proper proof of death of a member who was employed on a full time basis and who contributed to the death benefit fund during the fiscal year in which his death occurs, or who was under contract for full time employment in a Washington public school for the fiscal year immediately following the year in which such contribution to the death fund was made, or who submits an application for a retirement allowance to be approved at the next regular meeting of the board of trustees immediately following termination of his full time Washington public school service and who dies before the first installment of his retirement allowance becomes due, or who is receiving or is entitled to receive temporary disability payments, or who upon becoming eligible for a disability retirement allowance submits an application for such an allowance to be approved at the next regular meeting of the board of trustees immediately following the date of his eligibility for a disability

retirement allowance and dies before the first installment of such allowance becomes due, a death benefit of six hundred dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees or to such persons as may otherwise qualify as the beneficiary pursuant to RCW 41.32.520, as now or hereafter amended: *Provided*, That the deceased member had established at least one year of credit with the retirement system for full time Washington membership service and that his contribution to the death benefit fund for a given fiscal year shall qualify him for the death benefit in the event his death occurs before the beginning of the ensuing school year: *And provided further*, That a deceased member who was not employed full time in Washington public school service during the fiscal year immediately preceding the year of his death shall have been employed full time in Washington public school service for at least fifty consecutive days during the fiscal year of his death. [1974 1st ex.s. c 193 § 4; 1969 ex.s. c 150 § 18; 1967 c 50 § 8; 1963 ex.s. c 14 § 20.]

Emergency—Severability—1974 1st ex.s. c 193: See notes following RCW 41.32.310.

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

Effective date—Severability—1967 c 50: See notes following RCW 41.32.010.

Effective—Severability—1963 ex.s. c 14: See notes following RCW 41.32.010.

41.32.523 Death benefits—Members not qualified for benefits under RCW 41.32.522 and retired former members. Upon receipt of proper proof of death of a member who does not qualify for the death benefit of six hundred dollars under RCW 41.32.522 as now or hereafter amended, or a former member who was retired for age, service or disability, a death benefit of four hundred dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees or to such persons as may otherwise qualify as the beneficiary pursuant to RCW 41.32.520, as now or hereafter amended: *Provided*, That the member or the retired former member had established not less than ten years of credit with the retirement system for full time Washington membership service. [1974 1st ex.s. c 193 § 6; 1969 ex.s. c 150 § 19; 1967 c 50 § 9; 1965 ex.s. c 81 § 7; 1963 ex.s. c 14 § 21.]

Emergency—Severability—1974 1st ex.s. c 193: See notes following RCW 41.32.310.

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

Effective date—Severability—1967 c 50: See notes following RCW 41.32.010.

Effective date—Severability—1963 ex.s. c 14: See notes following RCW 41.32.010.

41.32.530 Options available. Upon an application for retirement approved by the board of trustees every member shall receive the maximum retirement allowance available to him throughout life unless prior to the time the first installment thereof becomes due he has

elected, by executing the proper application therefor, to receive the actuarial equivalent of his retirement allowance in reduced payments throughout his life with the following options:

Option 1. If he dies before he has received the present value of his accumulated contributions at the time of his retirement in annuity payments the unpaid balance shall be paid to his estate or to such person as he shall have nominated by written designation executed and filed with the board of trustees.

Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.

Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement.

Option 4. Such other benefits shall be paid as the member may designate for himself or others equal to the actuarial value of his retirement annuity at the time of his retirement: *Provided*, That the board of trustees shall limit withdrawals of accumulated contributions to such sums as will not reduce the member's retirement allowance below one hundred and twenty dollars per month. [1955 c 274 § 26; 1947 c 80 § 53; Rem. Supp. 1947 § 4995-72. Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; Rem. Supp. 1941 § 4995-8, part.]

41.32.540 Disability allowance—Temporary. Upon application of a member in service or of his employer or of his legal guardian or of the legal representative of a deceased member who was eligible to apply for a temporary disability allowance based on his final illness a member shall be granted a temporary disability allowance by the board of trustees if the medical director, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty. Any member receiving a temporary disability allowance on July 1, 1964 or who qualifies for a temporary disability allowance effective on or after July 1, 1964 shall receive a temporary disability allowance of one hundred eighty dollars per month payable from the disability reserve fund for a period not to exceed two years, but no payments shall be made for a disability period of less than sixty days: *Provided*, That a member who is not employed full time in Washington public school service for consecutive fiscal years shall have been employed for at least fifty consecutive days during the fiscal year in which he returns to full time Washington public school service before he may qualify for temporary disability benefits: *Provided further*, That no temporary disability benefits shall be paid on the basis of an application received more than four calendar years after a member became eligible to apply for such benefits. [1974 1st ex.s. c 193 § 7; 1963 ex.s. c 14 § 18; 1959 c 37 § 1; 1955 c 274 § 27; 1947 c 80 § 54; Rem. Supp. 1947 § 4995-73.]

Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; Rem. Supp. 1941 § 4995-8, part.]

Emergency—Severability—1974 1st ex.s. c 193: See notes following RCW 41.32.310.

Effective date—Severability—1963 ex.s. c 14: See notes following RCW 41.32.010.

41.32.550 Options and allowances on report that disability will be permanent—Reexamination. Should the board determine from the report of the medical director that a member in full time service has become permanently disabled for the performance of his duties or at any time while a member is receiving temporary disability benefits that a member's disability will be permanent, a member shall have the option of then receiving (1) all of his accumulated contributions in a lump sum payment and canceling his membership, or (2) of accepting a retirement allowance based on service or age, if eligible under RCW 41.32.480, or (3) if he had five or more years of Washington membership service credit established with the retirement system, a retirement allowance because of disability: *Provided*, That any member applying for a retirement allowance who is eligible for benefits on the basis of service or age shall receive a retirement allowance based on the provision of law governing retirement for service or age. If the member qualifies to receive a retirement allowance because of disability he shall be paid the maximum annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension equal to the service pension to which he would be entitled under RCW 41.32.497 as now or hereafter amended. If the member dies before he has received in annuity payments the present value of his accumulated contributions at the time of his retirement, the unpaid balance shall be paid to his estate or to such persons as he shall have nominated by written designation executed and filed with the board of trustees.

A member retired for disability may be required at any time to submit to reexamination. If medical findings reveal that the individual is no longer disabled for the performance of public school service, the retirement allowance granted because of disability may be terminated by action of the board of trustees or upon written request of the member. In case of such termination, the individual shall be restored to full membership in the retirement system. [1970 ex.s. c 35 § 4; 1969 ex.s. c 150 § 20; 1967 c 50 § 10; 1963 ex.s. c 14 § 19; 1961 c 132 § 4; 1959 c 37 § 2; 1955 c 274 § 28; 1947 c 80 § 55; Rem. Supp. 1947 § 4995-74. Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; 1931 c 115 § 8; 1923 c 187 § 18; 1917 c 163 § 17, part; Rem. Supp. 1941 § 4995-8, part.]

Effective date—1969 ex.s. c 150: See note following RCW 41.32.030.

Effective date—Severability—1967 c 50: See notes following RCW 41.32.010.

Effective date—1963 ex.s. c 14: See note following RCW 41.32.010.

41.32.560 Rights of existing recipients of disability allowances. Any former member of the retirement system or a former fund receiving permanent disability allowances on July 1, 1955, shall in lieu of all allowances provided by any former law receive a disability allowance adjusted for cost of living to seventy-five dollars per month to be paid from the pension fund. Any member of the retirement system receiving a temporary disability allowance on July 1, 1955, shall in lieu of the disability allowance provided by the former law receive a disability allowance adjusted for cost of living to seventy-five dollars per month to be paid from the disability reserve fund. Such disability allowances may be continued only upon recommendation of the medical director and approval of the board of trustees. [1955 c 274 § 29; 1947 c 80 § 56; Rem. Supp. 1947 § 4995-75. Prior: 1941 c 97 § 7, part; 1939 c 86 § 7, part; 1937 c 221 § 8, part; Rem. Supp. 1941 § 4995-8, part.]

41.32.561 Rights of persons receiving disability allowances on July 1, 1961. Any former member of the retirement system or a former fund receiving a disability retirement allowance on July 1, 1961, shall in lieu of all allowances provided by any former law receive, effective July 1, 1967, a disability retirement allowance of four dollars per month for each year of creditable service established, but in no event shall the total allowance for disability be less than seventy-five dollars per month. [1967 c 151 § 3; 1961 c 132 § 6.]

Effective date—Severability—1967 c 151: See notes following RCW 41.32.480.

Effective date—1961 c 132: See note following RCW 41.32.240.

41.32.565 Future benefits as contractual rights for persons retiring after April 25, 1973. Any member of the teachers' retirement system who decides to retire after April 25, 1973 shall be entitled as a matter of contractual right to receive any new or increased benefits resulting from the enactment of legislation creating a new retirement system through a merger of the public employees' retirement system and the teachers' retirement system or from benefit liberalizations of the teachers' retirement system until June 30, 1974. [1973 1st ex.s. c 190 § 1.]

Reviser's note: Session law language "the effective date of this act" has been changed in RCW 41.32.565, 41.40.150 and 41.40.180 to read "April 25, 1973" as 1973 1st ex.s. c 190 contained an emergency clause. Note however that section 15 of the 1973 act [see RCW 41.40.011] provided that certain subsections in sections 2 and 13 of the 1973 act [see RCW 41.40.010 and 41.40.361] did not take effect until January 1, 1974.

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.32.567 Increase in pension portion of retirement allowance—Authorized—As separate appropriation. (1) Effective July 1, 1974, the pension portion of the retirement allowance being paid to all retirees who retired on or before June 30, 1970, shall be increased in an amount equal to 11.9 percent of that portion.

(2) Effective July 1, 1974, the pension portion of the retirement allowance being paid to all retirees who retired on or after July 1, 1970 through and including

June 30, 1973, shall be increased in an amount equal to 2.9 percent of that portion.

(3) Solely for the purposes of RCW 41.32.499, the initial date of payment of the pension portion of the retirement allowance which is increased by this section shall be deemed to be July 1, 1973.

(4) The funds necessary for the payment of benefits provided by subsections (1) and (2) of this section shall constitute a separate biennial appropriation transfer by the legislature from the state general fund to the teachers' retirement fund. [1974 1st ex.s. c 193 § 8.]

Emergency—Severability—1974 1st ex.s. c 193: See notes following RCW 41.32.310.

41.32.570 Suspension of pension payments. Any retired teacher who enters service in any public educational institution shall cease to receive pension payments while engaged in such service: *Provided*, That service may be rendered up to seventy-five days per school year without reduction of pension. [1967 c 151 § 5; 1959 c 37 § 3; 1955 c 274 § 30; 1947 c 80 § 57; Rem. Supp. 1947 § 4995-76.]

Effective date—Severability—1967 c 151: See notes following RCW 41.32.480.

41.32.580 Retired teacher may reenter system—Benefit limitations. A retired teacher upon returning to service in the public schools of Washington may elect to again become a member of the retirement system: *Provided*, That if such a retired teacher elects to be restored to membership he must establish two full years of service credit before he will be eligible to retire under the provision of a formula other than the one in effect at the time of his previous retirement: *Provided further*, That where any such right to again retire is exercised to become effective before a member has established two full years of service credit he may elect to retire only under the provisions of the formula in effect at the time of his previous retirement: *And provided further*, That this section shall not apply to any individual who has returned to service and is presently in service on *the effective date of this 1973 amendatory act. [1973 2nd ex.s. c 32 § 5; 1947 c 80 § 58; Rem. Supp. 1947 § 4995-77.]

***Reviser's note:** "the effective date of this 1973 amendatory act", because of the emergency clause footnoted to RCW 41.32.310, is September 27, 1973, the date of approval by the governor. Note retroactive effect of amendment to RCW 41.32.499 (4).

Emergency—Severability—1973 2nd ex.s. c 32: See notes following RCW 41.32.310.

41.32.583 Transfer of publicly elected official members to public employees' retirement system. A publicly elected official who having served twelve consecutive years in office and who, retiring from office on or before January 10, 1973 and who is currently a member of the Washington state teachers' retirement system, may transfer to the Washington public employees' retirement system provided such transfer is made by February 1, 1973. [1972 ex.s. c 147 § 5.]

Effective date—Severability—1972 ex.s. c 147: See notes following RCW 41.32.480.

41.32.590 Exemption from taxation and judicial process—Nonassignability—Premium deduction authorized. The right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this chapter and the moneys in the various funds created by this chapter shall be unassignable, and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever: *Provided*, That this section shall not be deemed to prohibit a beneficiary of a retirement allowance who is eligible under RCW 41.05.080 from authorizing deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions in accordance with rules and regulations that may be promulgated by the retirement board. [1971 c 63 § 1; 1961 c 132 § 5; 1947 c 80 § 59; Rem. Supp. 1947 § 4995-78. Prior: 1937 c 22 § 9; 1917 c 163 § 19.]

Effective date—1961 c 132: See note following RCW 41.32.240.

41.32.600 Office at capitol. Suitable office quarters shall be provided by the state for the operation of the retirement system; such office to be located at the state capitol. [1947 c 80 § 60; Rem. Supp. 1947 § 4995-79.]

41.32.610 Appeal by claimant. Any claimant feeling aggrieved by the action of the board may take an appeal to the superior court of Thurston county within ten days from the day he receives written notice of the board's action by filing with the secretary-manager of the system a written notice of appeal and giving bond to the retirement system in the sum of two hundred and fifty dollars conditioned to pay all costs which may be adjudged against the applicant in the superior court. Sureties on the bond must be such as are approved by the court. [1947 c 80 § 61; Rem. Supp. 1947 § 4995-80. Prior: 1937 c 221 § 11, part; 1923 c 187 § 25, part; 1917 c 163 § 24, part.]

41.32.620 Appeal by five members. Any five members feeling aggrieved by any action of the board may take an appeal to the superior court of Thurston county within ten days from the date of such action by filing with the secretary-manager of the system a written notice of appeal and giving bond to the retirement system in the sum of two hundred and fifty dollars conditioned to pay all costs which may be adjudged against appellants in the superior court, with sureties on the bond approved by the court. In case the appeal involves a claim, service of a copy of the notice of appeal on the claimant is a necessary step in perfecting the appeal. [1947 c 80 § 62; Rem. Supp. 1947 § 4995-81. Prior: 1937 c 221 § 11, part; 1917 c 163 § 24, part.]

41.32.630 Transcript and papers to superior court. If an appeal involves a claimant, the secretary-manager of the retirement system shall forthwith certify to the clerk of the superior court for Thurston county all matter filed with respect to the claim, together with a transcript of the record of the board upon the claim, together with the notice of appeal and appeal bond. [1947 c 80 § 63; Rem. Supp. 1947 § 4995-82. Prior: 1937 c 221 § 11, part; 1923 c 187 § 25, part; 1917 c 163 § 24, part.]

41.32.640 Hearing in superior court. The hearing on appeal shall be de novo and follow the practice in the trial of appeals from justice courts except that there shall be no jury. [1947 c 80 § 64; Rem. Supp. 1947 § 4995-83. Prior: 1937 c 221 § 11, part; 1923 c 187 § 25, part; 1917 c 163 § 24, part.]

41.32.650 Appeal. Appeals from the judgment of the superior court may be taken to the supreme court or the court of appeals in the manner provided for taking appeals in equity cases. [1971 c 81 § 104; 1947 c 80 § 65; Rem. Supp. 1947 § 4995-84. Prior: 1937 c 221 § 11, part; 1923 c 187 § 25, part; 1917 c 163 § 24, part.]

41.32.660 Correction of errors by board. Should any error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the board of trustees shall correct such error, and as far as practicable, shall adjust the payments in such manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid. [1947 c 80 § 66; Rem. Supp. 1947 § 4995-85. Prior: 1937 c 221 § 10.]

41.32.670 Falsification—Penalty. Any person who shall knowingly make false statements or shall falsify or permit to be falsified any record or records of the retirement system in any attempt to defraud such system as a result of such act, shall be guilty of a felony. [1947 c 80 § 67; Rem. Supp. 1947 § 4995-86. Prior: 1937 c 221 § 10.]

41.32.680 Deductions from retirement allowances for medical, hospital or other health care. Any group of not less than one hundred retired members may authorize the deduction from their retirement allowances, of the amount or amounts of their subscription payments, premiums, or contributions to any person, firm or corporation furnishing or providing medical, surgical and hospital care or other health care insurance upon the approval by the board of trustees of an application for such deduction on the prescribed form, and the treasurer of the state shall duly and timely draw and issue proper warrants directly to and in favor of the person, firm, or corporation, or organization named in the authorization for the total amount authorized to be deducted. [1972 ex.s. c 147 § 4.]

Effective date—Severability—1972 ex.s. c 147: See notes following RCW 41.32.480.

Chapter 41.33

TEACHERS' RETIREMENT—FEDERAL SOCIAL SECURITY

Sections

41.33.010	Plan for covering members under OASI approved.
41.33.020	Terms and provisions of plan.
41.33.030	Effective date for coverage of members.
41.33.900	Severability—1957 c 183.

41.33.010 Plan for covering members under OASI approved. The plan for covering the members of the teachers' retirement system under the old age and survivor insurance provisions of Title II of the federal social security act as amended, required by RCW 41.48.050 as amended by section 5, chapter 4, Laws of the Extraordinary Session of 1955, approved by the board of trustees of the teachers' retirement system on October 8, 1956, and by the governor of the state of Washington on November 19, 1956, is hereby approved. [1957 c 183 § 1.]

41.33.020 Terms and provisions of plan. The terms and provisions of the plan are as follows:

(1) Each political subdivision of the state employing members of the teachers' retirement system and the members of the teachers' retirement system, after the approval of this plan by the legislature, and by the eligible employees through a referendum as provided in RCW 41.48.030 (3) and (4), shall be deemed to have accepted and agreed to be bound by the following terms and conditions in consideration of extension of the existing agreement between the secretary of health, education and welfare and the governor to make the protection of the federal old age and survivors insurance program available and applicable to such employees.

(2) As used in this plan the terms quoted below shall have the meanings assigned thereto in this section.

"Political subdivision" means any political subdivision, or instrumentality of one or more subdivisions, or proprietary enterprise acquired, purchased or originated by one or more such subdivisions after December, 1950, which employs members of the teachers' retirement system. The state, its agencies, instrumentalities and institutions of higher learning shall be grouped and considered as a single political subdivision.

"Employee" means any person who is a member of the teachers' retirement system and is employed by a political subdivision.

"Wages" shall have the meaning given in RCW 41.48.020(1) and section 209 of the social security act (42 U.S.C.A. Sec. 409).

"State" where not otherwise clearly indicated by the context, means the commissioner of employment security or other officer designated by the governor to administer the plan at the state level for all participating political subdivisions.

(3) The terms and conditions of this plan are intended and shall be construed to be in conformity with the requirements of the federal social security act as amended and with the requirements of chapter 41.48 RCW, and particularly RCW 41.48.050, as amended by chapter 4, Laws of 1955 extraordinary session.

(4) The rights and benefits accruing to employees from membership in the teachers' retirement system shall in no way be altered or impaired by this plan or by the additional and supplementary OASI coverage which such employees may receive hereunder, other than the elimination of (1), (2) and (3) of section 52, chapter 80, Laws of 1947 and RCW 41.32.520 as each are amended, with the exception of that part of (1) which permits a widow or widower without a child or children under age eighteen to receive a monthly payment of fifty dollars at age fifty, provided that the member had fifteen or more years of Washington membership service credit at date of death.

(5) There shall be no additional cost to or involvement of the state or a political subdivision with respect to OASI coverage of members of the teachers' retirement system until this plan has been approved by the legislature.

(6) Each employee to whom OASI coverage is made applicable under this plan pursuant to an extension or modification under RCW 41.48.030 of the existing agreement between the secretary of health, education and welfare and the governor shall be required to pay into the OASI contribution fund established by RCW 41.48.060 during the period of such coverage contributions with respect to his wages in an amount equal to the employee tax imposed by the federal insurance contributions act (section 3101, Internal Revenue Code of 1954), in consideration of the employee's retention in service by the political subdivision. The subdivision shall withhold such contributions from the wages paid to the employee; and shall remit the contributions so withheld in each calendar quarter to the state for deposit in the contribution fund not later than the twentieth calendar day of the month following that quarter.

(7) Each political subdivision shall pay into the contribution fund with respect to the wages of its employees during the period of their OASI coverage pursuant to this plan contributions in an amount equal to the employer tax imposed by the federal insurance contributions act (section 3111, Internal Revenue Code of 1954), from the fund of the subdivision from which such employees' wages are paid. The subdivision shall remit such contributions to the state for deposit in the contribution fund on a quarterly basis, not later than the twentieth calendar day of the month following each calendar quarter.

(8) If any political subdivision other than that comprising the state, its agencies, instrumentalities and institutions of higher learning fails to remit as provided herein employer contributions or employee contributions, or any part of either, such delinquent contributions may be recovered with interest at the rate of six percent per annum by action in a court of competent jurisdiction against the political subdivision; or such delinquent contributions may at the request of the governor be deducted from any moneys payable to such subdivision by the state.

(9) Each political subdivision shall be charged with a share of the cost of administration of this plan by the state, to be computed as that proportion of the overall

cost of administration which its total annual contributions bear to the total annual contributions paid by all subdivisions on behalf of employees covered by the plan. The state shall compute the share of cost allocable to each subdivision and bill the subdivision therefor at the end of each fiscal year. The subdivision shall within ninety days thereafter remit its share of the cost to the state for deposit in the general fund of the state.

(10) Each political subdivision shall submit to the state, through the employment security department, P.O. Box 367, Olympia, Washington, or such other officer or agency as the governor may subsequently designate, on forms furnished by the state, not later than the twentieth calendar day of the month following the end of each calendar quarter, the following information:

A. The social security account number of each employee;

B. the name of each employee;

C. the amount of wages subject to contributions as required hereunder paid to each employee during the quarter;

D. the total amount of wages subject to contributions paid to all employees during the quarter;

E. the total amount of employee contributions withheld and remitted for the quarter; and

F. the total amount of employer contributions paid by the subdivision for the quarter.

(11) Each political subdivision shall furnish in the same manner as provided in subsection (10), upon reasonable notice, such other and further reports or information as the governor may from time to time require. Each subdivision shall comply with such requirements as the secretary of health, education and welfare or the governor may from time to time establish with respect to any or all of the reports or information which are or may be provided for under subsection (10) or this subsection in order to assure the correctness and verification thereof.

(12) The governing body of each political subdivision shall designate an officer of the subdivision to administer such accounting, reporting and other functions as will be required for the effective operation of this plan within the subdivision, as provided herein. The commissioner of employment security or such other officer as the governor may designate, shall perform or supervise those functions with respect to employees of the subdivision comprising the state, its agencies, instrumentalities and institutions of higher learning; and shall serve as the representative of the participating political subdivisions in the administration of this plan with the secretary of health, education and welfare.

(13) The legislature shall designate the first day of any month beginning with January, 1956, as the effective date of OASI coverage for such employees, except that after January 1, 1958, the effective date may not be prior to the first day of the current year.

The employer's contribution for any retroactive coverage shall be transferred by the board of trustees from the teachers' retirement pension reserve fund to the official designated by the governor to administer the plan at the state level.

Each employee's contributions for any retroactive coverage shall be transferred by the board of trustees from his accumulated contributions in the teachers' retirement fund, to the official designated above. Each employee, if he so desires, may, within one year from the date of transfer, reimburse his accumulated contributions for the amount so transferred.

(14) The governor may terminate the operation of this plan in its entirety with respect to any political subdivision, in his discretion, if he finds that the subdivision has failed to comply substantially with any requirement or provision of this plan. The plan shall not be so terminated until reasonable notice and opportunity for hearing thereon have been given to the subdivision under such conditions, consistent with the provisions of the social security act, as shall have been established in regulations by the governor. [1973 1st ex.s. c 154 § 77; 1957 c 183 § 2.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.33.030 Effective date for coverage of members. The effective date of OASI coverage for members of the teachers' retirement system shall be January 1, 1956: *Provided*, That should the agreement between the governor and the secretary of health, education and welfare be executed subsequent to December 31, 1957, the effective date of coverage shall be that specified in the agreement. [1957 c 183 § 5.]

41.33.900 Severability—1957 c 183. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1957 c 183 § 6.]

Reviser's note: This severability clause also applies to RCW 41.32-.520 as amended by 1957 c 183 § 3.

**Chapter 41.36
RETIREMENT AND DISABILITY PAYMENTS IN
FIRST CLASS SCHOOL DISTRICTS**

Sections

- 41.36.010 Definitions.
- 41.36.020 Authority to make payments conferred.
- 41.36.030 Eligibility of recipients.
- 41.36.040 Rules and regulations.

41.36.010 Definitions. The word "teacher" wherever used in this chapter shall be held and construed to mean and include any person regularly employed and qualified at the time of retirement as a teacher, instructor, principal, supervisor or superintendent in the public schools of such school districts, or as assistant to any such teacher, instructor, principal, supervisor or superintendent: *Provided*, That "assistant" shall mean such person only as is engaged in educational work and is qualified as a teacher. [1941 c 243 § 2; Rem. Supp. 1941 § 4995-17.]

41.36.020 Authority to make payments conferred. Any school district of the first class may, at the discretion of its board of directors, under such rules and regulations as the board may establish, make direct payments to its retired superannuated or disabled teachers and may appropriate funds therefor. [1941 c 243 § 1; Rem. Supp. 1941 § 4995-16.]

41.36.030 Eligibility of recipients. The eligibility of any teacher for the benefit payments authorized by this chapter shall not be affected by his status as a member or nonmember of the state teachers' retirement system. [1941 c 243 § 3; Rem. Supp. 1941 § 4995-18.]

41.36.040 Rules and regulations. Any school district electing to make any benefit payments authorized by this chapter shall have the power to adopt such rules and regulations and designate or appoint such agents and employees as the board of directors may deem necessary or proper to effectuate such purpose. [1941 c 243 § 4; Rem. Supp. 1941 § 4995-19.]

**Chapter 41.40
WASHINGTON PUBLIC EMPLOYEES'
RETIREMENT SYSTEM**

Sections

- 41.40.010 Terms defined.
- 41.40.011 Effective date of certain subsections.
- 41.40.020 System created—Administration.
- 41.40.030 Retirement board—Election, terms.
- 41.40.040 Vacancies—Effect of nonattendance.
- 41.40.050 Oath of office—Quorum—Compensation.
- 41.40.060 Board officers, employees.
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- 41.40.072 Authority over funds—Investment.
- 41.40.075 Investment of funds in farm, soil, water conservation loans.
- 41.40.080 Custody of securities and funds—Duty of treasurer—Retirement system fund—Retirement system expense fund.
- 41.40.090 Pecuniary interest and dealings by officers and employees.
- 41.40.100 System funds created.
- 41.40.110 Report of the state treasurer—Statement of account in employees' savings fund furnished member.
- 41.40.120 Membership.
- 41.40.125 Membership—Persons seventy or over—Employment restrictions.
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- 41.40.150 Termination of membership.
- 41.40.155 Change of employment—Protection of rights.
- 41.40.160 Creditable service.
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- 41.40.180 Retirement—Optional—Compulsory—Length of service.
- 41.40.185 Retirement allowances—Members retiring after February 25, 1972—Options.
- 41.40.190 Retirement allowance—In lieu of allowance provided in RCW 41.40.185—Election—Options.
- 41.40.193 Dates upon which retirement allowances accrue.
- 41.40.195 Adjustment in pension portion of service retirement allowance for prior pensions.
- 41.40.200 Retirement for disability in line of duty.
- 41.40.210 Duty disability retirement allowance for disability after age sixty.
- 41.40.220 Allowance on retirement for duty disability—Before sixty.
- 41.40.230 Nonduty disability.

- 41.40.235 Nonduty disability retirement allowance—
Amount—Reduction—Maximum.
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- 41.40.260 Withdrawal from system—Refund of contributions—Waiver of allowance, when.
- 41.40.270 Death before retirement—Payment of contributions to nominee, surviving spouse, or legal representative—Waiver of payment, effect—Benefits.
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- 41.40.361 Employer's contribution.
- 41.40.363 Employer's contributions—Labor guild, association or organization.
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- 41.40.407 Entry of former state-wide city employees' retirement system members—Benefits for persons under former system—Option—Assumption of liabilities of former system.
- 41.40.410 Optional entry of system by political subdivisions or associations of political subdivisions—Procedure—School districts declared employers and eligible employees members of system.
- 41.40.411 School districts to provide OASI protection and benefits for employee members.
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- 41.40.501 Optional entry of WSU classified employees—Transfer authorized—When membership mandatory.
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- 41.40.504 Optional entry of WSU classified employees—Retention of rights and benefits under retirement plan.
- 41.40.505 Optional entry of WSU classified employees—Voluntary relinquishment of rights to employer contributions transferred.
- 41.40.506 Optional entry of WSU classified employees—Employee share rights upon termination from system prior to death.
- 41.40.507 Optional entry of WSU classified employees—Rules and regulations.
- 41.40.508 Optional entry of WSU classified employees—Deficiency payments through reduction in retirement allowance.
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- 41.40.521 Optional entry of classified employees of UW and state colleges—Recovery of credit for prior service to establish eligibility.
- 41.40.522 Optional entry of classified employees of UW and state colleges—Rules and regulations.

Periodical actuarial studies to be made of retirement system: RCW 41.04.050.

Transfer of membership to judges' retirement system: RCW 2.12.100.

41.40.010 Terms defined. As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 36.70.060 and 35.63.070 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer: *Provided*, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: *Provided*, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system: *Provided further*, That where an individual is employed by two employers he shall only receive a total of twelve months of service credit during any calendar year.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: *Provided*, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the retirement board) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, 1974 of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period.

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member prior to July 1, 1974, of five percent of such member's salary during said period of probationary service.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(13) "Regular interest" means such rate as the retirement board may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in his individual account together with the regular interest thereon.

(15) "Average final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if he has less than two years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality

and other tables as may be adopted by the retirement board.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience. [1973 1st ex.s. c 190 § 2; 1972 ex.s. c 151 § 1; 1971 ex.s. c 271 § 2; 1969 c 128 § 1; 1965 c 155 § 1; 1963 c 225 § 1; 1963 c 174 § 1; 1961 c 291 § 1; 1957 c 231 § 1; 1955 c 277 § 1; 1953 c 200 § 1; 1951 c 50 § 1; 1949 c 240 § 1; 1947 c 274 § 1; Rem. Supp. 1949 § 11072-1.]

Severability—1973 1st ex.s. c 190: "If any provision of this 1973 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." [1973 1st ex.s. c 190 § 16.] This applies to RCW 41.32.565, 41.40.010, 41.40.011, 41.40.030, 41.40.100, 41.40.120, 41.40.150, 41.40.170, 41.40.180, 41.40.185, 41.40.190, 41.40.193, 41.40.195, 41.40.330 and 41.40.361.

Effective date of certain subsections—1973 1st ex.s. c 190: See RCW 41.40.011.

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

Severability—1969 c 128: "If any provision of this 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." [1969 c 128 § 19.] This applies to the 1969 amendment of RCW 41.40.010, 41.40.020, 41.40.071, 41.40.080, 41.40.120, 41.40.150, 41.40.170, 41.40.190, 41.40.230, 41.40.250, 41.40.270, 41.40.330, 41.40.410-41.40.414, and the repeal of RCW 41.40.290, 41.40.416-41.40.419 and 41.40.430.

Severability—1965 c 155: "If any provision of this 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." [1965 c 155 § 10.] This applies to RCW 41.40.010, 41.40.071, 41.40.120, 41.40.150, 41.40.160, 41.40.270, 41.40.290, and 41.40.310.

Severability—1963 c 174: If any provision of this 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. [1963 c 174 § 19.] This applies to RCW 41.40.010, 41.40.030, 41.40.040, 41.40.060, 41.40.070, 41.40.080, 41.40.100, 41.40.150, 41.40.160, 41.40.170, 41.40.180, 41.40.260, 41.40.270, 41.40.310, 41.40.361, 41.40.410, 41.40.412 and 41.40.420.

Severability—1961 c 291: "If any provision of this 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." [1961 c 291 § 18.] This applies to the 1961 amendments of RCW 41.40.010, 41.40.030, 41.40.040, 41.40.065, 41.40.190, 41.40.220, 41.40.250, 41.40.270, 41.40.290, 41.40.361, 41.40.370, 41.40.410 and the 1961 repeal of 41.32.495, 41.32.496, 41.40.085, and 41.40.087.

41.40.011 Effective date of certain subsections. The amendments contained in subsections 11 (a) and (b) of section 2 of this 1973 amendatory act and subsection 5 of section 13 of this 1973 amendatory act shall take effect January 1, 1974. [1973 1st ex.s. c 190 § 15.]

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.020 System created—Administration. A state employees' retirement system is hereby created for the employees of the state of Washington and its political subdivisions. The administration and management of the retirement system, the responsibility for making effective the provisions of this chapter, and the authority to make all rules and regulations necessary therefor are hereby vested in a retirement board. All such rules and regulations shall be governed by the provisions of chapter 34.04 RCW, as now or hereafter amended. The retirement system herein provided for shall be known as the Washington Public Employees' Retirement System. [1969 c 128 § 2; 1967 c 127 § 1; 1949 c 240 § 2; 1947 c 274 § 2; Rem. Supp. 1949 § 11072-2.]

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.030 Retirement board—Election, terms. The retirement board shall consist of twelve members, as follows: The insurance commissioner, the attorney general, the state treasurer, the state auditor, the members provided by RCW 41.26.050, and four elected representatives who shall have been members of the retirement system for at least five years, and each of whom shall be elected by active or retired members in their classification for a term of three years: *Provided*, That the term of office of any employee representative serving as a member of the retirement board by appointment prior to March 21, 1961 shall continue until the expiration of the period of time for which such employee representative was appointed, except those board members provided by RCW 41.26.050. The active and retired members of the system shall be divided into four classifications for purposes of board representation as follows: Classification A shall consist of all employees of the state government; classification B shall consist of all employees of counties; classification C shall consist of all retired members; and classification D shall consist of all members not included in classification A[,] B, or C. Each member shall have the right to vote only for an employee representative from his respective classification.

The initial term of the representative from classification C shall begin July 1, 1974.

Any active or retired member desiring to become a candidate to represent active or retired members in his classification may during the first two weeks of April of the year in which the vacancy in the classification occurs, file with the director of the system a typewritten statement that he desires to be a candidate for the board. The letter supporting his candidacy must be signed by at least twenty members of the retirement system in his classification. The election shall be conducted under the supervision of the retirement board pursuant to such rules as the board shall prescribe, but

shall be so conducted that the voting shall be secret and the ballots may be returned by mail. Ballots in order to be counted shall be received by the director not later than the second Monday in June. The board shall thereupon proceed to count the ballots and shall certify to the secretary of state the candidate receiving the highest number of votes.

The terms of all elected representatives shall commence on the first day of July following their election. [1974 1st ex.s. c 195 § 1; 1973 1st ex.s. c 190 § 3; 1971 ex.s. c 271 § 3; 1963 c 174 § 2; 1961 c 291 § 2; 1947 c 274 § 3; Rem. Supp. 1947 § 11072-3.]

Severability—1974 1st ex.s. c 195: "If any provision of this 1974 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." [1974 1st ex.s. c 195 § 14.] This applies to the amendments to RCW 41.40.030, 41.40.120, 41.40.150 and 41.40.380, and to RCW 41.40.515 through 41.40.522.

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

41.40.040 Vacancies—Effect of nonattendance. (1) Any vacancy occurring by reason of resignation, death or disability ninety days or more before the expiration of the term of any employee representative of the retirement board shall be filled by appointment by the other members of the retirement board. The person appointed shall be a member of the same classification as was the employee representative to whose position he is appointed. The employee representative thus appointed shall serve until the vacancy is filled by the election of a member of the same classification.

(2) Any employee representative of the retirement board who fails to attend the scheduled meetings of the retirement board for three consecutive months or longer, without valid excuse, shall be considered as having resigned from board membership and the retirement board shall declare his office vacated as of the adoption of a proper resolution, and proceed to fill the vacancy as herein provided. [1963 c 174 § 3; 1961 c 291 § 3; 1947 c 274 § 4; Rem. Supp. 1947 § 11072-4.]

41.40.050 Oath of office—Quorum—Compensation. (1) *Board—Oath of office—Quorum.* Each member of the retirement board, created by this chapter, upon his election or appointment, shall take an oath of office which shall be immediately filed in the office of the secretary of state. A majority of the retirement board shall constitute a quorum for the transaction of any business at any meetings of the board.

(2) *Board members serve without compensation.* The members of the retirement board shall serve without compensation, but shall suffer no loss because of absence from their regular employment, and shall be reimbursed for all actual necessary expense incurred in performance of their duties in accordance with the statutes of the state of Washington. [1947 c 274 § 5; Rem. Supp. 1947 § 11072-5.]

41.40.060 Board officers, employees. The retirement board shall elect from its membership a chairman and a vice chairman, and shall appoint a director and assistant director of the retirement system, and may employ or engage such other actuarial, medical, clerical, technical, and administrative employees or consultants as may be necessary for the proper operation of the retirement system. The compensation of all persons so appointed, employed and engaged shall be fixed in accordance with compensation schedules adopted by the board. [1963 c 174 § 4; 1949 c 240 § 3; 1947 c 274 § 6; Rem. Supp. 1949 § 11072-6.]

41.40.065 Mortality, service, and other tables. The retirement board shall collect and keep in convenient form such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system; and for making an actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. At least once in each five year period, the retirement board shall cause an actuarial investigation to be made into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. Upon the basis of such actuarial investigation the retirement board shall adopt from time to time such tables as are deemed necessary for the proper operation and funding of the retirement system and for making effective the provisions of this chapter. [1961 c 291 § 4; 1947 c 274 § 7; Rem. Supp. 1947 § 11072-7.]

41.40.072 Authority over funds—Investment. The members of the retirement board shall be the trustees of the several funds created by this chapter and the retirement board shall have full power to invest or reinvest, or to authorize the state finance committee to invest or reinvest, such funds in the manner prescribed by RCW 43.84.150, and not otherwise: *Provided*, That the board shall authorize the state finance committee to execute all transactions in connection with the purchase, sale or exchange of any investment that it has authorized pursuant to its statutory authority. [1973 1st ex.s. c 103 § 16.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

41.40.075 Investment of funds in farm, soil, water conservation loans. The state employees' retirement board is authorized to invest those funds which are not under constitutional prohibition in farm ownership and soil and water conservation loans fully guaranteed as to principal and interest under the Bankhead-Jones Farm Tenant Act administered by the United States department of agriculture. [1959 c 91 § 2.]

Reviser's note: Although both the title of chapter 91, Laws of 1959 and the introductory phrase of section 2 thereof have directed that the above section be added to chapter 41.44 RCW, the express language of the section compels its codification in chapter 41.40 RCW.

41.40.080 Custody of securities and funds—Duty of treasurer—Retirement system fund—Retirement system expense fund. (1) All bonds or other obligations purchased according to *RCW 41.40.070 shall be forthwith placed in the hands of the state treasurer who is hereby designated as custodian thereof, and it shall be his duty to collect the principal thereof and the interest thereon as the same becomes due and payable, and place the same when so collected into the retirement system's funds herein provided for bonds or other obligations. The retirement board may authorize the finance committee to sell any of the said bonds, or other obligations upon like resolution, and the proceeds thereof shall be paid by the purchaser to the state treasurer upon delivery to him of such bonds or other obligations by the state treasurer.

(2) The state treasurer shall be the custodian of all other funds of the retirement system and all disbursements therefrom shall be paid by the state treasurer upon vouchers duly authorized by the retirement board and bearing the signature of the duly authorized officer of the retirement board.

(3) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund or the retirement system expense fund.

(4) There is hereby established in the state treasury two separate funds, namely:

(a) The retirement system fund, into which shall be paid all moneys received by the retirement board and from which shall be paid all refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by members to the retirement system expense fund as provided in RCW 41.40.330 and contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the state treasurer from the retirement system fund to the retirement system expense fund upon authorization of the retirement board;

(b) The retirement system expense fund, from which shall be paid the expenses of the administration of the retirement system.

(5) In order to reimburse the retirement system expense fund on an equitable basis the retirement board shall, after crediting the estimated amount to be collected as employees' contributions, ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers

to include in their budgets or otherwise provide the amounts so required.

(6) The retirement board shall compute and bill each employer at the end of each month for the amount due for that month to the retirement system expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a percentage rate of salary established by the board: *Provided*, That the retirement board may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(7) For the purpose of providing amounts to be used to defray the cost of such administration, the retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the retirement system expense fund sufficient to cover estimated expenses for the said biennium. [1969 c 128 § 4; 1963 c 174 § 6; 1955 c 220 § 2; 1953 c 200 § 3; 1949 c 240 § 5; 1947 c 274 § 9; Rem. Supp. 1949 § 11072-9.]

***Reviser's note:** RCW 41.40.070 was repealed by section 9, chapter 155, Laws of 1965. Later enactment, see RCW 41.40.072.

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.090 Pecuniary interest and dealings by officers and employees. Except as provided herein, no member or employee of the retirement board shall have any interest direct or indirect in the gains or profits of any investment made by the retirement board nor as such directly or indirectly receive any pay or emolument for his services. And no member or person connected with the said retirement board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the retirement board; nor shall any member or employee of the retirement board become an endorser or surety or become in any manner an obligor for moneys loaned or borrowed of the retirement board. [1947 c 274 § 10; Rem. Supp. 1947 § 11072-10.]

Reviser's note: Caption for 1947 c 274 § 10 reads as follows: "Sec. 10. *No Employee Shall Gain From Investments.*"

41.40.100 System funds created. For the purpose of the internal accounting record of the retirement board and not the segregation of moneys on deposit with the state treasurer there are hereby created the employees' savings fund, the benefit account fund, the income fund and such other funds as may from time to time be required.

(1) The employees' savings fund shall be the fund in which shall be accumulated the contributions from the compensation of members. The retirement board shall provide for the maintenance of an individual account with each member of the retirement system showing the amount of the member's contributions together with interest accumulations thereon. The contributions of a member returned to him upon his withdrawal from service, or paid in event of his death, as provided in this chapter, shall be paid from the employees' savings fund. Any accumulated contributions forfeited by failure of a

member, or his estate, to claim the same as provided for in this chapter shall be transferred from the employees' savings fund to the income fund. The accumulated contributions of a member, upon the commencement of his retirement, shall be transferred from the employees' savings fund to the benefit account fund.

(2) The benefit account fund shall be the fund in which shall be accumulated the reserves for the payment of all retirement allowances and death benefits, if any, in respect of any beneficiary. The amounts contributed by the employer to provide pension benefits shall be credited to the benefit account fund. The benefit account fund shall be the fund from which shall be paid all retirement allowances, or benefits in lieu thereof because of which reserves have been transferred from the employees' savings fund to the benefit account fund. At the time a recipient of a retirement allowance again becomes a member there shall be transferred from the benefit account fund to the employees' savings fund and credited to the individual account of such a member a sum that shall be equal to the excess, if any, of his individual account at the date of his retirement over any service retirement allowance received since that date.

(3) An income fund is hereby created for the purpose of crediting interest on the amounts in the various other funds with the exception of the retirement system expense fund, and to provide a contingent fund out of which special requirements of any of the other funds may be covered. Transfers for such special requirements shall be made only when the amount in the income fund exceeds the ordinary requirements of such fund as evidenced by a resolution of the retirement board recorded in its minutes. The retirement board shall quarterly allow interest to each of the funds enumerated in subdivisions (1) and (2) of this section, and the amount so allowed shall be due and payable to said funds and shall be quarterly credited on the previous quarterly balance by the retirement board and paid from the income fund.

All accumulated contributions standing to the account of a terminated member and unclaimed after the expiration of fifteen years from the date of such termination except as provided in RCW 41.40.150 (3) and 41.40.170, shall thereafter become an integral part of the income fund. All income, interest, and dividends derived from the deposits and investments authorized by this chapter shall be paid into the income fund with the exception of interest derived from sums deposited in the retirement system expense fund. The retirement board is hereby authorized to accept gifts and bequests. Any funds that may come into the possession of the retirement system in such manner, or any funds which may be transferred from the employees' savings fund by reason of lack of claimant, or because of a surplus in any fund created by this chapter, or any other moneys the disposition of which is not otherwise provided for herein, shall be credited to the income fund.

The board shall have sole discretion to determine the amount of interest to be credited to the employees' savings fund which will thereupon be credited as regular interest to the individual members' accounts. The board

may specifically allocate not more than one percent per annum of the investment earnings for the purpose of making sufficient funds available to facilitate the adjustment in service retirement allowances provided by RCW 41.40.195 as now or hereafter amended. [1973 1st ex.s. c 190 § 4; 1972 ex.s. c 151 § 2; 1967 c 127 § 2; 1963 c 174 § 7; 1953 c 200 § 4; 1949 c 240 § 6; 1947 c 274 § 11; Rem. Supp. 1949 § 11072-11.]

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.110 Report of the state treasurer—Statement of account in employees' savings fund furnished member. The state treasurer shall furnish annually to the retirement board a statement of the amount of the funds in his custody belonging to the retirement system. Copies of this annual report shall be available to members upon request. The records of the retirement board shall be open to public inspection. Any member of the retirement system shall be furnished with a statement of the amount to the credit of his individual account in the employees' savings fund upon his written request, provided that the retirement board shall not be required to answer more than one such request of any member in any one year. [1947 c 274 § 12; Rem. Supp. 1947 § 11072-12.]

41.40.120 Membership. Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

- (1) Persons in ineligible positions;
- (2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;
- (3) Persons holding elective offices or persons appointed directly by the governor: *Provided*, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such application for those taking elective office for the first time after May 21, 1971 shall be submitted within eight years of the beginning of their initial term of office: *And provided further*, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority: *And provided further*, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms

of office upon payment of the employee contributions therefor by the employee and employer contributions therefor by the employer or employee: *And provided further*, That any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: *Provided, however*, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: *And provided further*, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.190 or 41.40.185;

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors.

(11) Employees of a labor guild, association, or organization: *Provided*, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: *Provided*, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement

system: *Provided*, That any member elected or appointed to an elective office on or after April 1, 1971 shall have the option of continuing his membership in this system in lieu of becoming a member of the city system. A member who so elects to maintain his membership shall make his contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter.

Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over five hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system. [1974 1st ex.s. c 195 § 2; 1973 1st ex.s. c 190 § 5; 1971 ex.s. c 271 § 4; 1969 c 128 § 5; 1967 c 127 § 3; 1965 c 155 § 2; 1963 c 225 § 2; 1963 c 210 § 1; 1957 c 231 § 2; 1955 c 277 § 2; 1953 c 200 § 5; 1951 c 50 § 2; 1949 c 240 § 7; 1947 c 274 § 13; Rem. Supp. 1949 § 11072-13.]

Severability—1974 1st ex.s. c 195: See note following RCW 41.40.030.

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

Severability—1971 ex.s. c 271: See note following RCW 41.40.120.

Severability—1969 c 128: See note following RCW 41.40.010.

Pension benefits or annuity benefits for certain classifications of school district employees: RCW 28A.58.565.

41.40.125 Membership—Persons seventy or over—Employment restrictions. No person age seventy or more shall be employed in a position that would cause the occupant thereof to be eligible to first become a member, except as provided by RCW 41.40.410. No person age seventy or more shall be employed in a position the occupancy of which would restore him to membership. [1953 c 200 § 21.]

41.40.130 Information furnished by employees, appointive and elective officials. Within thirty days after his employment or his acceptance into membership by action of the retirement board each employee, appointive or elective official shall submit to the retirement board a statement of his name, sex, title, compensation, duties, date of birth, and length of service as an employee or appointive or elective official, and such other

information as the retirement board shall require. Each employee becoming an original member shall file a detailed statement of all his prior service as an employee and shall furnish such other facts as the retirement board may require for the proper operation of the retirement system. Compliance with the provisions set forth in this section shall be considered to be a condition of employment and failure by an employee to comply may result in separation from service. [1949 c 240 § 8; 1947 c 274 § 1; Rem. Supp. 1949 § 11072-14.]

41.40.150 Termination of membership. Should any member die, or should he separate or be separated from service without leave of absence before attaining age sixty years, or should he become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.190, he shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the retirement board, which restoration must be completed within a total period of five years of membership service following his first resumption of employment, be returned to the status, either as an original member or new member which he held at time of separation: *Provided*, That any member who reentered service outside the ten-year period formerly provided by this subsection, and by reason of the former language of this section was not allowed to restore withdrawn contributions, shall have two years from April 25, 1973 to restore said contributions: *And provided further*, That any member who reentered service within the ten-year period formerly provided by this section, and who failed to restore withdrawn contributions within the three or five years previously allowed, shall now have two years from April 25, 1973 to restore said contributions, with interest as determined by the retirement board.

(3) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

(4) (a) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement

benefits shall be suspended during the period of his eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: *Provided*, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available;

(b) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy, following his election to office or appointment to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his retirement status and he shall become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended from the date of his return to membership until the date when he again retires and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: *Provided*, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available: *And provided further*, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), or should he have reached the age of seventy and be ineligible to apply as provided in RCW 41.40.125, he shall be considered to remain in a retirement status and his retirement benefits shall continue without interruption.

(5) Subject to the provisions of RCW 41.04.070, 41.04.080 and 41.04.100, any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the state employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue his membership therein until attaining age sixty, shall remain a member for the exclusive purpose only of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five, however, such a member may upon thirty days written notice to the retirement board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply. [1974 1st ex.s. c 195 § 3; 1973 1st ex.s. c 190 § 6; 1969 c 128 § 6; 1967 c 127 § 4; 1965 c 155 § 3; 1963 c 174 § 8; 1955 c 277 § 3; 1953 c 200 § 7; 1951 c 50 § 3;

1949 c 240 § 10; 1947 c 274 § 16; Rem. Supp. 1949 § 11072-16.]

Reviser's note: See note following RCW 41.32.565.

Severability—1974 1st ex.s. c 195: See note following RCW 41.40.030.

Effective date of certain subsections—1973 1st ex.s. c 190: See RCW 41.40.011.

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.155 Change of employment—Protection of rights. The retirement board is empowered to enter into agreements with the boards or other authorities of retirement systems operated by the state or a political subdivision thereof for the purpose of protecting the retirement rights or benefits of public employees who may alter their membership status by changing employment from one public agency to another. [1951 c 50 § 17.]

41.40.160 Creditable service. (1) Subject to the provisions of RCW 41.40.150, at retirement the total service credited to a member shall consist of all his membership service and, if he is an original member, all of his certified prior service.

(2) Employees of a public utility or other private enterprise all or any portion of which has been heretofore or may be hereafter acquired by a public agency as a matter of public convenience and necessity, where it is in the public interest to retain the trained personnel of such enterprise, all service to that enterprise shall, upon the acquiring public agency becoming an employer as defined in RCW 41.40.010(4) be credited on the same basis as if rendered to the said employer: *Provided*, That this shall apply only to those employees who were in the service of the enterprise at or prior to the time of acquisition by the public agency and who remain in the service of the acquiring agency until they attain membership in the state employees' retirement system; and to those employees who were in the service of the enterprise at the time of acquisition by the public agency and subsequently attain membership through employment with any participating agency: *Provided further*, In the event that the acquiring agency is an employer at the time of the acquisition, employer's contributions in connection with members achieving service credit hereunder shall be made on the same basis as set forth in RCW 41.40.361 for an employer admitted after April 1, 1949. [1965 c 155 § 4; 1963 c 174 § 9; 1953 c 200 § 8; 1951 c 50 § 4; 1949 c 240 § 11; 1947 c 274 § 17; Rem. Supp. 1949 § 11072-17.]

41.40.170 Credit for military service. (1) A member who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of absence if he has resumed or shall resume employment as an employee within one year from termination thereof.

(2) If he has applied or shall apply for reinstatement of employment, within one year from termination of the military service, and is refused employment for reasons

beyond his control, he shall, upon resumption of service within ten years have such service credited to him.

(3) In any event, after completing twenty-five years of creditable service, any member may have his service in the armed forces credited to him as a member whether or not he left the employ of an employer to enter such armed service: *Provided*, That in no instance, described in subsections (1), (2), and (3) of this section, shall military service in excess of five years be credited: *And provided further*, That in each instance the member must restore all withdrawn accumulated contributions, which restoration must be completed within five years of membership service following his first resumption of employment: *And provided further*, That this section will not apply to any individual, not a veteran within the meaning of RCW 41.04.005, as now or hereafter amended: *And provided further*, That in no instance, described in subsections (1), (2) and (3) of this section, shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code. [1973 1st ex.s. c 190 § 14; 1972 ex.s. c 151 § 3; 1969 c 128 § 7; 1967 c 127 § 8; 1963 c 174 § 10; 1953 c 200 § 9; 1949 c 240 § 12; 1947 c 274 § 18; Rem. Supp. 1949 § 11072-18.]

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.180 Retirement—Optional—Compulsory—Length of service. (1) On and after April 1, 1949, any member with five years of creditable service who has attained age sixty and any original member who has attained age sixty may retire upon his written application to the retirement board, setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired: *Provided*, That in the national interest, during time of war engaged in by the United States, the retirement board may extend beyond age sixty, subject to the provisions of subsection (2) of this section, the age at which any member may be eligible to retire.

(2) On and after April 1, 1949, any member who has attained age seventy shall be retired forthwith on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy: *Provided*, That a member who has attained the age of seventy is possessed of special skill in the performance of particular duties, the retirement board shall continue such member in service for such period or periods as may be applied for by the governing body of the political subdivision where the member is employed or the head of the department, agency, commission, board and offices of the state: *Provided further*, That any member holding elective office, having a fixed term to which he has been elected, who has attained age seventy may continue to serve as an elective official and to receive retirement credit for such service.

(3) On and after April 1, 1953, any member who has completed thirty years of service may retire on his written application to the retirement board setting forth at

what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

(4) On and after May 21, 1971 any member who has completed twenty-five years of service and attained age fifty-five may retire on his written application to the retirement board setting forth at which time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

(5) Any individual who is eligible to retire pursuant to subsections (1) through (4) of this section shall be allowed to retire while on any authorized leave of absence not in excess of one hundred and twenty days.

(6) The retirement board is authorized to waive advance notice of retirement upon good cause shown. [1973 1st ex.s. c 190 § 7; 1972 ex.s. c 151 § 4; 1971 ex.s. c 271 § 7; 1967 c 127 § 5; 1963 c 174 § 11; 1955 c 277 § 4; 1953 c 200 § 10; 1951 c 81 § 1; 1949 c 240 § 13; 1947 c 274 § 19; Rem. Supp. 1949 § 11072-19.]

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

41.40.185 Retirement allowances—Members retiring after February 25, 1972—Options. Upon retirement from service, as provided for in RCW 41.40.180 or 41.40.210, a member shall be eligible for a service retirement allowance computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after February 25, 1972 shall consist of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions made pursuant to RCW 41.40.330(2).

(2) A membership service pension, subject to the provisions of subsection (4) of this section, which shall be equal to two percent of his average final compensation for each year or fraction of a year of membership service.

(3) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event, except as provided in *this 1972 amendatory act, shall any member receive a retirement allowance pursuant to subsections (2) and (3) of this section of more than sixty percent of his average final compensation: *Provided*, That no member shall receive a pension under this section of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit.

(4) Notwithstanding the provisions of subsections (1) through (3) of this section, the retirement allowance

payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: *Provided*, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected to the office of state senator or state representative.

(5) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

(a) **Standard Allowance.** A member selecting this option shall receive a retirement allowance, which shall be computed as provided in subsections (1), (2) and (3) of this section. The retirement allowance shall be payable throughout his life. However, if he dies before the total of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative.

(b) **Option II.** A member who selects this option shall receive a reduced retirement allowance which upon his death shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

(c) **Option III.** A member who selects this option shall receive a reduced retirement allowance and upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. [1973 1st ex.s. c 190 § 8; 1972 ex.s. c 151 § 5.]

***Reviser's note:** "this 1972 amendatory act" [1972 ex.s. c 151] consists of 1972 ex.s. amendments to RCW 41.40.010, 41.40.100, 41.40.170, 41.40.180, 41.40.190, 41.40.210, 41.40.220, 41.40.250, 41.40.270, 41.40.330, 41.40.361, to the repeal of RCW 41.40.240, and to RCW 41.40.185, 41.40.193 and 41.40.235.

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.190 Retirement allowance—In lieu of allowance provided in RCW 41.40.185—Election—Options. In lieu of the retirement allowance provided in RCW 41.40.185, an individual employed on or before April 25, 1973 may, after complying with RCW 41.40.180 or 41.40.210, make an irrevocable election to receive the retirement allowance provided by this section which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision (4) of this section, which shall be equal to one one-hundredth of his average final compensation for each year or fraction of a year of membership service credited to his service account; and

(4) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than the aforesaid minimum retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of the applicable minimum amount.

(5) Notwithstanding the provisions of subsections (1) through (4) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has

served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: *Provided*, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected under the provisions of Article II of the Washington state Constitution.

(6) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

Option IA. A member electing this option shall receive a retirement allowance payable throughout his life only with termination at death, which shall be computed as provided for in subsections (1) through (4) or (5) of this section.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative; or

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. Unless payment shall be made under RCW 41.40.270, option II shall automatically be given effect as if selected for the benefit of the surviving spouse upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified for a service retirement allowance or has completed ten years of service at the time of death, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. [1973 1st ex.s. c 190 § 9; 1972 ex.s. c 151 § 6; 1971 ex.s. c 271 § 5; 1969 c 128 § 8; 1967 c 127 § 7; 1961 c 291 § 6; 1953 c 200 §

11; 1951 c 50 § 5; 1949 c 240 § 14; 1947 c 274 § 20; Rem. Supp. 1949 § 11072-20.]

Reviser's note: See note following RCW 41.32.565.

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.193 Dates upon which retirement allowances accrue. Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180, 41.40.200, 41.40.210, 41.40.220, 41.40.230, *41.40.240 and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowance paid to members eligible to retire under any other provisions of **this 1972 amendatory act shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service. [1973 1st ex.s. c 190 § 10; 1972 ex.s. c 151 § 7.]

***Reviser's note:** RCW 41.40.240 was repealed by section 15, chapter 151, Laws of 1972 ex. sess.

****Reviser's note:** "this 1972 amendatory act", see note following RCW 41.40.185.

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.195 Adjustment in pension portion of service retirement allowance for prior pensions. (1) "Index" for the purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred)—compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Cost-of-living factor", for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or

(c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1971;

(3) "Initial date of payment" shall mean:

(a) The date of retirement of a member, or

(b) In the case of beneficiary receiving an allowance pursuant to the automatic application of option II pursuant to RCW 41.40.270(2), the first day of the month following the date of death;

(4) Each service retirement allowance payable from July 1, 1973 until any subsequent adjustment pursuant to subsection (5) of this section shall be adjusted so as to equal the product of the cost-of-living factor for 1973 and the amount of said retirement allowance on the initial date of payment.

(5) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of said retirement allowance on the initial date of payment: *Provided*, That the board finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time.

(6) The cost-of-living increases provided by this section shall be applicable to those individuals receiving benefits calculated pursuant to chapter 41.44 RCW and paid by the public employees' retirement system pursuant to RCW 41.40.407. [1973 2nd ex.s. c 14 § 1; 1973 1st ex.s. c 190 § 11; 1971 ex.s. c 271 § 6; 1970 ex.s. c 68 § 1.]

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

41.40.200 Retirement for disability in line of duty. Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his employer, a member who becomes totally incapacitated for duty as the natural and proximate result of an accident occurring in the actual performance of duty, while in the service of an employer, without wilful negligence on his part, shall be retired: *Provided*, The medical adviser after a medical examination of such member made by or under the direction of the said medical adviser shall certify in writing that such member is mentally or physically totally incapacitated for the further performance of his duty to his employer and that such member should be retired: *Provided further*, That the retirement board concurs in the recommendation of the medical adviser: *And provided further*, No application shall be valid or a claim thereunder enforceable unless filed within two years after the date upon which the injury occurred. [1955 c 277 § 5; 1951 c 50 § 6; 1949 c 240 § 15; 1947 c 274 § 21; Rem. Supp. 1949 § 11072-21.]

41.40.210 Duty disability retirement allowance for disability after age sixty. Upon retirement for disability, as provided in RCW 41.40.200, a member who has attained age sixty, regardless of his creditable service shall receive a service retirement allowance. [1972 ex.s. c 151 § 8; 1947 c 274 § 22; Rem. Supp. 1947 § 11072-22.]

41.40.220 Allowance on retirement for duty disability—Before sixty. Upon retirement for disability, as provided in RCW 41.40.200, a member who has not attained age sixty shall receive the following benefits, subject to the provisions of RCW 41.40.310 and 41.40.320:

(1) A disability retirement pension of two-thirds of his average final compensation to his attainment of age sixty, subject to the provisions of RCW 41.40.310. The disability retirement pension provided by the employer

shall not exceed forty-two hundred dollars per annum, and

(2) Upon attainment of age sixty, the disabled member shall receive a service retirement allowance as provided in RCW 41.40.210. Such disabled member shall be given membership service for the period of time prior to age sixty he was out of such service due to such disability.

(3) During the period a disabled member is receiving a disability pension, as provided for in subdivision (1) of this section, his contributions to the employees' savings fund shall be suspended and his balance in the employees' savings fund, standing to his credit as of the date his disability pension is to begin, shall remain in the employees' savings fund: *Provided*, That if the disabled member should die before attaining age sixty, while a disability beneficiary, upon receipt by the retirement board of proper proof of death, his accumulated contributions standing to his credit in the employees' savings fund, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board: *Provided, however*, That if there be no such designated person or persons still living at the time of the member's death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representative. [1972 ex.s. c 151 § 9; 1971 ex.s. c 271 § 8; 1961 c 291 § 7; 1953 c 200 § 12; 1949 c 240 § 16; 1947 c 274 § 23; Rem. Supp. 1949 § 11072-23.]

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

41.40.230 Nonduty disability. Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his employer, a member who has been an employee at least five years, and who becomes totally and permanently incapacitated for duty as the result of causes occurring not in the performance of his duty, may be retired by the retirement board: *Provided*, The medical adviser, after a medical examination of such member, made by or under the direction of the said medical adviser shall certify in writing that such member is mentally or physically incapacitated for the further performance of duty, and such incapacity is likely to be permanent and that such member should be retired: *Provided further*, That the retirement board concurs in the recommendation of the medical adviser. [1969 c 128 § 9; 1951 c 50 § 7; 1949 c 240 § 17; 1947 c 274 § 24; Rem. Supp. 1949 § 11072-24.]

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.235 Nonduty disability retirement allowance—Amount—Reduction—Maximum. Upon retirement, a member shall receive a nonduty disability retirement allowance equal to two percent of average final compensation for each year of service: *Provided*, That such allowance shall be reduced by two percent of itself for each year or fraction thereof that his age is less

than fifty-five years: *Provided further*, That in no case may the allowance provided by this section exceed sixty percent of average final compensation. [1972 ex.s. c 151 § 10.]

41.40.250 Allowance on retirement for nonduty disability—In lieu of allowance provided in RCW 41.40.240—Election. In lieu of the nonduty disability retirement allowance provided in RCW 41.40.240, an individual who was a member, on February 25, 1972 may upon qualifying pursuant to RCW 41.40.230, make an irrevocable election to receive the nonduty disability retirement allowance provided in subsections (1) and (2) of this section subject to the provisions of RCW 41.40.310 and 41.40.320. Upon attaining or becoming disabled after age sixty he shall receive a service retirement allowance as provided for in RCW 41.40.190 except that the annuity portion thereof shall consist of a continuation of the cash refund annuity previously provided to him. His disability retirement allowance prior to age sixty shall consist of:

(1) A cash refund annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A pension, in addition to the annuity, equal to one one-hundredth of his average final compensation for each year of service. If the recipient of a retirement allowance under this section shall die before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representatives. [1972 ex.s. c 151 § 11; 1969 c 128 § 10; 1961 c 291 § 8; 1953 c 200 § 13; 1947 c 274 § 26; Rem. Supp. 1947 § 11072-26.]

Severability—1969 c 128: See note following RCW 41.40.010.

Nonduty disability retirement allowance—1972 act: See RCW 41.40.235.

41.40.260 Withdrawal from system—Refund of contributions—Waiver of allowance, when. Subject to the provisions of RCW 41.40.280, should a member cease to be an employee, he may request upon a form provided by the retirement board a refund of all or part of the funds standing to his credit in the employees' savings fund and this amount shall be paid to him: *Provided*, That withdrawal of all or part of the funds by a member who is eligible for a service retirement allowance in RCW 41.40.180 or a disability retirement allowance in RCW 41.40.200, 41.40.210, 41.40.220, 41.40.230, *41.40.240, or 41.40.250 shall constitute a waiver of any service or disability retirement allowance: *Provided further*, That the withdrawal of all or part of additional contributions made pursuant to RCW 41.40.330 (2) shall not constitute a waiver. [1971 ex.s. c 271 §

9; 1963 c 174 § 12; 1949 c 240 § 18; 1947 c 274 § 27; Rem. Supp. 1949 § 11072-27.]

***Reviser's note:** See note following RCW 41.40.193.

Severability—1971 act: See note following RCW 41.32.260.

41.40.270 Death before retirement—Payment of contributions to nominee, surviving spouse, or legal representative—Waiver of payment, effect—Benefits. (1) Should a member die before the date of his retirement the amount of the accumulated contributions standing to his credit in the employees' savings fund, at the time of his death, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board. If there be no such designated person or persons still living at the time of the member's death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representatives; (2) Upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, and who has designated a beneficiary, the designated beneficiary may elect to waive the payment provided by subsection (1) of this section and option II of RCW 41.40.190(6) shall automatically be given effect as if selected for the benefit of the surviving spouse, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance; (3) *Provided further,* That subsection (1) of this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180 and thereafter dies between the date of his separation from service and his effective retirement date, where the member has selected either options II or III in RCW 41.40.190 or 41.40.185. The beneficiary named in the member's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the member. [1972 ex.s. c 151 § 12; 1969 c 128 § 11; 1965 c 155 § 5; 1963 c 174 § 13; 1961 c 291 § 9; 1953 c 201 § 1; 1953 c 200 § 14; 1951 c 141 § 1; 1949 c 240 § 19; 1947 c 274 § 28; Rem. Supp. 1949 § 11072-28.]

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.280 Board may withhold refunds of contributions. The retirement board may, in its discretion, withhold payment of all or part of a member's contributions for not more than six months after a member has ceased to be an employee: *Provided,* That termination of employment with one employer for the purpose of

accepting employment with another employer or termination with one employer and reemployment with the same employer within a period of thirty days shall not qualify a member for a refund of his accumulated contributions. In addition, a member who files an application for a refund of his accumulated contributions and subsequently becomes employed in an eligible position before the expiration of thirty days or before a refund payment has been made, shall not be eligible for such refund payment. [1973 2nd ex.s. c 14 § 2; 1947 c 274 § 29; Rem. Supp. 1947 § 11072-29.]

41.40.300 Benefits offset by workmen's compensation or similar benefits. Any amounts which may be paid or payable under the provisions of any workmen's compensation, or pension, or similar law on account of any disability shall be offset against and payable in lieu of any benefits payable from funds provided by the employer under the provisions of this chapter on account of the same disability. [1949 c 240 § 21; 1947 c 274 § 31; Rem. Supp. 1949 § 11072-31.]

41.40.310 Periodical examination of disability beneficiaries—Benefits upon resumption of gainful employment. Once each year during the first five years following the retirement of a member on a disability pension or retirement allowance, and at least once in every three year period thereafter the retirement board may, and upon the member's application shall, require any disability beneficiary, who has not attained age sixty years, to undergo a medical examination; such examination to be made by or under the direction of the medical adviser at the place of residence of said beneficiary, or other place mutually agreed upon. Should any disability beneficiary, who has not attained age sixty years, refuse to submit to such medical examination in any such period, his disability pension or retirement allowance may be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to his disability pension, or retirement allowance, may be revoked by the retirement board. If upon such medical examination of a disability beneficiary, the medical adviser reports and his report is concurred in by the retirement board, that the disability beneficiary is no longer totally incapacitated for duty as the result of the injury or illness for which the disability was granted, or that he is engaged in a gainful occupation, his disability pension or retirement allowance shall cease: *Provided,* That if the disability beneficiary resumes a gainful occupation and his compensation is less than his compensation earnable at the date of disability, the board shall continue the disability benefits in an amount which when added to his compensation does not exceed his compensation earnable at the date of separation, but the disability benefit shall in no event exceed the disability benefit originally awarded. [1965 c 155 § 7; 1963 c 174 § 14; 1955 c 277 § 7; 1951 c 50 § 9; 1949 c 240 § 22; 1947 c 274 § 32; Rem. Supp. 1949 § 11072-32.]

41.40.320 Disability beneficiary—Restoration to service. A disability beneficiary who has been or shall be reinstated to active service shall from the date of such restoration again become a member of the retirement system; and he shall contribute to the retirement system in the same manner as prior to his disability retirement. Any prior service and membership service, on the basis of which his retirement allowances were computed at the time of his retirement, shall be restored to full force and effect, and, except in the case of retirement for nonduty disability as provided in RCW 41.40-.230, he shall be given membership service for the period of time he was out of service due to such disability. [1953 c 200 § 16; 1951 c 50 § 10; 1949 c 240 § 23; 1947 c 274 § 33; Rem. Supp. 1949 § 11072-33.]

41.40.330 Contributions. (1) Each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable: *Provided, however,* That a retirement system expense fund contribution of two dollars and fifty cents per annum shall be transferred in semiannual payments of one dollar and twenty-five cents from each employee account balance in the employees' savings fund to the retirement expense fund account, as set forth in this section. On and after July 1, 1973, each employee who is a member of the retirement system shall contribute six percent of his total compensation earnable. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system the contribution as provided by this section.

(2) Any member may, pursuant to regulations formulated from time to time by the board, provide for himself, by means of an increased rate of contribution to his account in the employees' savings fund, an increased prospective retirement allowance pursuant to RCW 41.40.190 and 41.40.185.

(3) The officer responsible for making up the payroll shall deduct from the compensation of each member covered by the provisions of RCW 41.40.190(5) and 41.40.185(4) on each and every payroll of such member for each and every payroll period subsequent to the date on which he thereafter becomes a member of the retirement system, an amount equal to seven and one-half percent of such member's compensation earnable. [1973 1st ex.s. c 190 § 12; 1972 ex.s. c 151 § 13; 1971 ex.s. c 271 § 10; 1969 c 128 § 12; 1953 c 200 § 17; 1951 c 50 § 11; 1949 c 240 § 24; 1947 c 274 § 34; Rem. Supp. 1949 § 11072-34.]

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.340 Members agree to deductions. The deductions from the compensation of members, provided for in RCW 41.40.330, shall be made notwithstanding that the minimum compensation provided for by law for any

member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for in this chapter and shall receipt in full for his salary or compensation, and payment less said deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to benefits provided for under this chapter. [1947 c 274 § 35; Rem. Supp. 1947 § 11072-35.]

41.40.350 Transmittal of total of members' deductions. The officer responsible for making up the payroll shall transmit promptly to the retirement board at the end of each and every payroll period a copy of the original payroll voucher or such other payroll report as the retirement board may require showing thereon all deductions for the retirement system made from the salary earnable of each member, together with warrants or checks covering the total of such deductions. The retirement board after making a record of all such receipts shall pay them to the state treasurer for use according to the provisions of this chapter. [1947 c 274 § 36; Rem. Supp. 1947 § 11072-36.]

41.40.361 Employer's contribution. (1) For the purpose of this section, the "fundable employer liability" at any date shall be the present value of

(a) all future pension benefits payable in respect of all members in the retirement system at that date, and

(b) all future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

(2) The contributions by the employer for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "normal contribution", a percentage of such compensation to be known as the "unfunded liability contribution" and in the case of employers admitted to the retirement system after April 1, 1949, a percentage of such compensation to be known as the "additional contribution". The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation: *Provided,* That as to state employers effective July 1, 1973 the total combined contributions of the normal contribution and unfunded liability contribution shall not exceed a total combined percentage rate of seven percent for each employer unless authorized by the legislature.

(3) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the normal contribution rate and such contribution rate shall become effective in the ensuing biennium. In addition the board shall determine the additional employer contribution rate necessary to fund the benefits granted officials holding office pursuant to Articles II and III of the Constitution of the state of Washington and RCW 48-.02.010. Said additional employer contribution rate shall be paid in the same manner as the normal contribution

and the unfunded liability contribution. Until the unfunded liability contribution shall have been discontinued, such normal contribution rate shall be computed to be sufficient, when applied to the present value of the future compensation of the average new member entering the system, to provide for the payment of all prospective pension benefits in respect of such member. After the unfunded liability contributions have been discontinued, such normal contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members of the retirement system at the date of such valuation which is equivalent to the excess of the fundable employer liability over the amount of funds currently standing to the credit of the benefit account fund.

(4) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the unfunded liability contribution, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall not be less than the uniform and constant percentage of the prospective compensation of all members of the retirement system for the forty-year period following the date of such valuation which is equivalent to the unfunded liability. The unfunded liability shall be determined at such date as the excess of the fundable employer liability over the sum of the present value of the future normal contributions payable in respect of all members in the retirement system at that date, and the amount of all funds currently standing to the credit of the benefit account fund. The unfunded liability contributions shall continue until there remains no unfunded liability.

(5) Any employer admitted to the retirement system after April 1, 1949, shall make an additional contribution until such time as the sum of such additional contributions equals the amount of contributions which such employer and employee would have been required to contribute between April 1, 1949, and the date of such employer's admission to the retirement system: *Provided*, That either the employee or employer may make the contributions the employee would have made during the same period of time: *Provided further*, That all additional contributions hereunder and under the provisions of RCW 41.40.160(2) must be completed within fifteen years from the date of the employer's admission. Employee contributions for these periods must be made before the member will receive credit for those periods of service, pursuant to such regulations as the retirement board may adopt.

(6) For the biennium beginning July 1, 1971, and ending June 30, 1973, only, and notwithstanding any other provision of the chapter, the rate determined by the board for state employer contributions shall be only the percentage of compensation for members equal to the "normal contribution" computed to be four and thirty-six one-hundredths percent of compensation. [1973 1st ex.s. c 190 § 13; 1972 ex.s. c 151 § 14; 1971 ex.s. c 271 § 11; 1963 c 174 § 15; 1961 c 291 § 11; 1957 c 231 § 4. Prior: 1953 c 200 § 18; 1951 c 50 § 12; 1949 c 240 § 25; 1947 c 274 § 37; Rem. Supp. 1949 § 11072-37.]

Effective date of certain subsections—1973 1st ex.s. c 190: RCW 41.40.011.

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

41.40.363 Employer's contributions—Labor guild, association or organization. Any labor guild, association or organization qualifying as an employer under this chapter and which is required to make contributions for an elective official qualifying for membership under RCW 41.40.120(10) [11] shall make contributions as any other employer within this chapter: *Provided*, That the retirement board shall cause an actuarial computation to be made of all prior service liability for which contributions are required from such employer to be computed on an actual dollar basis, and if the board determines that the contributions being made therefor under this chapter are insufficient to defray any cost to the state, the board shall require additional contributions from such employer in such amounts and at such times as will defray all costs to the state, such additional contributions to be completed within ten years from the date the elective official is accepted by the board. [1963 c 225 § 3.]

41.40.370 Employer's contribution—Computation—Billing. (1) The retirement board shall ascertain and report to each employer the amount it shall provide for pension benefits for the ensuing biennium or fiscal year whichever is applicable to the said employer's operations. The amount to be so provided shall be computed by applying the rates of contribution as established by RCW 41.40.361 to an estimate of the total compensation earnable of all the said employer's members during the period for which provision is to be made.

(2) Beginning April 1, 1949, the amount to be collected as the employer's contribution for pension benefits shall be computed by applying the rates established by RCW 41.40.361 to the total compensation earnable of employer's members as shown on the current payrolls of the said employer. The retirement board shall bill each said employer at the end of each month for the amount due for that month and the same shall be paid as are its other obligations: *Provided*, That the retirement board may, at its discretion, establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter and shall be based upon the employer's payrolls for that quarter.

(3) In the event of failure, for any reason, of an employer other than a political subdivision of the state to have remitted amounts due for membership service of any of the employer's members rendered during a prior biennium, the retirement board shall bill such employer through the budget director for such employer's contribution. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for

payment of current biennial payrolls. If any such employer shall fail or refuse to honor such a billing, the budget director shall cause the same to be paid from any funds appropriated to the budget director for such purposes. [1963 c 126 § 1; 1961 c 291 § 12; 1949 c 240 § 26; 1947 c 274 § 38; Rem. Supp. 1947 § 11072-38.]

41.40.380 Exemption from taxation and judicial process—Assignability. The right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable: *Provided*, That this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group life or disability insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions in accordance with rules and regulations that may be promulgated by the retirement board: *Provided further*, That this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization. [1974 1st ex.s. c 195 § 4; 1967 c 127 § 6; 1947 c 274 § 39; Rem. Supp. 1947 § 11072-39.]

Severability—1974 1st ex.s. c 195: See note following RCW 41.40.030.

41.40.390 Correction of errors. Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the retirement board shall correct such error, and, as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid. [1947 c 274 § 40; Rem. Supp. 1947 § 11072-40.]

41.40.400 Penalty for false statements. Any person who shall knowingly make any false statements, or shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud the retirement system as a result of such act, shall be guilty of a gross misdemeanor. [1947 c 274 § 41; Rem. Supp. 1947 § 11072-41.]

41.40.405 Entry of former state-wide city employees' retirement system members. (1) On and after January 1, 1972, every city and town then participating in the

state-wide city employees' retirement system under the provisions of chapter 41.44 RCW shall be an employer under this chapter and every person employed thereby on or after January 1, 1972, who is eligible for membership under RCW 41.40.120, exclusive of subsection (4) thereof, shall be a member of the Washington public employees' retirement system to the exclusion of any pension system existing under any prior law and participate on the same basis as a person who first becomes a member through the admission of any employer under RCW 41.40.410 on and after April 1, 1949. Each such city and town becoming an employer under the meaning of this chapter shall make contributions to the funds of the Washington public employees' retirement system as provided in RCW 41.40.080, 41.40.361 excluding subsection (5) thereof, and 41.40.370 and its employees becoming members of the Washington public employees' retirement system shall thereafter contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330.

(2) After June 10, 1971, no additional cities or towns shall be eligible to elect to become participants in the state-wide city employees' retirement system provided for in chapter 41.44 RCW. [1971 c 75 § 1.]

41.40.406 Entry of former state-wide city employees' retirement system members—Disposition of former system's assets and obligations—Transfer of assets on employees' behalf to system funds. All moneys, securities, and other assets or debts or other obligations owed to or standing to the credit of the state-wide city employees' retirement funds as provided for in RCW 41.44.100 and 41.44.105 as of January 1, 1972, shall then be disposed of by the board of trustees of the state-wide city employees' retirement system as then comprised, as follows:

(1) Any claims against these funds then remaining by reason of transfers of membership from the state-wide city employees' retirement system to the Washington law enforcement officers' and fire fighters' retirement system under RCW 41.26.040 shall first be paid.

(2) Next, all assets of the state-wide city employees' retirement system by, for, or on behalf of all employees shall be transferred to the appropriate funds of the Washington public employees' retirement system. Such transfer of funds shall discharge the board of trustees of the state-wide city employees' retirement system of any further obligation to pay benefits. Employees' contributions transferred shall be subject to all of the provisions of chapter 41.40 RCW relating to such contributions made by members of the public employees' retirement system. [1971 c 75 § 2.]

41.40.407 Entry of former state-wide city employees' retirement system members—Benefits for persons under former system—Option—Assumption of liabilities of former system. (1) Any person drawing benefits under the state-wide city employees' retirement system prior to January 1, 1972, and any employee having vested rights under the state-wide city employees' retirement system who has terminated his employment

with his employer, defined in chapter 41.44 RCW, before January 1, 1972, shall have his benefits computed under chapter 41.44 RCW. For the purpose of such computations, the employee's creditability of service and eligibility for service or disability retirement and survivor and all other benefits shall continue to be computed in the same manner as provided for in chapter 41.44 RCW except that the benefits will be paid through the Washington public employees' retirement system.

(2) Every person employed before January 1, 1972, by a city or town then participating in the state-wide city employees' retirement system under the provisions of chapter 41.44 RCW and who is employed by said employer on the date of the transfer to the Washington public employees' retirement system on January 1, 1972, shall, upon retirement for service or for disability, or death, be entitled to the higher of the following computed benefits:

(a) The benefits that are the actuarial equivalent of the amount he would have received under the state-wide city employees' retirement system under chapter 41.44 RCW had he not been transferred to the Washington public employees' retirement system under RCW 41.40.405.

(b) The amount of the benefits computed as a member of the Washington public employees' retirement system in chapter 41.40 RCW.

(3) The Washington public employees' retirement system shall assume all liabilities of the state-wide city employees' retirement system as provided in RCW 41.40.405, 41.40.406, and this section on January 1, 1972. [1971 c 75 § 3.]

41.40.410 Optional entry of system by political subdivisions or associations of political subdivisions—Procedure—School districts declared employers and eligible employees members of system. The employees and appointive and elective officials of any political subdivision or association of political subdivisions of the state may become members of the retirement system by the approval of the local legislative authority: *Provided*, That on and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter and every employee of the school district who is eligible for membership under RCW 41.40.120 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949. Each such political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.40.080, 41.40.361 and 41.40.370 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. In addition to the foregoing requirement, where the political subdivision becoming an employer hereunder has its own retirement plan any of the employee members thereof who may elect to transfer to this retirement system may, if permitted by said plan, withdraw all or any part of their

employees' contributions to the former plan and transfer such funds to the employees' savings fund at the time of their transfer of membership. Any portion of the employees' savings fund not withdrawn shall be transferred by the employer to the retirement system over a period not to exceed fifteen years. The length of the transfer period and the method of payment to be utilized during that period shall be established by agreement between the retirement board and the political subdivision. Employers making deferred payments of employee funds under this section shall transfer an additional amount equal to the interest that would have been credited to each employee's savings fund had his contributions been transferred to the state retirement system's employee savings fund on the date the political subdivision became an employer hereunder. Any funds remaining in the employer's former retirement plan after all obligations of such plan have been provided for, as evidenced by appropriate actuarial study, shall be disposed of by the governing body of the political subdivision in such manner as it deems appropriate. For the purpose of administering and interpreting this chapter the board may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever such terms appear in this chapter. The board may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The board shall keep such accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another.

Employees of a political subdivision, maintaining its own retirement system, who have been transferred to a health district formed pursuant to chapter 70.46 RCW, but who have been allowed to remain members of the political subdivision's retirement system may be transferred as a group to the Washington public employees' retirement system. Such transfer may be made by the action of the legislative authority of such political subdivision maintaining its own retirement system. Such transfer shall include employer's and member's funds in the transferring municipalities' retirement system.

Employees of a political subdivision, maintaining its own retirement system, heretofore transferred to a joint airport operation of two municipalities pursuant to chapter 182, Laws of 1945, may be transferred as a group to the Washington public employees' retirement system. Such transfer may be made by the action of the legislative authority of such political subdivision maintaining its own retirement system. Such transfer shall include employer's and member's funds in the transferring municipalities' retirement system. [1971 ex.s. c 271 § 12; 1969 c 128 § 13; 1965 c 84 § 1; 1963 c 174 § 16; 1961 c 291 § 13; 1953 c 200 § 19; 1951 c 50 § 13; 1949 c

240 § 27; 1947 c 274 § 43; Rem. Supp. 1949 § 11072-42.]

Reviser's note: Chapter 182, Laws of 1945, see chapter 14.08 RCW.

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.411 School districts to provide OASI protection and benefits for employee members. Every school district which has become an employer under this chapter prior to the effective date of this 1965 amendatory act or which becomes an employer after such effective date, shall immediately take such administrative action as may be necessary to extend to its employee members of the retirement system and their survivors the protection and benefits of the old-age and survivors insurance system embodied in the federal social security act. [1965 c 84 § 2.]

41.40.412 Hearing prior to appeal—Required—Notice. Any person aggrieved by any decision of the retirement board affecting his legal rights, duties or privileges must before he appeals to the courts, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken, other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system. [1969 c 128 § 14; 1963 c 174 § 17; 1953 c 200 § 22.]

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.414 Hearing prior to appeal—Conduct. Following its receipt of a notice for hearing in accordance with RCW 41.40.412, a hearing shall be held by members of the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board. Such hearing shall be conducted and governed in all respects by the provisions of chapter 34.04 RCW which relates to agency hearings in contested cases. [1969 c 128 § 15; 1953 c 200 § 23.]

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.420 Judicial review in accordance with administrative procedure act. Judicial review of any final decision and order by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now or hereafter amended. [1969 c 128 § 16; 1963 c 174 § 18; 1953 c 200 § 20; 1951 c 50 § 14.]

Severability—1969 c 128: See note following RCW 41.40.010.

41.40.440 Appeal—No bond required. No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a finding of the retirement board effecting such claimant's right to retirement or disability benefits. [1971 c 81 § 105; 1951 c 50 § 16.]

41.40.450 Classified employees—School districts—Computation provisions. Notwithstanding any other law, or rule or regulation of the retirement board, contributions to the retirement system relating to any classified employee of a school district actually employed by the district on a continuous nine month basis shall be prorated on a twelve month basis and counted in the computation of any retirement allowance or other benefits provided for in this chapter as for twelve months of service. [1973 c 23 § 1.]

41.40.500 Optional entry of WSU classified employees—Definitions. For the purposes of RCW 41.40.500 through 41.40.508, unless a different meaning is plainly required by context:

(1) "Classified employees" shall mean all employees of Washington State University: *Provided*, That the following employees shall not be included as classified employees for the purposes of RCW 41.40.500 through 41.40.508: The president of the university; employees of Washington State University in the resident instructional staff, consisting of the vice president—academic, the registrar, deans and directors of teaching units, chairmen of teaching departments, and all members of the faculty who hold academic rank and who conduct courses of instruction; the research staff consisting of the administrative officers and professional personnel of the organized research units and other professional personnel engaged in research who are paid at least in part by the university; the library staff consisting of the director of libraries and professional personnel of the library; the extension staff consisting of the administrative officers and professional personnel whose work pertains primarily to extension services and faculty members in responsible charge of instruction and demonstration work for persons who are not officially enrolled on the campus; the student affairs staff consisting of the administrative officers and professional personnel concerned with student affairs; the intercollegiate athletic staff consisting of the administrative officers and coaching personnel; persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule; and persons employed in a position primarily as an incident to and furtherance of their education and training, or the education or training of a spouse.

(2) The "Retirement Plan" shall mean the Washington State University retirement system established by the board of regents pursuant to authority heretofore conferred by law for the purpose of providing retirement income and related benefits to certain employees through private insurers.

(3) "Board" shall mean the retirement board as provided for in RCW 41.40.020, as now or hereafter amended.

(4) "Employer share" shall mean one-half or fifty percent of the total of any employee's accumulation and/or cash value in the contract(s) attributable to contributions made in accordance with the Retirement Plan.

(5) "Applicable income" shall mean that income provided by law and regulations had the person been a member of the Washington public employees' retirement system during each month of Washington State University service and shall include that income earned during the initial six months of Washington State University service irrespective of any provisions of law or regulations promulgated thereunder to the contrary.

(6) "Contributory membership" shall mean that period of time during which an employee was making contributions under the Retirement Plan for purposes of being eligible for a retirement entitlement. [1973 1st ex.s. c 168 § 1.]

Appropriation—1973 1st ex.s. c 168: "There is hereby appropriated to Washington State University from the general fund for the biennium ending June 30, 1975, four hundred fifteen thousand dollars or so much thereof as may be necessary, as the employer's share of the retirement plan contribution costs associated and incident to those members of the retirement plan electing to transfer to the Washington public employees' retirement system as provided for in sections 1 through 9 of this 1973 act. Washington State University shall transfer this appropriation or so much thereof as may be necessary, to the Washington public employees' retirement system on or before January 30, 1974. Should this appropriation be insufficient Washington State University shall request in its 1975-77 budget request an amount sufficient to fully reimburse the Washington public employees' retirement system for any costs associated and incident to those members of the retirement plan electing to transfer to the Washington public employees' retirement system as provided for in sections 1 through 9 of this 1973 act. The retirement plan for the purposes of this section shall be as defined in section 1, subsection (2) of this 1973 act." [1973 1st ex.s. c 168 § 10.]

Severability—1973 1st ex.s. c 168: "If any provision of this 1973 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." [1973 1st ex.s. c 168 § 12.]

The above annotations apply to RCW 41.40.500 through 41.40.508.

41.40.501 Optional entry of WSU classified employees—Transfer authorized—When membership mandatory. (1) On and after April 24, 1973 and until January 1, 1974, classified employees at Washington State University presently members of the Retirement Plan may irrevocably transfer membership therein to the Washington public employees' retirement system, such transfer being subject to such conditions and limitations as hereinafter set forth in RCW 41.40.502 through 41.40.508, including rules and regulations promulgated to effect the purposes of RCW 41.40.500 through 41.40.508: *Provided*, That such irrevocable transfers of membership shall be made at the following stated intervals: June 1, 1973, October 1, 1973, or January 1, 1974.

(2) All classified employees employed by Washington State University on and after April 24, 1973 and otherwise eligible shall become members of the Washington public employees' retirement system to the exclusion of any other retirement benefit system at such institution unless otherwise hereafter provided by law. [1973 1st ex.s. c 168 § 2.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.502 Optional entry of WSU classified employees—Amounts to be transferred. (1) Except as otherwise provided in RCW 41.40.500 through 41.40.508, upon election by a person to transfer his membership to the Washington public employees' retirement system, as authorized in RCW 41.40.501(1), there shall be transferred from the contract(s) issued under the Retirement Plan to the Washington public employees' retirement system the amount which would have been paid at the rates and on the applicable income (as defined RCW 41.40.500(5)) as provided by law and regulations promulgated pursuant thereto had the person been a member of the Washington public employees' retirement system during each month of service at Washington State University: *Provided*, That any person so transferring may elect to eliminate from the membership service credit to be transferred the period of service at Washington State University prior to his contributory membership in the Retirement Plan.

(2) The board shall compute separately the employee and employer amounts that would have been paid from the date of membership service credit to be transferred to the Washington public employees' retirement system. The employee share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to employee contributions made in accordance with the Retirement Plan. The employer share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to Washington State University contributions made in accordance with the Retirement Plan. [1973 1st ex.s. c 168 § 3.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.503 Optional entry of WSU classified employees—Deficiency payments. (1) Any person electing to transfer his membership to the Washington public employees' retirement system shall pay, prior to January 1, 1978, an amount equal to the deficiency, if any, between the employee computed share and the employee accumulation or cash value in the contract(s) required to be transferred as provided for in RCW 41.40.502.

(2) As specifically provided for by appropriation and subject to the limitations of section 10, chapter 168, Laws of 1973 1st ex. sess., Washington State University shall pay to the Washington public employees' retirement system an amount equal to the deficiency, if any, between the employer computed share and the employer accumulation or cash value in the contract(s) required to be transferred as provided for in RCW 41.40.502. [1973 1st ex.s. c 168 § 4.]

Reviser's note: Section 10, chapter 168, Laws of 1973 1st ex. sess., an appropriation section, is footnoted to RCW 41.40.500.

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.504 Optional entry of WSU classified employees—Retention of rights and benefits under retirement plan. Nothing in RCW 41.40.500 through 41.40.508 shall prevent any classified employee at Washington

State University presently a member within the Retirement Plan from electing to join the Washington public employees' retirement system if otherwise eligible not later than January 1, 1974 and from electing to retain his rights and benefits under the Retirement Plan, such person's rights under the Washington public employees' retirement system to begin to accrue from such date of membership transfer. [1973 1st ex.s. c 168 § 5.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.505 Optional entry of WSU classified employees—Voluntary relinquishment of rights to employer contributions transferred. Any classified employee at Washington State University electing to transfer membership to the Washington public employees' retirement system from the Retirement Plan and seeking to transfer employee contributions made to the Retirement Plan shall be deemed to have voluntarily relinquished any right to any refund of the amounts transferred to the Washington public employees' retirement system as an employer contribution in accordance with RCW 41.40.502 except as otherwise provided by chapter 41.40 RCW. [1973 1st ex.s. c 168 § 6.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.506 Optional entry of WSU classified employees—Employee share rights upon termination from system prior to death. Any classified employee at Washington State University electing to transfer to the Washington public employees' retirement system from the Retirement Plan and transferring his employee share in the Retirement Plan shall be entitled to a refund of his employee share of the total contributions made in his behalf as determined by the board upon termination from the system prior to his death. [1973 1st ex.s. c 168 § 7.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.507 Optional entry of WSU classified employees—Rules and regulations. Subject to chapter 34.04 RCW, the administrative procedure act, the board shall make rules and regulations necessary to carry out the purposes of RCW 41.40.500 through 41.40.508. [1973 1st ex.s. c 168 § 8.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.508 Optional entry of WSU classified employees—Deficiency payments through reduction in retirement allowance. Notwithstanding any other provision of RCW 41.40.500 through 41.40.508, any person transferring membership to the Washington public employees' retirement system as authorized in RCW 41.40.501 through 41.40.508 and who retires on or before January 1, 1978 may elect to make the payments required in RCW 41.40.503 by a reduction in his or her retirement allowance at such stated intervals as the board shall determine: *Provided*, That should any such person die before the total of such payments as required in RCW

41.40.503 have been made, such person having exercised option I, II or III under RCW 41.40.185 or 41.40.190, such payments shall be deducted at the stated intervals from amounts otherwise owing any beneficiary until such time as they become paid in full. [1973 1st ex.s. c 168 § 9.]

Appropriation—Severability—1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.515 Optional entry of classified employees of UW and state colleges—Definitions. For the purposes of this chapter, unless a different meaning is plainly required by context:

(1) "Classified employees" shall mean all nonacademic employees of the University of Washington and the four "state colleges", as defined in RCW 28B.10.015, who are presently participating, or are presently eligible to participate, in the retirement plan of their employing education institution: *Provided*, That the following nonacademic employees of the University of Washington shall not be included as classified employees for the purposes of *this 1974 amendatory act: the president of the university; deans, directors, and chairmen of academic or research units; persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule; persons employed in a position primarily as an incident to and in furtherance of their education and training or the education and training of a spouse: *Provided further*, That the following nonacademic employees of each of the four state colleges shall not be included as classified employees for the purposes of *this 1974 amendatory act: Presidents, academic vice presidents or provosts, deans, chairmen of academic departments, and executive heads of major academic divisions and their principal assistants.

(2) "Retirement plan" shall mean the retirement systems established by the board of regents of the University of Washington and the boards of trustees of each of the four state colleges pursuant to authority heretofore conferred by law for the purpose of providing retirement income and related benefits to certain employees through private insurers.

(3) "Board" shall mean the retirement board as provided for in RCW 41.40.020, as now or hereafter amended.

(4) "Employer share" shall mean one-half or fifty percent of the total of any employee's accumulation and/or cash value in the contract(s) attributable to contributions made in accordance with the retirement plan.

(5) "Applicable income" shall mean that income which would have qualified as compensation earnable within the meaning of RCW 41.40.010(8) during each month of University of Washington or state college service from the date of such person's initial participation in the retirement plan.

(6) "Contributing membership" shall mean that period of time during which an employee was making contributions under the retirement plan for purposes of being eligible for a retirement entitlement. [1974 1st ex.s. c 195 § 5.]

***Reviser's note:** "this 1974 amendatory act" [1974 1st ex.s. c 195] consists of RCW 41.40.515 through 41.40.522 and also amendments to RCW 41.40.030, 41.40.120, 41.40.150 and 41.40.380.

Severability—1974 1st ex.s. c 195: See note following RCW 41.40.030.

41.40.516 Optional entry of classified employees of UW and state colleges—Transfer authorized—When membership mandatory—Election. (1) On and after May 6, 1974 and until January 1, 1975, classified employees presently members of the retirement plan may irrevocably transfer their years of contributing membership therein to the Washington public employees' retirement system, such transfer being subject to such conditions and limitations as hereinafter set forth in *this 1974 amendatory act, including rules and regulations promulgated to effect the purposes of *this 1974 amendatory act.

(2) All classified employees employed by the University of Washington or each of the four state colleges on and after May 6, 1974 and otherwise eligible shall become members of the Washington public employees' retirement system at such institution unless otherwise hereafter provided by law: *Provided*, That persons who, immediately prior to the date of their hiring as classified employees, have for at least two consecutive years held membership in a retirement plan underwritten by the private insurer of the retirement plan of their respective educational institution may irrevocably elect to continue their membership in the retirement plan notwithstanding the provisions of this chapter, if such election is made within thirty days from the date of their hiring as classified employees. If such persons elect to become members of the public employees' retirement system, contributions by them and their employers shall be required from their first day of such employment. [1974 1st ex.s. c 195 § 6.]

***Reviser's note:** "this 1974 amendatory act" [1974 1st ex.s. c 195] consists of RCW 41.40.515 through 41.40.522 and also amendments to RCW 41.40.030, 41.40.120, 41.40.150 and 41.40.380.

Severability—1974 1st ex.s. c 195: See note following RCW 41.40.030.

41.40.517 Optional entry of classified employees of UW and state colleges—Amounts to be transferred. (1) Except as otherwise provided in this chapter, upon election by a person to transfer his years of contributing membership to the Washington public employees' retirement system, as authorized in RCW 41.40.516(1), there shall be transferred from the contract(s) issued under the retirement plan to the Washington public employees' retirement system the amount which would have been paid, in employee and employer contributions, to the retirement system with interest (as computed by the retirement board) on the applicable income (as defined in RCW 41.40.515(5)) as provided by law and regulations promulgated pursuant thereto had the person been a member of the Washington public employees' retirement system during each month of contributing membership service at the University of Washington or the four state colleges during which such person participated in the retirement plan.

(2) The board shall compute separately the employee and employer amounts that would have been paid, during the time of contributing membership, and which will now be required to be transferred to the Washington public employees' retirement system. The employee share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to employee contributions made in accordance with the retirement plan. The employer share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to University of Washington or state college contributions made in accordance with the retirement plan. [1974 1st ex.s. c 195 § 7.]

Severability—1974 1st ex.s. c 195: See note following RCW 41.40.030.

41.40.518 Optional entry of classified employees of UW and state colleges—Deficiency payments. In the event that the transfers of moneys for a person electing transfer of membership to the public employees' retirement system as provided in RCW 41.40.515(1) and (2) are not sufficient to equal the total amounts required to be transferred as provided for in *this 1974 amendatory act, such person shall pay upon his or her transfer of membership the total deficiency required to accomplish such transfer. [1974 1st ex.s. c 195 § 8.]

***Reviser's note:** "this 1974 amendatory act" [1974 1st ex.s. c 195] consists of RCW 41.40.515 through 41.40.522 and also amendments to RCW 41.40.030, 41.40.120, 41.40.150 and 41.40.380.

Severability—1974 1st ex.s. c 195: See note following RCW 41.40.030.

41.40.519 Optional entry of classified employees of UW and state colleges—Voluntary relinquishment of rights to employer contributions transferred. Any classified employee at the University of Washington or the four state colleges electing to transfer membership to the Washington public employees' retirement system from the retirement plan and seeking to transfer employee contributions made to the retirement plan shall be deemed to have voluntarily relinquished any right to any refund of the amounts transferred to the Washington public employees' retirement system as an employer contribution in accordance with RCW 41.40.517 except as otherwise provided by chapter 41.40 RCW. [1974 1st ex.s. c 195 § 9.]

Severability—1974 1st ex.s. c 195: See note following RCW 41.40.030.

41.40.520 Optional entry of classified employees of UW and state colleges—Employee share rights upon termination from system prior to death. Any classified employee at the University of Washington or the four state colleges electing to transfer to the Washington public employees' retirement system from the retirement plan and transferring his employee share in the retirement plan shall be entitled to a refund of his employee share of the total contributions made in his behalf as determined by the board upon termination of employment and withdrawal from the system prior to his death. [1974 1st ex.s. c 195 § 10.]

Severability—1974 1st ex.s. c 195: See note following RCW 41.40.030.

41.40.521 Optional entry of classified employees of UW and state colleges—Recovery of credit for prior service to establish eligibility. Recognizing that it is or has been necessary for employees to serve a period of time to establish eligibility for contributing membership in the various retirement plans established by the University of Washington and the four state colleges, any classified employee who elects to transfer to the public employees' retirement system pursuant to RCW 41.40.516(1), may recover such service by paying, to the public employees' retirement system on or before January 1, 1975, the amount of employee and employer contributions with interest (as computed by the retirement board) which would have been made for such service had it been rendered while the employee was a member of the public employees' retirement system. [1974 1st ex.s. c 195 § 11.]

Severability—1974 1st ex.s. c 195: See note following RCW 41.40.030.

41.40.522 Optional entry of classified employees of UW and state colleges—Rules and regulations. Subject to chapter 34.04 RCW, the administrative procedure act, the board shall make such rules and regulations as are necessary to carry out the purposes of *this 1974 amendatory act. [1974 1st ex.s. c 195 § 12.]

***Reviser's note:** "this 1974 amendatory act" [1974 1st ex.s. c 195] consists of RCW 41.40.515 through 41.40.522 and also amendments to RCW 41.40.030, 41.40.120, 41.40.150 and 41.40.380.

Severability—1974 1st ex.s. c 195: See note following RCW 41.40.030.

Chapter 41.41

STATE EMPLOYEES' RETIREMENT— FEDERAL SOCIAL SECURITY

Sections

- 41.41.010 Plan for covering members under OASI approved.
- 41.41.020 Terms and provisions of plan.
- 41.41.030 Effective date for coverage of members.
- 41.41.900 Severability—1957 c 222.

41.41.010 Plan for covering members under OASI approved. The plan for covering the state employee members of the state employees' retirement system under the old age and survivorship provisions of Title 11 of the federal social security act as amended, required by RCW 41.48.050 as amended by section 5, chapter 4, Laws of the extraordinary session of 1955, approved by the state employees' retirement board of the state employees' retirement system on the 1st day of August, 1955, and approved by the governor of the state of Washington on the 16th day of August, 1955, is hereby approved. [1957 c 222 § 1.]

41.41.020 Terms and provisions of plan. The terms and provisions of the plan are as follows:

(1) Each political subdivision of the state employing members of the state employees' retirement system, and such employees, after approval of this plan by its governing body as provided in RCW 41.48.030(4)(f) and

after approval by its eligible employees through referendum as provided in RCW 41.48.030 (3) and (4), and the state itself as such a subdivision, and its employees, after approval of this plan by the legislature as provided in RCW 41.48.050(d) and RCW 41.48.030(4)(f) and after approval by its eligible employees through referendum as provided in RCW 41.48.030 (3) and (4), shall be deemed to have accepted and agreed to be bound by the following terms and conditions in consideration of extension of the existing agreement between the secretary of health, education and welfare and the governor to make the protection of the federal old age and survivors insurance program available and applicable to such employees.

(2) As used in this plan the terms quoted below shall have the meanings assigned thereto in this subsection.

"Political subdivision" means any political subdivision, or instrumentality of one or more such subdivisions, or proprietary enterprise acquired, purchased or originated by one or more such subdivisions after December, 1950, which employs members of the state employees' retirement system. The state, its agencies, instrumentalities and institutions of higher learning shall be grouped and considered as a single political subdivision.

"Employee" means any person who is a member of the state employees' retirement system and is employed by a political subdivision, except persons serving in policeman's or fireman's positions and officials compensated on a fee basis.

"Wages" shall have the meaning given in RCW 41.48.020(1) and section 209 of the social security act (42 U.S.C.A. Sec. 409); and refers to the first four thousand two hundred dollars paid to any employee in any calendar year.

"State", where not otherwise clearly indicated by the context, means the commissioner of employment security or other officer designated by the governor to administer the plan at the state level for all participating political subdivisions.

(3) The terms and conditions of this plan are intended and shall be construed to be in conformity with the requirements of the federal social security act as amended and with the requirements of chapter 41.48 RCW, and particularly RCW 41.48.050, as amended by chapter 4, Laws of the extraordinary session of 1955.

(4) The rights and benefits accruing to employees from membership in the state employees' retirement system shall in no way be altered or impaired by this plan or by the additional and supplementary OASI coverage which such employees may receive hereunder. Nothing herein shall be construed to alter in any way the obligations of any political subdivision or its employees to the retirement system.

(5) There shall be no additional cost to or involvement of the state with respect to OASI coverage for state employee members of the state employees' retirement system until this plan has been approved by the legislature.

(6) OASI coverage shall be applicable to all services performed by its employees for a political subdivision which has approved this plan.

(7) Each employee to whom OASI coverage is made applicable under this plan pursuant to an extension or modification under RCW 41.48.030 of the existing agreement between the secretary of health, education and welfare and the governor shall be required to pay into the OASI contribution fund established by RCW 41.48.060 during the period of such coverage contributions with respect to his wages in an amount equal to the employee tax imposed by the federal insurance contributions act (section 3101, Internal Revenue Code of 1954), in consideration of the employee's retention in service by the political subdivision. The subdivision shall withhold such contributions from the wages paid to the employee; and shall remit the contributions so withheld in each calendar quarter to the state for deposit in the contribution fund not later than the twentieth calendar day of the month following that quarter.

(8) Each political subdivision shall pay into the contribution fund with respect to the wages of its employees during the period of their OASI coverage pursuant to this plan contributions in an amount equal to the employer tax imposed by the federal insurance contributions act (section 3111, Internal Revenue Code of 1954), from the fund of the subdivision from which such employees' wages are paid. The subdivision shall remit such contributions to the state for deposit in the contribution fund on a quarterly basis, not later than the twentieth calendar day of the month following each calendar quarter.

(9) If any political subdivision other than that comprising the state, its agencies, instrumentalities and institutions of higher learning fails to remit as provided herein employer contributions or employee contributions, or any part of either, such delinquent contributions may be recovered with interest at the rate of six percent per annum by action in a court of competent jurisdiction against the political subdivision; or such delinquent contributions may at the request of the governor be deducted from any moneys payable to such subdivision by the state.

(10) Each political subdivision shall be charged with a share of the cost of administration of this plan by the state, to be computed as that proportion of the overall cost of administration which its total annual contributions bear to the total annual contributions paid by all subdivisions on behalf of employees covered by the plan. The state shall compute the share of cost allocable to each subdivision and bill the subdivision therefor at the end of each fiscal year. The subdivision shall within ninety days thereafter remit its share of the cost to the state for deposit in the general fund of the state.

(11) Each political subdivision shall submit to the state, through the employment security department, P. O. Box 367, Olympia, Washington, or such other officer or agency as the governor may subsequently designate, on forms furnished by the state, not later than the twentieth calendar day of the month following the end of each calendar quarter, the following information:

- A. The social security account number of each employee;
- B. the name of each employee;

C. the amount of wages subject to contributions as required hereunder paid to each employee during the quarter;

D. the total amount of wages subject to contributions paid to all employees during the quarter;

E. the total amount of employee contributions withheld and remitted for the quarter; and

F. the total amount of employer contributions paid by the subdivision for the quarter.

(12) Each political subdivision shall furnish in the same manner as provided in subsection (11), upon reasonable notice, such other and further reports or information as the governor may from time to time require. Each subdivision shall comply with such requirements as the secretary of health, education and welfare or the governor may from time to time establish with respect to any or all of the reports or information which are or may be provided for under subsection (11) or this subsection in order to assure the correctness and verification thereof.

(13) The governing body of each political subdivision shall designate an officer of the subdivision to administer such accounting, reporting and other functions as will be required for the effective operation of this plan within the subdivision, as provided herein. The commissioner of employment security, or such other officer as the governor may designate, shall perform or supervise those functions with respect to employees of the subdivision comprising the state, its agencies, instrumentalities and institutions of higher learning; and shall serve as the representative of the participating political subdivisions in the administration of this plan with the secretary of health, education and welfare.

(14) OASI coverage may be made applicable as provided herein to employees of any political subdivision regardless of the approval or disapproval of this plan by any other subdivision.

(15) Each political subdivision, with the approval of a majority of its employees as indicated by vote thereon in conjunction with the referendum to be held pursuant to RCW 41.48.030 (3) and (4), may designate the first day of any month beginning with January of 1955 as the effective date of OASI coverage for such employees; except that after January 1, 1958, a subdivision may not so designate an effective date prior to the first day of the current calendar year.

(16) The governor may terminate the operation of this plan in its entirety with respect to any political subdivision, in his discretion, if he finds that the subdivision has failed to comply substantially with any requirement or provision of this plan. The plan shall not be so terminated until reasonable notice and opportunity for hearing thereon have been given to the subdivision under such conditions, consistent with the provisions of the social security act, as shall have been established in regulations by the governor. [1957 c 222 § 2.]

41.41.030 Effective date for coverage of members. The effective date of OASI coverage for state employee members of the state employees' retirement system shall be the 1st day of July, 1957; provided the terms and

conditions set forth in RCW 41.48.030(3) have been fulfilled. [1957 c 222 § 3.]

41.41.900 Severability—1957 c 222. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1957 c 222 § 4.]

Chapter 41.44

STATE-WIDE CITY EMPLOYEES' RETIREMENT

Sections

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41.44.260	Merger of existing or new systems into state-wide system—Contract.
41.44.270	Agreements between board and cities which accept social security act benefits.
41.44.300	System abolished—Date—Transfer of assets, liabilities and responsibilities.

Investment of pension funds: RCW 35.39.040.

41.44.010 Title of chapter. This chapter shall be known and may be cited as the "State-wide City Employees' Retirement System Law". [1947 c 71 § 1; Rem. Supp. 1947 § 9592-130.]

Severability—1947 c 71: "If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the provision or application so held invalid, and for such purposes the provisions of this act are declared to be severable." [1947 c 71 § 26.] This applies to RCW 41.44.010 through 41.44.250.

41.44.020 Purpose of chapter. The purpose of this chapter is to provide for an actuarially sound system for the payment of annuities and other benefits to officers and employees and to beneficiaries of officers and employees of cities and towns thereby enabling such employees to provide for themselves and their dependents in case of old age, disability and death, and effecting

economy and efficiency in the public service by furnishing an orderly means whereby such employees who have become aged or otherwise incapacitated may, without hardship or prejudice, be retired from active service. [1947 c 71 § 2; Rem. Supp. 1947 § 9592-131.]

41.44.030 Terms defined. As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the state-wide city employees retirement system provided for herein.

(2) "City" or "cities" includes town or towns.

(3) "Employee" means any appointive officer or employee and shall include elective officials to the extent specified herein.

(4) "Member" means any person included in the membership of the retirement system as provided herein.

(5) "Board" means the "board of trustees" provided for herein.

(6) "Retirement fund" means "state-wide city employees retirement fund" provided for herein.

(7) "Service" means service rendered to a city for compensation; and for the purpose of this chapter a member shall be considered as being in service only while he is receiving compensation from the city for such service or is on leave granted for service in the armed forces of the United States as contemplated in RCW 41.44.120.

(8) "Prior service" means the service of a member for compensation rendered a city prior to the effective date and shall include service in the armed forces of the United States to the extent specified herein and service specified in RCW 41.44.120(5).

(9) "Current service" means service after the employee has become a member of the system.

(10) "Creditable service" means such service as is evidenced by the record of normal contributions, plus prior service as evidenced by prior service certificate.

(11) "Beneficiary" means any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit herein.

(12) "Compensation" means the compensation payable in cash, plus the monetary value, as determined by the board of trustees, of any allowance in lieu thereof (but for the purposes of this chapter such "compensation" shall not exceed three hundred dollars per month, except as to those employees of any member city the legislative body of which shall not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four hundred dollars, commencing on said date, or which shall so elect prior to January 1st of any succeeding year, effective as of January 1st of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars or an amount equal to such increased limitation established by such ordinance or resolution per month): *Provided however*, That the foregoing limitation shall not apply to uniformed personnel.

(13) "Compensation earnable" means the full rate of compensation that would be payable to an employee if he worked the full normal working time (but for the purposes of this chapter, such "compensation earnable" shall not exceed three hundred dollars per month, except as to those employees of any member city the legislative body of which shall not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four hundred dollars, commencing on said date, or which shall so elect prior to January 1st of any succeeding year, effective as of January 1st of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars or an amount equal to such increased limitation established by such ordinance or resolution per month): *Provided, however,* That the foregoing limitation shall not apply to uniformed personnel: *Provided further,* That after January 1, 1968 this term shall mean the full rate of compensation payable to an employee if he worked the full normal working time.

(14) "Final compensation" means the highest average annual compensation earnable in any five consecutive years of actual service rendered during the ten years immediately preceding retirement, or where the employee has less than five consecutive years of actual service, the earnable compensation for the last five years preceding his retirement.

(15) "Matching contribution" means the contribution of the city deposited in an amount equal to the normal contributions of the employee.

(16) "Normal contributions" means the contributions at the rate provided for in RCW 41.44.130, excluding those referred to in subsection (6).

(17) "Released matching contributions" means such "matching contributions" as are no longer held for the benefit of the employee.

(18) "Regular interest" means interest compounded annually at such rate as shall have been adopted by the board of trustees in accordance with the provisions of this chapter.

(19) "Accumulated normal contributions" means the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(20) "Pension" means payments derived from contributions made by the city as provided herein.

(21) "Annuity" means payments derived from contributions made by a member as provided herein.

(22) "Retirement allowance" means the pension plus annuity.

(23) "Fiscal year" means any year commencing with January 1st and ending with December 31st next following.

(24) "Miscellaneous personnel" means officers and employees other than those in the uniformed police or fire service: *Provided,* Those members of the fire department who are ineligible to the benefits of a firemen's pension system established by or pursuant to any

other state law, are also included in the miscellaneous personnel.

(25) "Uniformed personnel" means any employee who is a policeman in service or who is subject to call to active service or duty as such.

(26) "Effective date" when used with regard to employees means the date on which any individual or group of employees became members of any retirement system and when used with regard to any city or town shall mean the date on which it became a participant.

(27) "Actuarial equivalent" means a benefit of equal value when computed at regular interest upon the basis of such mortality tables as shall be adopted by the board of trustees.

(28) "Persons having an insurable interest in his life" means and includes only such persons who, because of relationship from ties of blood or marriage, have reason to expect some benefit from the continuation of the life of the member.

(29) "Additional contributions" means contributions made pursuant to subsection (6) of RCW 41.44.130.

(30) "Accumulated additional contributions" means the sum of all "additional contributions" made by a member standing to the credit of the individual account, together with regular interest thereon.

(31) "Part time employees" means those employees who, although regularly and continuously employed, do not regularly perform their duties the full number of hours required of other regular employees, including but not confined to such employees as police judges, city attorneys and other officers and employees who are also engaged in outside employment or occupations.

(32) "Excess interest income" means that interest income earned and received from investments in excess of the interest income on investments required to meet actuarial funding requirements. [1967 ex.s. c 28 § 6; 1961 c 227 § 1; 1959 c 70 § 1; 1953 c 228 § 1; 1951 c 275 § 2; 1947 c 71 § 3; Rem. Supp. 1947 § 9592-132.]

Purpose—1967 ex.s. c 28: "It is the purpose of this act to provide amendments to existing legislation relating to the state-wide city employees retirement system to provide for an increase of investment earnings to be used for costs in purchasing, safekeeping, servicing and handling of securities, to amend the mandatory retirement age of uniformed personnel from attained age fifty-five to the minimum age for social security benefits, to change the time required for vested rights from ten years to five years in accordance with the recommendation of the federal committee on intergovernmental relations and to help meet competition with private industry by providing additional fringe benefits or an incentive program for city employees to attract and retain competent employees in public service." [1967 ex.s. c 28 § 1.]

Severability—1967 ex.s. c 28: "If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 28 § 8.]

The foregoing annotations apply to RCW 41.44.030, 41.44.070, 41.44.100, 41.44.105, 41.44.140 and 41.44.190.

41.44.040 System created—Operative date. A retirement system is hereby authorized for employees of cities, same to become operative after the requisite city or cities or combination thereof, have signified their intention to participate in the retirement system and the board has been appointed and qualified as herein provided. The board may begin to function, establish an

office, employ an actuary and such other personnel as necessary and undertake the work of establishing the retirement system but it shall not be required to undertake such work unless necessary moneys are made available through negotiated loans or advances from cities or otherwise.

Whenever cities have notified the governor of election to join the retirement system to an extent which would place three hundred or more employees under the system, the governor shall appoint board members as provided herein and the system so created and established shall be forthwith constituted. The date when the system shall become operative as to any city shall be fixed by the board. [1947 c 71 § 4; Rem. Supp. 1947 § 9592-133.]

Reviser's note: Caption for 1947 c 71 § 4 reads as follows: "Sec. 4. Authorization and Creation."

41.44.050 Election to participate. Any city or town of the first, second, third or fourth class may elect to participate in the retirement system established by this chapter: *Provided*, That a first class city may establish or maintain any other retirement system authorized by any other law or its charter. The manner of election to participate in a retirement system under this chapter shall be as follows:

(1) The legislative body therein by ordinance making such election;

(2) Approval by vote of the people of an ordinance initiated by the voters making such election;

(3) Approval by vote of the people of an ordinance making such election referended to the people by the legislative body.

Any ordinance providing for participation therein may on petition of the voters be referended to the voters for approval or disapproval.

The referendum or initiative herein provided for shall be exercised under the law relating to legislative initiative or referendum of the particular city; and if the city be one for which the law does not now provide such initiative or referendum, it shall be exercised in the manner provided for legislative initiative and referendum of cities having a commission form of government under chapter 116, Laws of 1911, the city council performing the duties and functions under that law devolving on the commission. A majority vote in the legislative body or by the electorate shall be sufficient to carry or reject. Whenever any city has elected to join the retirement system proper authorities in such city shall immediately file with the board an application for participation under the conditions included in this chapter on a form approved by the board. In such application the city shall agree to make the contributions required of participating cities in the manner prescribed herein and shall state which employee group or groups are to originally have membership in the system.

In the case of a state association of cities and towns, election to participate shall be by majority vote of the board of directors of the association. [1971 ex.s. c 271 § 13; 1947 c 71 § 5; Rem. Supp. 1947 § 9592-134.]

Reviser's notes: (1) Chapter 116, Laws of 1911 is codified in chapter 35.17 RCW, RCW 29.21.030, 29.21.040, 29.21.050, 29.21.090, part,

29.21.130, 29.21.150, part, 29.30.070, part, 29.62.140, 29.85.120, and 29.85.130.

(2) Caption for 1947 c 71 § 5 reads as follows: "Sec. 5. Method of Participation."

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

41.44.060 Persons excluded. Policemen in first class cities and all city firemen shall be excluded from the provisions of this chapter, except those employees of the fire department who are not eligible to the benefits of any firemen's pension system established by or pursuant to state law, and who shall be included in the miscellaneous personnel. [1951 c 275 § 3; 1947 c 71 § 6; Rem. Supp. 1947 § 9592-135.]

Firemen's relief and pensions: Chapters 41.16, 41.18 RCW.

Police relief and pensions in first class cities: Chapter 41.20 RCW.

Volunteer firemen's relief and pensions: Chapter 41.24 RCW.

41.44.070 Board of trustees. (1) The board of trustees shall consist of seven members, one of whom shall be the state insurance commissioner, ex officio; three elective city officials eligible to the benefits of the system who shall be appointed by the governor from a list of six city officials submitted by the executive committee of the association of Washington cities as the official representative of cities and towns in the state. Original terms of office of the appointees shall be one, two and three years as designated by the governor; thereafter terms shall be for three years duration. Appointments to fill vacancies other than those caused by expiration of a term, shall be for the unexpired term. Appointees shall serve until successors have been appointed and qualified.

In addition to these four members, there shall be three city employees who shall be elected by a secret ballot vote of the city employees who are members of the system. The method and details of such election shall be determined by the board of trustees. The first such election shall be held in June of 1968. The original terms of office for the elected city employee members shall be one, two and three years as designated by the board of trustees, and such terms shall begin July 1, 1968; thereafter terms shall be for three years' duration. In the case of vacancies of elected city employee positions the board of trustees shall appoint city employees to serve for the unexpired terms. Such appointees shall serve until successors have been elected.

(2) The board shall annually, dating from the first officially recorded meeting, elect a chairman and secretary. Four members shall constitute a quorum.

(3) Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board, and that he will not knowingly violate or wilfully permit to be violated any of the provisions of this chapter. [1967 ex.s. c 28 § 7; 1947 c 71 § 7; Rem. Supp. 1947 § 9592-136.]

Purpose—Severability—1967 ex.s. c 28. See notes following RCW 41.44.030.

41.44.080 Powers and duties of board—Compensation—Liability. The administration of the system is hereby vested in the board of trustees created in RCW 41.44.070 of this chapter and the board shall:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial valuation purposes;

(2) From time to time, through its actuary, make an actuarial investigation into the mortality and service experience of the beneficiaries under this chapter and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Certify annually the amount of appropriation which each city shall pay into the retirement fund in the next fiscal year, at such a time that the local authorities shall have ample opportunity for including such expense in the budget;

(5) Keep a record of all its proceedings, which shall be open to inspection by the public;

(6) From time to time adopt such rules and regulations not inconsistent with this chapter, for the administration of the provisions of this chapter, for the administration of the fund created by this chapter and the several accounts thereof, and for the transaction of the business of the board;

(7) Provide for investment, reinvestment, deposit and withdrawal of funds;

(8) Prepare and publish annually a financial statement showing the condition of the fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the state-wide city employees retirement system, and furnish a copy thereof to each city which has joined the retirement system, and to such members as may request copies thereof;

(9) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(10) Determine equitable amount of administrative expense and death-in-line-of-duty benefit expense to be borne by each city;

(11) Make available to any city considering participation in the system, the services of the actuary employed by the board for the purpose of ascertaining the probable cost of such participation. The cost of any such calculation or valuation shall be paid by the city requesting same to the retirement system;

(12) Perform such other functions as are required for the execution of the provisions of this chapter;

(13) No member of the board shall be liable for the negligence, default or failure of any employee or of any other member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence to provide for the safeguarding of the funds and assets of the system.

(14) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the fund for the preceding twelve-month period and from time to time make any necessary changes in such rate.

(15) Distribute excess interest income to retired members on a cost of living index basis, as published by the United States department of health, education and welfare, applied only to the annuity and current service portion of the retired members' retirement allowance: *Provided*, That such distribution shall not exceed the income earned and received on open end investments. [1961 c 227 § 2; 1951 c 275 § 4; 1949 c 171 § 1; 1947 c 71 § 8; Rem. Supp. 1949 § 9592-137.]

41.44.090 Contributions by cities—Withdrawal from system. (1) There shall be paid into the retirement fund by contributions of each city the amounts necessary to pay the following:

(a) Contributions equal to those deposited by employees;

(b) Prior service credits at such rate as may be selected;

(c) That part of a retirement allowance necessary to raise it to a specified minimum;

(d) An equitable share of the administrative costs, all of which costs are to be paid by the cities;

(e) An equitable share of the cost of the death-in-line-of-duty benefit, all of which costs are to be paid by the cities.

Any city having in its employ ten or more employees who are members of the system may elect to contribute, in lieu of its contributions set forth in item (a) above, an amount estimated actuarially necessary to match at retirement the accumulated normal contributions of those of its members who will ultimately retire for service or disability; provided that such election shall be made by resolution or ordinance of the legislative body of such city and, in order to become effective for the remainder of the year 1953, shall be made on or before July 1, 1953, and thereafter any election so made shall be made prior to January 1, 1954, to become then effective or prior to January 1st of any succeeding year to become effective on January 1st of such succeeding year.

Any city may, with the approval of the board, further elect to contribute in lieu of its contributions set forth in items (b) and (c) above, an amount estimated actuarially, necessary to amortize over a period of not to exceed thirty years, all liabilities on account of the participation of such a city, which are not covered by the contributions of its employees, its funds on hand and its contributions provided for in item (a) above or the contributions elected to be made in lieu thereof in cases where such city shall have elected to make said contribution in lieu of the contributions required in said item (a); provided that such election shall be made by resolution or ordinance of the legislative body of such city and, in order to become effective for the remainder of the year 1953, shall be made on or before July 1, 1953, and thereafter any election so made shall be made prior to January 1, 1954, to become then effective or prior to

January 1st of any succeeding year to become effective on January 1st of such succeeding year.

In the event that any city shall be making either of the lieu contributions as hereinabove set forth, the resulting contributions shall be adjusted to conform with facts and conditions disclosed by each succeeding actuarial valuation.

(2) Payment of the obligation set forth in subsection (1) of this section may be made in advance or may be paid currently as contributions are received from employees and pensions are paid to retired members: *Provided*, That the share of administrative expense and expense of the death-in-the-line-of-duty benefits shall be paid as soon as funds are available to make such payment and the board shall have the right to require any city that has withdrawn from the system, to annually, at the beginning of each calendar year, deposit and pay in cash an amount estimated by the board to be sufficient to meet the obligation of such city for the ensuing year to those of its members receiving a retirement allowance. From time to time each city may apply reserves in payment of the obligations set forth above as contemplated in RCW 41.44.200.

(3) The board shall furnish each city with an estimate of the amount necessary to pay the obligations of the city in the ensuing fiscal year and the city shall provide therefor in its budget. The board shall cause to be kept an account with each city, crediting the account with such advances and payments as are made by the city and debiting the account with such charges as properly accrue against the city. The board shall furnish each city with a monthly statement of the amount of matching contributions, prior service charges and charges for minimum retirement allowances properly accruing by reason of payment of retirement allowances and deposit of contributions of members.

(4) Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any retirement allowances or other benefits on account of the employees or retired members of any city under this chapter, for which reserves or guarantees have not been properly set up by such city or its employees to pay such retirement allowances or other benefits: *Provided*, That nothing herein contained shall be so construed to prevent the establishment of a reserve account for annuities and pensions in which shall be placed at the time of retirement of any member the balances of the retiring member's contribution and the city's matching funds for such member and from which account all annuities and current service pensions shall be paid.

(5) Any city may, by majority vote of its electors, withdraw from participation in the retirement system two years after giving written notice to the board of such action by the electorate. It is hereby specifically provided, however, that the city's obligation to those members receiving or eligible to a retirement allowance prior to such termination of participation shall continue in full force and effect as provided in this chapter. Members not receiving or being eligible to a retirement allowance at time of such termination shall be paid their accumulated contributions on demand. Should it

develop that any such city is entitled to a refund such refund shall be made within one year following demand of city entitled thereto. [1953 c 228 § 2; 1951 c 275 § 5; 1949 c 171 § 2; 1947 c 71 § 9; Rem. Supp. 1949 § 9592-138.]

41.44.100 Retirement fund—Deposit—Investment—Cost. (1) A fund is hereby created and established to be known as the "state-wide city employees retirement fund," and shall consist of all moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets: *Provided*, That such assets shall be public funds to the extent necessary to authorize any bank to deposit such collateral security necessary and required under the laws of the state to secure the deposit of public funds belonging to a city.

(2) The board of trustees shall be the custodian of the retirement fund and shall arrange for the safekeeping thereof. Subject to such provisions as may be prescribed by law for the deposit of city funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or banks in the state, or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of the state of Washington; and may be withdrawn on order of the board for the purpose of making such payments as are authorized and required by this chapter.

(3) The board may invest pension fund moneys in such securities of the United States, states, Dominion of Canada, public housing authorities, municipal corporations and other public bodies, as are designated by the laws of the state as lawful investments for the funds of mutual savings banks, and to invest not to exceed twenty-five percent of the system's total investments in the securities of any corporations or public utility bodies as are designated by the laws of the state as lawful investments for the funds of mutual savings banks: *Provided*, That not more than five percent of the system's total investments may be made in the securities of any one of such corporations or public utility bodies.

(4) Subject to the limitations hereinafter provided, investment of pension funds may also be made in amounts not to exceed twenty-five percent of the system's total investments in the shares of certain open-end investment companies: *Provided*, That not more than five percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed five percent of the assets of such company, and shall only be made in the shares of such companies as are registered as "open-end companies" under the federal investment company act of 1940, as amended. Such company must be at least ten years old and have net assets of at least five million dollars. It must have no outstanding bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase. The

maximum selling commission on its shares may not exceed seven and one-half percent of the sum of the asset value plus such commission.

(5) Investment of pension funds may also be made in the bonds of any municipal corporation or other public body of the state; and in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the local improvement guaranty fund law, issued by any city or town which is a member of the system. Investment of pension funds may also be made in the bonds or other obligations of any other state or territory of the United States or of any political subdivision, agency or instrumentality of any such state, territory, or political subdivision thereof.

Investment of pension funds may also be made in bonds or other obligations insured or guaranteed or which are covered by a repurchase agreement in whole or in part by the federal government or through any corporation, administrator, agency or instrumentality which is or hereafter may be created by the federal government.

(6) In order to provide for an equitable apportionment of the cost of the making and handling of the system's investments, the board may charge against the annual earnings from the system's investments, including income from the same and gains realized from the purchase and sale of its securities, a portion of such earnings computed on the book value of the investments held by the system at the end of its fiscal year, for the purpose of paying the cost of purchasing, safekeeping, servicing and handling its securities: *Provided*, That such portion shall not exceed one-half of one percent of such value and shall not exceed the net gain from the operations for the year: *Provided further*, That such charge shall not be considered as an administrative expense payable solely by the cities. [1967 ex.s. c 28 § 3; 1965 ex.s. c 99 § 1; 1957 c 158 § 1; 1953 c 228 § 3; 1951 c 275 § 6; 1949 c 171 § 3; 1947 c 71 § 10; Rem. Supp. 1949 § 9592-139.]

~~Purpose~~—~~Severability~~—1967 ex.s. c 28. See notes following RCW 41.44.030.

41.44.105 Supplemental benefits fund. (1) The board of trustees shall establish, in addition to the several benefits provided for, an additional and separate fund to be known as the "supplemental benefits fund" to provide for the payment of supplemental benefits, as hereinafter provided for employees of municipalities electing to participate in said fund.

(2) Any municipality which has elected to participate in this retirement system may elect to have the employees of the municipality participate in and be covered by the supplemental benefits fund. Such election is authorized to be made in any manner authorized by RCW 41.44.050, as now or hereafter amended, as it relates to participation in the system.

(3) A municipality which once elects to participate in the supplemental benefits fund shall never discontinue participation in the fund as to members who are covered in the fund.

(4) Membership in the fund shall be terminated by cessation of membership in the system.

(5) Each municipality which elects to participate in the supplemental benefits fund shall contribute to that fund, in addition to normal contributions and prior service contributions as required, such additional percentage of each payment of earnings as may be fixed by the board, on recommendation of the actuary, as necessary to accumulate the reserves needed to pay the anticipated benefit: *Provided*, That the rate of contribution to the supplemental benefits fund shall be on the full compensation of the member.

(6) The supplemental benefit for covered employees shall be an allowance not to exceed fifteen percent of average final compensation payable at the time of retirement.

(7) Should the service of a member be discontinued by other than death or retirement, the benefits and privileges as provided by RCW 41.44.190 as now or hereafter amended, shall apply.

(8) A municipality which elects to participate in the supplemental benefits fund shall provide such benefits for all members employed by such city. [1967 ex.s. c 28 § 2.]

~~Purpose~~—~~Severability~~—1967 ex.s. c 28. See notes following RCW 41.44.030.

41.44.110 Membership. (1) Subject to subsection (2) of this section, membership of this retirement system shall be composed of the following groups of employees in any participating city or cities:

(a) Miscellaneous personnel as defined in this chapter;

(b) Uniformed personnel as defined in this chapter;

(c) Elective officials, who shall have the right to membership in this retirement system upon filing written notice of such election with the board of trustees;

(d) Employees of the retirement system itself shall be entitled to membership and any costs in connection with such membership shall be a part of the cost of administration.

(e) Employees of any state association of cities and towns shall be entitled to membership, upon election to participate made by the board of directors pursuant to RCW 41.44.050, and any costs in connection with such membership which would be borne by a city in the case of employees of a city shall be borne by the association.

(2) Any city may, when electing to participate in this retirement system in the manner set forth in RCW 41.44.050, include any one group or combination of the groups mentioned in subsection (1) of this section. For an initial period not to exceed one year from the effective date of any city's entry into this system, if so provided at the time of its election to participate, only a majority of the employees of any group or combination of groups must be members of the system.

At all times subsequent to the effective date of the city's entry into this system, or at all times after expiration of such initial period, if such initial period is established at the time of the city's election to participate, all employees of any group or combination of groups must be included or excluded as members of this system. Groups (c) and (d) shall be considered as being composed of miscellaneous personnel as far as benefits

and obligations are concerned except when the contrary is clearly indicated.

(3) Subject to subsection (2) of this section, membership in the retirement system shall be compulsory for all employees in groups (a) and (b), after qualification as provided in subsection (4) of this section.

(4) Subject to subsection (2) of this section, all employees in city service, on the effective date, or on June 9, 1949, or on expiration of the initial period therein provided if they have completed six consecutive months' service or six months' service in any calendar year prior to the expiration of such initial period, shall be members of the system, provided that such employees who are not regular full time employees and are earning less than one hundred dollars per month, or are part time employees serving in an official or special capacity may with the acquiescence of the legislative body of the city or town in which they are employed, elect on or before January 1, 1950, to discontinue membership by giving written notice of such election to the board. All other regular employees earning more than one hundred dollars per month shall become members upon the completion of six consecutive months' service or six months' service in any calendar year. Any employee otherwise eligible, employed in a permanent position, may elect in writing to become a member of the system at any time during the initial period, or at any time prior to completing such six months' service. Such individual employees other than regular employees, who are earning less than one hundred dollars per month or who are serving in an official or special capacity may elect to become members with the acquiescence of the legislative body of the city or town in which they are employed upon the completion of six months of consecutive service or six months' service in any calendar year.

(5) It shall be the duty of the proper persons in each city to immediately report to the board routine changes in the status of personnel and to immediately furnish such other information regarding the employment of members as the board may from time to time require.

(6) Should any member withdraw more than one-quarter of his accumulated contributions, or should he die or be retired, he shall thereupon cease to be a member.

(7) Transfer of any employee from one city to another shall not cause the employee to lose membership in the system providing the city to which he transfers participates in the retirement system created herein. [1971 ex.s. c 271 § 14; 1965 ex.s. c 99 § 2; 1961 c 227 § 3; 1953 c 228 § 4; 1951 c 275 § 7; 1949 c 171 § 4; 1947 c 71 § 11; Rem. Supp. 1949 § 9592-140.]

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

41.44.115 Transfer of uniformed personnel from state employees' retirement system. See RCW 41.40.128.

41.44.120 Prior service credit. (1) Subject to subsections (4) and (5) of this section the following members shall be entitled to prior service credit:

(a) Each member in service on the effective date.

(b) Each member entering after the effective date if such entry is within one year after rendering service prior to the effective date.

(c) Each member entering in accordance with the provisions and subject to the conditions and limitations prescribed in subsection (5) of this section.

As soon as practicable, the board shall issue to each member entitled to prior service credit a certificate certifying the aggregate length of service rendered prior to the effective date. Such certificate shall be final and conclusive as to his prior service unless hereafter modified by the board, upon application of the member.

(2) Each city joining the system shall have the privilege of selecting the rate at which prior service pensions shall be calculated for its employees and may select any one of the three rates set forth below:

(a) 1.33% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "full prior service credit."

(b) 1.00% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "full [*three-fourths*] prior service credit."

(c) .667% of final compensation multiplied by the number of years of prior service credited to the member. This rate may be referred to as "one-half prior service credit."

(3) The above rates shall apply at the age of sixty-two or over for members included in the miscellaneous personnel and at age sixty or over for members in the uniformed personnel: *Provided*, That if a member shall retire before attaining either of the ages above referred to, the total prior service pension shall be reduced to the percentages computed and established in accordance with the following tables, to wit:

Miscellaneous Personnel Percent of Full Prior Service Allowable			
Male		Female	
Age	Factor	Age	Factor
45	65.48	45	66.78
46	66.86	46	67.91
47	68.29	47	69.09
48	69.77	48	70.34
49	71.28	49	71.67
50	72.82	50	73.10
51	74.43	51	74.71
52	76.13	52	76.41
53	77.93	53	78.21
54	79.84	54	80.11
55	81.86	55	82.12
56	84.00	56	84.24
57	86.28	57	86.50
58	88.69	58	88.89
59	91.26	59	91.42
60	94.00	60	94.11
61	96.90	61	96.96
62	100.00	62	100.00

Percent of Full Prior Service Allowable
Uniformed Personnel

Age	Factor
45	69.66
46	71.13
47	72.65
48	74.22
49	75.83
50	77.47
51	79.18
52	80.99
53	82.91
54	84.93
55	87.09
56	89.37
57	91.79
58	94.36
59	97.09
60	100.00

(4) If sickness, injury or service in the armed forces of the United States during the national emergency identified with World War I or World War II and/or service in the armed forces of the United States of America for extended active duty by any employee who shall have been regularly granted a leave of absence from the city service by reason thereof, prevents any regular employee from being in service on the effective date, the board shall grant prior service credit to such person when he is again employed. The legislative authority in each participating city shall specify the amount of prior service to be granted or current service credit to be made available to such employees: *Provided*, That in no case shall such service credit exceed five years. Certificate of honorable discharge from or documentary evidence of such service shall be submitted to the board before any such credit may be granted or made available. Prior or current service rates, or both, for such employees shall not exceed the rates established for fellow employees.

(5) There shall be granted to any person who was an employee of a private enterprise or a portion thereof which shall be hereafter acquired by a city as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such enterprise or portion thereof, credit for prior service for the period such person was actually employed by such private enterprise, except that this shall apply only to those persons who shall be employees of such enterprise or portion thereof at the time of its acquisition by the city and who remain in the service of such city until the effective date of membership of such person under this chapter.

There shall be granted to any person who was an employee of any state association of cities and towns, which association elects to participate in the retirement system established by this chapter, credit for prior service for the period such person was actually employed by such association, except that this shall apply only to those persons who shall be employees of such association on May 21, 1971.

Credit for such prior service shall be given only if payment for the additional cost of including such service has been made or if payment of such additional cost or reimbursement therefor has been otherwise provided for to the satisfaction of the board or if such person be entitled to any private pension or retirement benefits as a result of such service with such private enterprise, credit will be given only if he agrees at the time of his employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of these private pension or retirement benefits received. The conditions and limitations provided for in this subsection (5) shall be embodied in any certificate of prior service issued or granted by the board where any portion of the prior service credited under this subsection is included therein.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations. [1971 ex.s. c 271 § 15; 1959 c 70 § 2; 1957 c 158 § 2; 1951 c 275 § 8; 1947 c 71 § 12; Rem. Supp. 1947 § 9592-141.]

Reviser's note: In subsection (2)(a) the word "full" was substituted for "three-fourths" in the 1971 amendatory act [1971 ex.s. c 271], but the change was not indicated by deletion and addition marks.

Severability—1971 ex.s. c 271: See note following RCW 41.32.260.

41.44.130 Contributions by employees. (1) The normal rates of contribution of members shall be based on sex and age at time of entry into the system, which age shall be the age at the birthday nearest the date of such entry.

(2) The normal rates of contribution for miscellaneous personnel shall be so fixed as to provide an annuity which, together with the pension provided by the city, shall produce as nearly as may be, a retirement allowance at the age of sixty-two years, of one and one-third percent of the final compensation multiplied by the number of years of service of the retiring employee. The normal rate established for age sixty shall be the rate for any member who has attained a greater age before entrance into the retirement system and the normal contribution established for age twenty-four shall be the rate for any member who enters the system at an earlier age.

(3) The normal rates of contribution for uniformed personnel shall be so fixed as to provide an annuity which, together with the pension that would be derived from equal contributions by the city, shall produce as nearly as may be for members who enter service at age thirty-seven or below, a retirement allowance, at age fifty-five with twenty-five or more years of service, or at an age greater than fifty-five after twenty-five years of service, equal to fifty percent of final compensation; and for members entering service at ages over thirty-seven, a retirement allowance at age sixty-two which shall be the same proportion of fifty percent of final compensation as the member's actual years credited

bear to twenty-five years. The normal rate established for age fifty shall be the rate for any member who has attained a greater age before entrance into the retirement system.

(4) Subject to the provisions of this chapter, the board shall adopt rules and regulations governing the making of deductions from the compensation of employees and shall certify to the proper officials in each city the normal rate of contribution for each member provided for in subsections (2) and (3) of this section. The proper officials in each city shall apply such rate of contribution to the full compensation of uniformed personnel and to so much of the compensation of miscellaneous personnel as does not exceed three hundred dollars per month, or four hundred dollars per month, or to any increased amount of such compensation as to members whose member cities have duly elected to increase the limitation provided for in subsection (12) of RCW 41.44.030 and shall certify to the board on each and every payroll the total amount to be contributed and shall furnish immediately to the board a copy of each and every payroll; and each of said amounts shall be forwarded immediately to the board and the board shall credit the deduction shown on such payroll to individual accounts of the members represented on such payrolls.

(5) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contributions shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his claim to the benefits to which he may be entitled under the provisions of this chapter.

(6) Any member may elect to contribute in excess of the contributions provided for in this section in accordance with rules to be established by the board for the purpose of providing additional benefits, but the exercise of this privilege shall not place on the member city or cities any additional financial obligation. The board shall have authority to fix the rate of interest to be paid or allowed upon the additional contributions and from time to time make any necessary changes in said rate. Refunds of additional contributions shall be governed by the same rules as those covering normal contributions unless the board shall establish separate rules therefor. [1965 ex.s. c 99 § 3; 1961 c 227 § 4; 1957 c 158 § 3; 1951 c 275 § 9; 1947 c 71 § 13; Rem. Supp. 1947 § 9592-142.]

41.44.140 Retirement for service. Retirement of a member for service shall be made by the board as follows:

(1) Each member included in the miscellaneous personnel in service on the effective date, who, on or before such effective date, has attained the age of sixty-five years or over shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory retirements for a period of two years immediately following the effective date, but any member having attained the age of sixty-five may voluntarily retire at any

time after attaining such age. Members included in the miscellaneous personnel attaining age sixty-five after effective date shall be retired on the first day of the calendar month next succeeding the month in which the member shall have attained sixty-five, but none of such members shall be subject to compulsory retirement until two years after the effective date. The legislative authority of the city shall have the privilege at all times of extending time for retirement of any such member to his attainment of any age not exceeding age seventy: *Provided*, That any such extension shall not increase the retirement age of such member in excess of one year at a time.

(2) Any member included in the miscellaneous personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided*, That said member, at the time specified for his retirement, shall have attained the age of sixty years, or shall have thirty years of creditable service regardless of attained age: *Provided further*, That during the two years immediately following the effective date voluntary service retirement of such members under sixty-two years of age shall not be granted.

(3) Each member included in the uniformed personnel in service on the effective date who on or before such effective date has attained the minimum age for social security benefits shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory service retirements for a period of two years immediately following the effective date, but any such member having attained the minimum age for social security benefits may voluntarily retire at any time after attaining such age. Members included in the uniformed personnel attaining the minimum age for social security benefits after the effective date shall be retired on the first day of the calendar month next succeeding the month in which the members shall have attained the minimum age for social security benefits, but none of such members shall be subject to compulsory retirement until two years after the effective date. The legislative authority shall have the privilege at all times of extending time for retirement of any such member: *Provided*, That any such extension shall not increase the retirement age of such member in excess of one year at a time.

(4) Any member included in the uniformed personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided*, That said members, at the time specified for retirement, shall have twenty-five years of creditable service regardless of age, or shall have attained the age of fifty-five years regardless of years of creditable service: *Provided further*, That during the two years immediately following the effective date voluntary service retirement of such members under the minimum age for social security benefits shall not be granted.

(5) After the retirement of any employee, any member city, by unanimous vote of its legislative body and

with the consent of the board, may reemploy or retain such employee in its service to fill a supervisory or key position. [1967 ex.s. c 28 § 4; 1965 ex.s. c 99 § 4; 1961 c 227 § 5; 1953 c 228 § 5; 1951 c 275 § 10; 1947 c 71 § 14; Rem. Supp. 1947 § 9592-143.]

Purpose—Severability—1967 ex.s. c 28: See notes following RCW 41.44.030.

41.44.150 Allowance on retirement for service. (1) A member upon retirement for service, shall receive a retirement allowance subject to the provisions of subsection (2) of this section, which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated normal contributions at the time of his retirement; and

(b) A pension provided by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member;

(c) For any member having credit for prior service an additional pension, provided by the contributions of the city, as set forth in RCW 41.44.120 at the rate selected by the city employing the member;

(d) Any member, excepting a part time employee, who has ten or more years of creditable service and who is retired by reason of attaining the age of sixty-five or over if included in the miscellaneous personnel or the age of fifty-five or over if included in the uniformed personnel, and whose retirement allowance is calculated to be less than sixty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make his total retirement allowance equal to sixty dollars per month. An annuity purchased by accumulated additional contributions in such case shall be paid in addition to the minimum guaranteed as herein provided. A part time employee having ten or more years of creditable service, retired by reason of attaining the ages in this subdivision specified and whose retirement allowance is calculated to be less than forty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make the total retirement allowance equal to forty dollars per month, together with an annuity purchased by his accumulated additional contributions, if any, in addition to the minimum guaranteed.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to June 11, 1953.

(e) Any member, excepting a part time employee, who has been or is retired by reason of attaining the age of sixty-five or over if included in the miscellaneous personnel or the age of fifty-five or over if included in the uniformed personnel, and whose retirement allowance is calculated to be less than sixty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make his total retirement allowance equal to six dollars per month for each year of his creditable service: *Provided*, That the total additional retirement allowance shall be limited to an amount equal to such amount as will make his total retirement allowance not more than sixty dollars per

month. An annuity purchased by accumulated additional contributions, if any, in such case shall be paid in addition to the minimum guaranteed, as herein provided.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to June 11, 1953.

(f) The normal retirement age for uniformed personnel shall be age fifty-five with twenty-five years of creditable service, or shall be at an age greater than age fifty-five upon the completion of twenty-five years or more of creditable service. Upon retirement at the normal age, the retirement allowance shall be equal to fifty percent of final compensation. If retirement occurs at an age other than the normal age, the retirement allowance shall be the same proportion of fifty percent of final compensation as the member's actual years of service bears to the years of service that were or would have been served up to the normal retirement age: *Provided*, That if retirement occurs prior to the normal age of retirement, said allowance shall be the actuarial equivalent of said allowance at the normal age of retirement.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to August 6, 1965.

(2) If the retirement allowance of the member as provided in this section, is in excess of three-fourths of his final compensation, the pension of the member, purchased by the contributions of the city, shall be reduced to such an amount as shall make the member's retirement allowance equal to three-fourths of his final compensation, except as provided in subdivision (3) of this section.

(3) A member, upon retirement from service, shall receive in addition to the retirement allowance provided in this section, an additional annuity which shall be the actuarial equivalent of any accumulated additional contributions which he has to his credit at the time of his retirement. [1965 ex.s. c 99 § 5; 1961 c 227 § 6; 1957 c 158 § 4; 1953 c 228 § 6; 1951 c 275 § 11; 1949 c 171 § 5; 1947 c 71 § 15; Rem. Supp. 1949 § 9592-144.]

41.44.160 Retirement for disability. Any member who has at least ten years of creditable service within the fifteen years immediately preceding retirement and has not attained the age of sixty-five years, or who attains or has attained the age of sixty-five years prior to two years after the effective date, may be retired by the board for permanent and total disability, either ordinary or accidental not incurred in line of duty, and any member, regardless of his age or years of service, may be retired by the board for any permanent and total disability incurred in line of duty, upon examination as follows:

Any member while in service, or while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of city service, shall be examined by such medical

authority as the board shall employ, upon the application of the head of the office or department in which the member is employed with approval of the legislative body, or upon application of said member, or a person acting in his behalf, stating that said member is permanently and totally incapacitated, either physically or mentally, for the performance of duty and ought to be retired. If examination shows, to the satisfaction of the board, that the member should be retired, he shall be retired forthwith: *Provided*, That no such application shall be considered or granted upon the application of a member unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member: *Provided*, The board shall retire the said member for disability forthwith: *Provided*, That the disability retirement allowance shall be effective on the first of the month following that in which the member last received salary or wages in city service.

The board shall secure such medical services and advice as it may deem necessary to carry out the purpose of this section and RCW 41.44.180. [1965 ex.s. c 99 § 6; 1951 c 275 § 12; 1949 c 171 § 6; 1947 c 71 § 16; Rem. Supp. 1947 § 9592-145.]

41.44.170 Allowance on retirement for disability. On retirement for permanent and total disability not incurred in line of duty a member shall receive a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated normal contributions; and

(2) A pension provided by the contributions of the city which, together with his annuity provided by his accumulated normal contributions, shall make his retirement allowance equal to thirty percent of his final compensation for the first ten years of service, which allowance shall be increased by one and one-half percent for each year of service in excess of ten years to a maximum of fifty percent of his final compensation; otherwise he shall receive a retirement allowance of forty dollars per month or, except as to a part time employee, such sum, monthly, not in excess of sixty dollars per month, as is equal to six dollars per month for each year of his creditable service, whichever is greater. If the retirement allowance of a part time employee, based upon the pension hereinabove provided, does not exceed forty dollars per month, then such part time employee shall receive a retirement allowance of forty dollars per month and no more.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to August 6, 1965.

(3) If it appears to the satisfaction of the board that permanent and total disability was incurred in line of duty, a member shall receive in lieu of the retirement allowance provided under subdivisions (1) and (2) of this section full pay from, and be furnished all hospital and medical care by, the city for a period of six months from the date of his disability, and commencing at the

expiration of such six month period, shall receive a retirement allowance, regardless of his age or years of service, equal to fifty percent of his final compensation exclusive of any other benefit he may receive.

(4) No disability retirement allowance shall exceed seventy-five percent of final compensation, anything herein to the contrary notwithstanding, except as provided in subdivision (7) of this section.

(5) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board. In the alternative, if there be a surviving spouse, or if no surviving spouse, there are surviving a child or children under the age of eighteen years, upon written notice to the board by such spouse, or if there be no such spouse, by the duly appointed, qualified and acting guardian of such child or children, within sixty days of the date of such member's death, there shall be paid to such spouse during his or her lifetime, or, if there be no such spouse, to such child or children, until they shall reach the age of eighteen years, a monthly pension equal to one-half of the monthly final compensation of such deceased member. If any such spouse or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided.

(6) If disability is due to intemperance, wilful misconduct, or violation of law, on the part of the member, the board, in its discretion, may pay to said member, in one lump sum his accumulated contribution, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member.

(7) In addition to the annuity and pension provided for in subdivisions (1) and (2) of this section, a member shall receive an annuity which shall be the actuarial equivalent of his accumulated additional contributions. [1973 1st ex.s. c 154 § 78; 1965 ex.s. c 99 § 7; 1961 c 227 § 7; 1957 c 158 § 5; 1953 c 228 § 7; 1951 c 275 § 13; 1947 c 71 § 17; Rem. Supp. 1947 § 9592-146.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.44.180 Examination of disability beneficiary—

Reentry. (1) The board may, at its pleasure, require any disability beneficiary under age sixty-two in the miscellaneous personnel and under age fifty-five in the uniformed personnel to undergo medical examination by medical authority designated by the board. Upon the basis of such examination the board shall determine whether such disability beneficiary is still totally and permanently incapacitated, either physically or mentally, for service in the office or department of the city where he was employed or in any other position in that city, the duties of which he might reasonably be expected to carry out.

(2) If the board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be reinstated forthwith in city

service. If the city is unable to find employment for a disability beneficiary found to be no longer totally and permanently disabled, the board shall continue the disability retirement allowance of the beneficiary until such time as employment is available, except as provided in paragraph (4) of this section.

(3) Should a disability beneficiary reenter city service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of such reentry. His individual account shall be credited with his accumulated contributions less the annuity payments made to him. An amount equal to the accumulated normal contributions so credited to him shall again be held for the benefit of said member and shall no longer be included in the amounts available to meet the obligations of the city on account of benefits that have been granted. Such member shall receive credit for prior service in the same manner as if he had never been retired for disability.

(4) Should any disability beneficiary under age sixty-two in the miscellaneous personnel or under age fifty-five in the uniformed personnel, refuse to submit to medical examination, his retirement allowance may be discontinued until his withdrawal of such refusal, and should refusal continue for one year, his retirement allowance may be canceled. Should said disability beneficiary, prior to attaining age sixty-two or age fifty-five, as the case may be, engage in a gainful occupation the board shall reduce the amount of his retirement allowance to an amount, which when added to the compensation earned by him in such occupation, shall not exceed the amount of the final compensation on the basis of which his retirement allowance was determined. Should the earning capacity of such beneficiary be further altered, the board may further alter his retirement allowance as indicated above. When said disability beneficiary reaches age sixty-two, if included in the miscellaneous personnel, or age fifty-five, in the uniformed personnel, his retirement allowance shall be made equal to the amount upon which he was originally retired, and shall not again be modified for any cause except as provided in RCW 41.44.250.

(5) Should the retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into city service, he shall be paid his accumulated contributions, less annuity payments made to him. [1961 c 227 § 8; 1947 c 71 § 18; Rem. Supp. 1947 § 9592-147.]

41.44.190 Withdrawal from system—Reentry—
Payment on death of member. (1) Should service of a member of the miscellaneous personnel be discontinued except by death or retirement, he shall be paid six months after the day of discontinuance such part of his accumulated contributions as he shall demand. Six months after the date of such discontinuance, unless on leave of absence regularly granted, or unless he has exercised the option hereinafter provided, his rights to all benefits as a member shall cease, without notice, and

his accumulated contributions shall be returned to him in any event or held for his account if for any reason the return of the same is prevented. Should service of a member of the uniformed personnel be discontinued except by death or retirement, he shall be paid six months after the day of discontinuance such part of his accumulated contributions as he shall demand, and six months after the date of such discontinuance, unless on leave of absence regularly granted, his rights to all benefits as a member shall cease, without notice, and his accumulated contributions shall be returned to him in any event, or held for his account if for any reason the same is prevented: *Provided*, That the board may in its discretion, grant the privilege of withdrawal in the amounts above specified at any time following such discontinuance. Any member whose service is discontinued except by death or retirement, and who has five or more years of creditable service when such discontinuance occurs, may, at his option, leave his accumulated contributions in the fund and thereby be entitled to receive a deferred retirement allowance commencing at retirement age sixty for miscellaneous personnel and at age fifty-five for uniformed personnel, such retirement allowance to be computed in the same manner provided in subsection (1) of RCW 41.44.150: *Provided*, That this option may be revoked at any time prior to commencement of annuity payments by filing a written notice of such intention with the board together with a written application for a refund of such accumulated contributions. The board may establish rules and regulations to govern withdrawal and redeposit of contributions.

(2) Should a former member, within five years after discontinuance of service, return to service in the same city in which he was employed he may restore to the fund in such manner as may be agreed upon by such person and the board, his withdrawn normal accumulated contributions as they were at the time of his separation from service and upon completion of such redeposit all his rights and privileges existing at the time of discontinuance of service shall be restored and his obligations as a member shall begin again. The rate of contribution of such returning member shall be the same as it was at the time he separated from service.

(3) Upon the death of any person who has not been retired, pursuant to the provisions hereof, there shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board, his accumulated contributions less any payments therefrom already made to him. Such payment may be made in one lump sum or may be paid in installments over a period of not to exceed five years, as may be designated by the member or his beneficiary, with such rate of interest as may be determined by the board.

(4) In lieu of the death benefit otherwise payable under subsection (3) of this section, there shall be paid a total allowance equal to one-fourth average final compensation per month to the surviving spouse of a member with at least twenty years service as such, at the time of death and who has not been retired and who, by reason of membership in the system, is covered by

the Old Age and Survivors Insurance provisions of the Federal Social Security Act, but not at the time of death qualified to receive the benefits thereof. Said allowance shall become payable upon the death of said member or upon the date the surviving spouse becomes ineligible for any benefit payment from the Federal OASI, if later, and shall cease upon death or remarriage, or upon the date the surviving spouse would become entitled, upon application therefor; to any insurance benefit from the Federal OASI system, whichever event shall first occur: *Provided*, That said benefit shall cease upon the beneficiary becoming employed by any member city of said system: *Provided further*, That this allowance shall consist of:

(a) An amount which shall be the actuarial equivalent of the normal contributions at the time specified for retirement;

(b) An amount provided by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member;

(c) Such additional amount, provided by the contributions of the city, as will make the total allowance equal to one-fourth average final compensation per month;

(d) An annuity purchased by the accumulated additional contributions, if any, in addition to the minimum guaranteed.

(5) In lieu of the death benefit otherwise payable under subsection (3) of this section, the surviving spouse of a member who dies after having attained the minimum requirements for his service retirement as required by RCW 41.44.140 may elect to receive the allowance which would have been paid to such surviving spouse had the member been retired on the date of his death and had he elected to receive the lesser retirement allowances provided for in option C of RCW 41.44.220.

(6) If a former member shall, within one year from date of discontinuance of service, be employed by another city participating in this retirement system he shall have the privilege of redepositing and the matching contributions deposited by the city or cities in which he was formerly employed shall again be held for the benefit of such member. If such redepositing member possessed a prior service certificate the city employing him at time of retirement shall accept the liability evidenced by such certificate.

Reinstatement of a prior service certificate shall be effective only upon a showing that normal contributions are on deposit in the retirement fund, to the credit of the member, covering all current service. [1967 ex.s. c 28 § 5; 1965 ex.s. c 99 § 8; 1961 c 227 § 9; 1951 c 275 § 14; 1947 c 71 § 19; Rem. Supp. 1947 § 9592-148.]

Purpose—Severability—1967 ex.s. c 28: See notes following RCW 41.44.030.

41.44.200 Withdrawal—Procedure as to city's contribution. Whenever a member withdraws his accumulated normal contributions the matching contributions of the city so released shall be transferred to a reserve account created for the purpose of showing the amount of credits due each city through such operation. Such credits may be used by the city to apply on any charges

made against the city but only so much thereof as will insure leaving in such account an amount estimated to be sufficient to again match contributions redeposited by employees returning to service as contemplated in RCW 41.44.190. The board may credit such reserve accounts with interest at such rate as the board deems equitable: *Provided*, That as to any member city which has elected to and is making contributions in lieu of those required in RCW 41.44.090(1)(a), there shall be no release of the city's matching contributions after the date of its commencement to make such lieu contributions: *Provided further*, That any released contributions of any such city which have been credited to its reserve account prior to the date of such commencement, shall be available to it for the purposes hereinabove specified, unless the board shall determine that their immediate use for such purposes would result in a harmful effect upon the assets of the system, in which event the board shall have the right to defer their use for a reasonable time in which to permit it to make adjustments in the current assets of the system to prevent the same. [1953 c 228 § 8; 1947 c 71 § 20; Rem. Supp. 1947 § 9592-140.]

41.44.210 Benefit on death in line of duty. Upon the death of any member who dies from injuries or disease arising out of or incurred in the performance of his duty or duties, of which the board of trustees shall be the judge, if death occurs within one year from date of discontinuance of city service caused by such injury, there shall be paid to his estate or to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the board, the sum of one thousand dollars, purchased by the contributions of the cities participating in the retirement system; and in addition thereto there shall be paid to the surviving spouse during such spouse's lifetime, or if there be no surviving spouse, then to his minor child or children until they shall have reached the age of eighteen years, a monthly pension equal to one-half the monthly final compensation of such deceased member. If any such spouse, or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided. Cost of the lump sum benefit above provided shall be determined by actuarial calculation and prorated equitably to each city. The benefits provided in this section shall be exclusive of any other benefits due the member under this chapter. [1973 1st ex.s. c 154 § 79; 1961 c 227 § 10; 1957 c 158 § 6; 1947 c 71 § 21; Rem. Supp. 1947 § 9592-150.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.44.220 Optional allowance on retirement. A member may elect to receive in lieu of the retirement allowance provided for in RCW 41.44.150, its actuarial equivalent in the form of a lesser retirement allowance, payable in accordance with the terms and conditions of one of the options set forth below in this section. Election of any option must be made by written application filed with the board at least thirty days in advance of retirement, or may be made by any member after he

has attained the minimum requirements for his service retirement as required by RCW 41.44.140, and shall not be effective unless approved by the board prior to retirement of the member.

Option A. The lesser retirement allowance shall be payable to the member throughout his life: *Provided*, That if he die before he receives in annuity payments referred to in paragraph (a) of subsection (1) of RCW 41.44.150 a total amount equal to the amount of his accumulated contributions as it was at date of his retirement, the balance of such accumulated contributions shall be paid in one sum to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option B. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member, one-half of the lesser retirement allowance shall be continued throughout the life of and paid to the wife or husband of this member.

Option C. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member it shall be continued throughout the life of and paid to the wife or husband of the member.

A member may apply for some other benefit or benefits and the board may grant such application provided such other benefit or benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent value to his retirement allowance.

The surviving spouse may elect to receive a cash refund of the member's accumulated contributions in lieu of the monthly benefit under either Option B or Option C. [1965 ex.s. c 99 § 9; 1947 c 71 § 22; Rem. Supp. 1947 § 9592-151.]

41.44.230 Monthly payments. A pension, annuity, or a retirement allowance granted under the provisions of this chapter, unless otherwise specified herein, shall be payable in monthly installments, and each installment shall cover for the current calendar month. [1947 c 71 § 23; Rem. Supp. 1947 § 9592-152.]

41.44.240 Rights immune from legal process. The right of a person to a pension, annuity or a retirement allowance, to the return of contribution, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter shall not be subject to execution, garnishment, or any other process whatsoever. [1947 c 71 § 24; Rem. Supp. 1947 § 9592-153.]

41.44.250 Suspension of retirement allowance. The payment of any retirement allowance to a member who has been retired from service shall be suspended during the time that the beneficiary is in receipt of compensation for service to any city or town that is a member of the state-wide city employees' retirement system, except as to the amount by which such retirement allowance may exceed such compensation for the same period. It is the intent of this section to prevent any retired person

from being able to receive both his retirement allowance and compensation for service to any city or town that is a member of the state-wide city employees' retirement system: *Provided*, That nothing in this section shall prevent county or state welfare departments from furnishing to any retired employee under the terms of this chapter the hospital, medical, dental and other benefits granted to pensioners under the provisions of Title 74 RCW. [1951 c 275 § 15; 1947 c 71 § 25; Rem. Supp. 1947 § 9592-154.]

41.44.260 Merger of existing or new systems into state-wide system—Contract. The council or other legislative body of any city or town in which there has been established or may hereafter be established by ordinance or pursuant to authority granted, or hereafter granted, by any of the laws of the state of Washington, any retirement system, pension, relief or disability system, excluding any system directly established by the legislature of the state of Washington and by its terms made compulsory, shall have the right by a legal contract in writing to merge or integrate its existing system with that of the state-wide city employees' retirement system established by chapter 71, Laws of 1947 [Chapter 41.44 RCW]. Any such contract shall contain appropriate provisions granting to any member of the systems integrated or merged the right to elect to withdraw his or her accumulated contributions accrued to the effective date of the merger or integration where the contract would result in a reduction or impairment of the benefits provided for in the existing system of which he or she is a member, and no such contracts shall be effective which shall reduce or impair the benefits which employees who are receiving benefits from either of the integrated systems would have received had the integration or merger not been effected. [1949 c 137 § 1; Rem. Supp. 1949 § 9592-133a.]

41.44.270 Agreements between board and cities which accept social security act benefits. Should any member city of the state-wide city employees retirement system established pursuant to this chapter, hereafter take advantage of any benefits lawfully available to its employees and their survivors under the old age and survivors insurance system embodied in the social security act, or should any city which has lawfully taken advantage of such benefits desire to become a member of the state-wide city employees retirement system, such city and the board shall have the power to enter into an agreement mutually satisfactory to both parties adjusting the contributions to be made by such city and by its employees and the benefits to be paid by the state-wide city employees retirement system, in such a manner to permit the participation of such city in the system as a member with reduced benefits to its employees and reduced contributions by the city and by its employees: *Provided*, That such adjustment shall be made upon an actuarially sound basis and that as to all matters, other than those changed by such agreement, the provisions of the state-wide city employees retirement system law shall apply: *Provided further*, That unless such an agreement is entered into by mutual

consent of such city and the board, all of the provisions of the state-wide city employees retirement system law shall be applicable. [1953 c 228 § 9.]

41.44.300 System abolished—Date—Transfer of assets, liabilities and responsibilities. Notwithstanding any provisions of chapter 41.44 RCW to the contrary, the state-wide employees' retirement system shall no longer exist after January 1, 1972, at which time all assets, liabilities, and responsibilities of the state-wide city employees' retirement system shall be transferred to and assumed by the Washington public employees' retirement system as provided for in RCW 41.40.405 through 41.40.407. [1971 c 75 § 4.]

Chapter 41.47

ACCEPTANCE OF OLD AGE AND SURVIVORS' INSURANCE—1941 ACT

Sections

41.47.010	Benefits of federal act accepted.
41.47.020	Wage deductions.
41.47.030	Operation of statute limited.
41.47.040	Severability as to coverage.
41.47.050	Contingent effective date.

Designation of agency to carry out federal social security disability program: RCW 43.17.120, 43.17.130.

41.47.010 Benefits of federal act accepted. The state of Washington in behalf of all its eligible officials and employees and the eligible officials and employees of all its counties, cities and towns, and of any and all other of its municipal corporations and political subdivisions which levy taxes and employ and pay salaries and wages to officials and employees including public utility districts, hereby accepts the benefits of the old age and survivors' insurance benefit provisions of the federal social security act, whenever the provisions of such act are extended to embrace such officials and employees. [1941 c 205 § 1; Rem. Supp. 1941 § 9998-57. Formerly RCW 74.40.010.]

41.47.020 Wage deductions. Any and all officials and boards having charge of the preparation of payrolls and payment of salaries and wages to such eligible officials and employees are hereby authorized and directed to make payroll and salary and wage deductions and to handle and dispose of the same as required by such federal act; and any official or board being authorized to disburse funds respectively for the office, department or division of the state, county, city or town, or other municipal corporation or political subdivision in which any such eligible official or employee is employed is authorized to pay and disburse out of any funds available for the operation and maintenance of such office, department or division such sums and dispose of and handle the same in such manner as is required and necessary to make payments and benefits of said federal act available to such eligible officials and employees. [1941 c 205 § 2; Rem. Supp. 1941 § 9998-58. Formerly RCW 74.40.020.]

41.47.030 Operation of statute limited. Nothing contained in this chapter shall deprive any person of benefits under any existing pension system, nor repeal, amend, modify or supersede any law, charter amendment or ordinance establishing or pertaining to an existing pension system. [1941 c 205 § 3; Rem. Supp. 1941 § 9998-59. Formerly RCW 74.40.030.]

41.47.040 Severability as to coverage. If it is found by any judicial authority of competent jurisdiction that the provisions of this chapter may not become applicable to any group of officials or employees for any reason, such inapplicability shall not prevent the same from becoming applicable as herein provided to the other officials and employees embraced herein. [1941 c 205 § 4; Rem. Supp. 1941 § 9998-60. Formerly RCW 74.40.040.]

41.47.050 Contingent effective date. This chapter shall take effect at the time and in the manner provided by the state Constitution unless at that time the federal social security act has not been amended to cover officials and employees of the state, county, city and other municipal corporations and political subdivisions, in which event it shall take effect and become operative on the first day of the second month following the month when such federal act shall become applicable to such state officials and employees. [1941 c 205 § 5; Rem. Supp. 1941 § 9998-61. Formerly RCW 74.40.050.]

Chapter 41.48

FEDERAL SOCIAL SECURITY FOR PUBLIC EMPLOYEES

Sections

41.48.010	Purpose—Construction.
41.48.020	Definitions.
41.48.030	Agreement with secretary of health, education, and welfare.
41.48.040	Employees' contributions.
41.48.050	Extension of social security benefits to employees of political subdivisions—Termination, procedure.
41.48.060	OASI contribution fund.
41.48.070	Employees may elect.
41.48.080	Administration costs—Allocation.
41.48.090	Rules and regulations.
41.48.100	Governor may delegate authority.

Acceptance of old age and survivors' insurance: Chapter 41.47 RCW. Application forms—Licenses—Mention of race or religion prohibited: RCW 43.01.100, 43.01.110.

Civil defense: Chapter 38.52 RCW.

Hours and wages of public institutions personnel: RCW 72.01.042, 72.01.043.

Plan for coverage of members of teachers' retirement system: Chapter 41.33 RCW.

Plan for OASI coverage of members of state employees' retirement system: Chapter 41.41 RCW.

Trusts for employee benefits: Chapter 49.64 RCW.

41.48.010 Purpose—Construction. In order to extend to employees of the state and its political subdivisions and to the dependents and survivors of such employees, the basic protection accorded to others by the old age and survivors insurance system embodied in the social security act, it is hereby declared to be the policy of the legislature, subject to the limitations of this

chapter, that such steps be taken as to provide such protection to employees of the state and its political subdivisions on as broad a basis as is permitted under the social security act. Persons now members of or protected by any state or local pension or retirement plan or system may be covered under the federal social security act only as provided by the federal social security act amendments of 1954. (Public Law No. 761.) It is hereby declared to be the policy of the legislature in enacting the succeeding sections of this title that the protection afforded the employees in positions covered by a retirement system on the date an agreement under this title is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as the result of making the agreements so applicable whether the agreement provides for supplementation, integration or coordination. [1955 ex.s. c 4 § 1; 1951 c 184 § 1.]

41.48.020 Definitions. For the purposes of this chapter:

(1) "Wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of the federal insurance contributions act, would not constitute "wages" within the meaning of that act;

(2) "Employment" means any service performed by an employee in the employ of the state, or any political subdivision thereof, for such employer, except (a) service which in the absence of an agreement entered into under this chapter would constitute "employment" as defined in the social security act; or (b) service which under the social security act may not be included in an agreement between the state and the secretary of health, education, and welfare entered into under this chapter;

(3) "Employee" includes all officers and employees of the state or its political subdivisions except officials compensated on a fee basis;

(4) "Secretary of health, education, and welfare" includes any individual to whom the secretary of health, education, and welfare has delegated any of his functions under the social security act with respect to coverage under such act of employees of states and their political subdivisions, and with respect to any action taken prior to April 11, 1953, includes the federal security administrator and any individual to whom such administrator has delegated any such function;

(5) "Political subdivision" includes an instrumentality of the state, of one or more of its political subdivisions, or of the state and one or more of its political subdivisions. Such term also includes a proprietary enterprise acquired, purchased or originated by the state or any of its political subdivisions subsequent to December, 1950. Such a subdivision may elect to accept federal OASI coverage under this chapter.

(6) "Federal insurance contributions act" means subchapter A of chapter 9 of the federal internal revenue code of 1939 and subchapters A and B of chapter 21 of

the federal internal revenue code of 1954, as such codes have been and may from time to time be amended; and the term "employee tax" means the tax imposed by section 1400 of such code of 1939 and section 3101 of such code of 1954. [1955 ex.s. c 4 § 2; 1953 c 62 § 1; 1951 c 184 § 2.]

41.48.030 Agreement with secretary of health, education, and welfare. (1) The governor is hereby authorized to enter on behalf of the state into an agreement with the secretary of health, education, and welfare consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision not members of an existing retirement system, or to members of a retirement system established by the state or by a political subdivision thereof or by an institution of higher learning with respect to services specified in such agreement which constitute "employment" as defined in RCW 41.48.020. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the governor and secretary of health, education, and welfare shall agree upon, but, except as may be otherwise required by or under the social security act as to the services to be covered, such agreement shall provide in effect that—

(a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

(b) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in RCW 41.48.020), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(c) Such agreement shall be effective with respect to services in employment covered by the agreement or modification thereof performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year immediately preceding the calendar year in which such agreement or modification of the agreement is accepted by the secretary of health, education and welfare.

(d) All services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;

(e) All services which (i) constitute employment as defined in RCW 41.48.020, (ii) are performed in the employ of a political subdivision of the state, and (iii) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the governor under RCW 41.48.050, shall be covered by the agreement; and

(f) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals to whom section 218(c)(3)(C) of the social security act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and

(g) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health, education, and welfare pursuant to subsection (5) of this section.

(h) Law enforcement officers and firemen of each political subdivision of this state who are covered by the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act (chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the agreement entered into under this section and for purposes of section 218 of the social security act. To the extent that the agreement between this state and the federal secretary of health, education, and welfare in existence on the date of adoption of this subsection is inconsistent with this subsection, the governor shall seek to modify the inconsistency.

(2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (a) to enter into an agreement with the secretary of health, education, and welfare whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under RCW 41.48.040(1) if they were covered by an agreement made pursuant to subsection (1) of this section, and (c) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (1) and other provisions of this chapter.

(3) The governor is empowered to authorize a referendum, and to designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d)(3) of the social security act, and subsection (4) of this section on the question of whether service in all positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. If a retirement system covers positions of employees of the state of Washington, of the institutions of higher learning, and positions of employees of one or more of the political subdivisions of the state, then for the purpose of the referendum as provided herein, there may be deemed to

be a separate retirement system with respect to employees of the state, or any one or more of the political subdivisions, or institutions of higher learning and the governor shall authorize a referendum upon request of the subdivisions' or institutions' of higher learning governing body: *Provided however*, That if a referendum of state employees generally fails to produce a favorable majority vote then the governor may authorize a referendum covering positions of employees in any state department who are compensated in whole or in part from grants made to this state under title III of the federal social security act: *Provided*, That any city or town affiliated with the state-wide city employees retirement system organized under chapter 41.44 RCW may at its option agree to a plan submitted by the board of trustees of said state-wide city employees retirement system for inclusion under an agreement under this chapter if the referendum to be held as provided herein indicates a favorable result: *Provided further*, That the teachers' retirement system be considered one system for the purpose of the referendum except as applied to the several colleges of education. The notice of referendum required by section 218(d)(3)(C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

(4) The governor, before authorizing a referendum, shall require the following conditions to be met:

(a) The referendum shall be by secret written ballot on the question of whether service in positions covered by such retirement system shall be excluded from or included under the agreement between the governor and the secretary of health, education, and welfare provided for in RCW 41.48.030(1);

(b) An opportunity to vote in such referendum shall be given and shall be limited to eligible employees;

(c) Not less than ninety days' notice of such referendum shall be given to all such employees;

(d) Such referendum shall be conducted under the supervision (of the governor or) of an agency or individual designated by the governor;

(e) The proposal for coverage shall be approved only if a majority of the eligible employees vote in favor of including services in such positions under the agreement;

(f) The state legislature, in the case of a referendum affecting the rights and liabilities of state employees covered under the state employees' retirement system and employees under the teachers' retirement system, and in all other cases the local legislative authority or governing body, shall have specifically approved the proposed plan and approved any necessary structural adjustment to the existing system to conform with the proposed plan.

(5) Upon receiving satisfactory evidence that with respect to any such referendum the conditions specified in subsection (4) of this section and section 218(d)(3) of

the social security act have been met, the governor shall so certify to the secretary of health, education, and welfare.

(6) If the legislative body of any political subdivision of this state certifies to the governor that a referendum has been held under the terms of RCW 41.48.050(1)(i) and gives notice to the governor of termination of social security for any coverage group of the political subdivision, the governor shall give two years advance notice in writing to the federal department of health, education, and welfare of such termination of the agreement entered into under this section with respect to said coverage group. [1971 ex.s. c 257 § 19; 1967 c 5 § 1; 1957 c 170 § 1; 1955 ex.s. c 4 § 3; 1951 c 184 § 3.]

Reviser's note: The colleges of education were redesignated state colleges by 1961 c 62 § 1, formerly RCW 28.81.005, decodified in the 1969 education code.

~~Purpose~~ **Severability**—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.48.040 Employees' contributions. (1) Every employee of the state whose services are covered by an agreement entered into under RCW 41.48.030 shall be required to pay for the period of such coverage, into the contribution fund established by RCW 41.48.060, contributions, with respect to wages (as defined in RCW 41.48.020), equal to the amount of employee tax which would be imposed by the federal insurance contributions act if such services constituted employment within the meaning of that act. Such liability shall arise in consideration of the employees' retention in the service of the state, or his entry upon such service, after the enactment of this chapter.

(2) The contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution.

(3) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the state agency shall prescribe. [1955 ex.s. c 4 § 4; 1951 c 184 § 4.]

41.48.050 Extension of social security benefits to employees of political subdivisions—Termination, procedure. (1) Each political subdivision of the state is hereby authorized to submit for approval by the governor a plan hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with the applicable provisions of such act, to those employees of such political subdivisions who are not covered by an existing pension or retirement system. Each pension or retirement system established by the state or a political subdivision thereof is hereby authorized to submit for approval by the governor a plan for extending the benefits of title II of the social security act, in conformity with applicable provisions of such act, to members of such pension or retirement system. Each such plan and

any amendment thereof shall be approved by the governor if he finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the governor, except that no such plan shall be approved unless—

(a) It is in conformity with the requirements of the social security act and with the agreement entered into under RCW 41.48.030;

(b) It provides that all services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the political subdivision by employees thereof, shall be covered by the plan;

(c) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (a) of subsection (3) and by subsection (4) of this section are expected to be derived and contains reasonable assurance that such sources will be adequate for such purposes;

(d) It provides that in the plan of coverage for members of the state teachers' retirement system or for state employee members of the state employees' retirement system, there shall be no additional cost to or involvement of the state until such plan has received prior approval by the legislature;

(e) It provides for such methods of administration of the plan by the political subdivision as are found by the governor to be necessary for the proper and efficient administration of the plan;

(f) It provides that the political subdivision will make such reports, in such form and containing such information, as the governor may from time to time require and comply with such provisions as the governor or the secretary of health, education, and welfare may from time to time find necessary to assure the correctness and verification of such reports; and

(g) It authorizes the governor to terminate the plan in its entirety, in his discretion, if he finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the governor and may be consistent with the provisions of the social security act.

(h) It provides that law enforcement officers and fire fighters of each political subdivision of this state who are covered by the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act (chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the plan or agreement entered into under this section and for purposes of section 216 of the social security act. To the extent that the plan or agreement entered into between the state and any political subdivision of this state is inconsistent with this subsection, the governor shall seek to modify the inconsistency.

(i) It provides that the plan or agreement may be terminated by any political subdivision as to any such coverage group upon giving at least two years advance notice in writing to the governor, effective at the end of the calendar quarter specified in the notice. It shall specify that before notice of such termination is given, a

referendum shall be held among the members of the coverage group under the following conditions:

(i) The referendum shall be conducted under the supervision of the legislative body of the political subdivision.

(ii) Not less than sixty days' notice of such referendum shall be given to members of the coverage group.

(iii) An opportunity to vote by secret ballot in such referendum shall be given and shall be limited to all members of the coverage group.

(iv) The proposal for termination shall be approved only if a majority of the coverage group vote in favor of termination.

(v) If a majority of the coverage group vote in favor of termination, the legislative body of the political subdivision shall certify the results of the referendum to the governor and give notice of termination of such coverage group.

(2) The governor shall not finally refuse to approve a plan submitted by a political subdivision under subsection (1), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

(3) (a) Each political subdivision as to which a plan has been approved under this section shall pay into the contribution fund, with respect to wages (as defined in RCW 41.48.020), at such time or times as the governor may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the governor under RCW 41.48.030.

(b) Each political subdivision required to make payments under paragraph (a) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this chapter, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to his wages (as defined in RCW 41.48.020), not exceeding the amount of employee tax which is imposed by the federal insurance contributions act, and to deduct the amount of such contribution from his wages as and when paid. Contributions so collected shall be paid into the OASI contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (a) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(4) Delinquent payments due under paragraph (a) of subsection (3) may, with interest at the rate of six percent per annum, be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the governor, be deducted from any other moneys payable to such subdivision by any department or agency of the state. [1971 ex.s. c 257 § 20; 1955 ex.s. c 4 § 5; 1951 c 184 § 5.]

~~Purpose~~—~~Severability~~—1971 ex.s. c 257: See notes following RCW 41.26.030.

41.48.060 OASI contribution fund. (1) There is hereby established a special fund in the state treasury to be known as the OASI contribution fund. All interest earnings presently in and all interest earnings accruing

to this fund in accordance with RCW 39.58.120 shall be deposited in the state's general fund. Such fund shall consist of and there shall be deposited in such fund: (a) All contributions and penalties collected under RCW 41.48.040 and 41.48.050; (b) all moneys appropriated thereto under this chapter; (c) any property or securities belonging to the fund; and (d) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this chapter, the governor is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter.

(2) The OASI contribution fund shall be established and held separate and apart from any other funds of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such fund shall be made for, and solely for (a) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under RCW 41.48.030; (b) payment of refunds provided for in RCW 41.48.040(3); and (c) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(3) From the OASI contribution fund the custodian of the fund shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the governor in accordance with any agreement entered into under RCW 41.48.030 and the social security act.

(4) The treasurer of the state shall be ex officio treasurer and custodian of the OASI contribution fund and shall administer such fund in accordance with the provisions of this chapter and the directions of the governor and shall pay all warrants drawn upon it in accordance with the provisions of this section and with the regulations as the governor may prescribe pursuant thereto. [1973 c 126 § 14; 1967 c 213 § 1; 1951 c 184 § 6.]

41.48.070 Employees may elect. The governing body of any political subdivision having any coverage group, as the term is defined in title II of the social security act, not covered by a state or municipal retirement system may submit for an advisory vote to the members of such coverage group the question of whether they prefer coverage by federal old-age and survivors insurance or coverage by a state or municipal retirement system. [1951 c 184 § 7.]

41.48.080 Administration costs—Allocation. All costs allocable to the administration of this chapter shall be charged to and paid to the general fund by the participating divisions and instrumentalities of the state pro rata according to their respective contributions. [1951 c 184 § 9.]

41.48.090 Rules and regulations. The governor shall make and publish such rules and regulations, not inconsistent with the provisions of this chapter, as he finds necessary or appropriate to the efficient administration of the functions with which he is charged under this chapter. [1951 c 184 § 10.]

41.48.100 Governor may delegate authority. Any authority conferred upon the governor by this chapter may be exercised by an official or state agency designated by him. [1951 c 184 § 11.]

Chapter 41.52 PUBLIC PENSION COMMISSION

Sections

41.52.010	Created —Composition—Qualifications and appointment of members.
41.52.020	Terms—Vacancies.
41.52.030	Expenses—Officers—Personnel—Quorum.
41.52.040	Powers and duties.
41.52.050	Right of access to files and records of public pension systems—Minutes, reports, etc., to be forwarded to commission.
41.52.060	Examination of records—Subpoena of witnesses, fees.
41.52.070	Appointment of investment counsel—Qualifications—Duties.

Community college board to consult within preparation of study report on faculty-pension plan: RCW 28B.50.570.

41.52.010 Created—Composition—Qualifications and appointment of members. There is created the state public pension commission. The commission shall consist of five members of the house of representatives to be appointed by the speaker thereof, five members of the senate to be appointed by the president of the senate, and five members to be appointed by the governor: *Provided*, That no more than three senators nor more than three representatives shall be appointed from the same political party. All original legislative members shall be appointed before the close of the 1963 extraordinary session of the legislature and successors shall be appointed before the close of each regular session thereafter: *Provided, further*, That if prior to the close of each regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such appointments shall be made as a matter of closing business of such extraordinary session. Legislative members shall be subject to confirmation, as to senate members by the senate, and as to house members by the house. No terms of legislative members shall be extended without such confirmation.

The members appointed by the governor shall have the following qualifications: (1) At least one of the members shall be experienced in actuarial principles; (2) One member shall be a trustee or official of a retirement system; and (3) Three members shall have had general experience and knowledge in fields pertinent to retirement system operating, but shall not at the time of appointment or during their terms of office be trustees or officials in any retirement system. [1969 c 10 § 2; 1963 ex.s. c 17 § 1.]

41.52.020 Terms—Vacancies. The members of the commission shall be appointed biennially for terms commencing July 1st and expiring on June 30th on each succeeding odd-numbered year and shall serve until their successors are appointed or elected, and qualified. The terms of office of legislative members who shall not continue to be members of the senate and house shall cease as of the date the certificates of election of their successors are issued. Vacancies in office of legislative members shall be filled by appointment from the same house by the remaining legislative members of that house. All vacancies shall be filled for the remainder of the unexpired term. Vacancies in memberships appointed by the governor shall be filled by appointment by the governor. [1963 ex.s. c 17 § 2.]

41.52.030 Expenses—Officers—Personnel—Quorum. The members of the commission shall be reimbursed for their expenses incurred while attending sessions of the commission or meetings of any committees of the commission or while engaged on other commission business authorized by the commission, at the rates provided in RCW 44.04.120, as now or hereafter amended. The commission shall select a chairman, vice chairman and secretary from among its members. The commission shall have authority to select and employ such research, technical, and clerical personnel and consultants as it deems necessary to carry out its powers and duties, whose compensation and salaries shall be fixed by the commission. A majority of the membership shall constitute a quorum. [1967 c 128 § 1; 1963 ex.s. c 17 § 3.]

41.52.040 Powers and duties. The commission shall have the following powers and duties:

(1) Study the pension and benefit laws applicable to officers and employees in governmental service throughout the state and appraise and evaluate the existing laws pertaining to this subject;

(2) Study and consider the financial problems of the several retirement and pension funds and make recommendations as to revisions in financial provisions and methods of amortizing the accrued liabilities of such funds without impairment of any of the rights and equities of participants and beneficiaries but in conformity with sound and established principles of financing pension fund obligations;

(3) Study and make recommendations concerning the extension of pension coverage to public employees to whom pension protection has not been accorded;

(4) Study and make recommendations concerning the preservation and continuity of earned rights and credits in public employment for pension purposes including a thorough study of the legal, financial and other aspects of so-called legal vesting of pension rights;

(5) Evaluate all pension proposals in terms of policy, cost implications, and their impact on other public employee retirement programs;

(6) Consider all aspects of pension planning and operation aiming toward the development of a standard pension policy grounded in fundamental principles;

(7) Consider the feasibility of codifying pension laws;

(8) Make available to such public officers and employees at all levels of government as it shall deem advisable, information as to pension and benefit studies, recommendations, and evaluations as to afford them an opportunity to become familiar with all aspects of pension problems so they may develop sound legislative and fiscal policies in accordance with established concepts of good retirement planning and sound financing;

(9) Report from time to time, at least biennially, to the members of the legislature, and to the governor, its conclusions and recommendations;

(10) Prepare an explanatory note for each pension bill introduced in the legislature, which note shall briefly explain the financial impact and policies of the bill, indicate the impact on the relative position of the system affected with the other public pension systems, and which shall be attached to or printed upon the printed bill;

(11) Study and make recommendations on the investment policies and procedures of all public pension systems. [1967 c 128 § 2; 1963 ex.s. c 17 § 4.]

41.52.050 Right of access to files and records of public pension systems—Minutes, reports, etc., to be forwarded to commission. (1) The commission, its staff and consultants as ordered by the commission shall have access to all files and records of the public pension systems in the state for inspection and review;

(2) The governing boards of all public pension systems in the state shall promptly forward to the commission copies of their minutes of meetings, actuarial reports, annual reports, reports on portfolio including changes in investment holdings showing sales, purchases and exchanges, and any other report which is approved for distribution by the board of trustees of any system. [1967 c 128 § 3.]

41.52.060 Examination of records—Subpoena of witnesses, fees. In the discharge of any duty herein imposed, the commission or any personnel under its authority and its subcommittees shall have the authority to examine and inspect all files, records and accounts of any public retirement system or board, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

In the case of the failure on the part of any person to comply with any subpoena issued in behalf of the commission, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or the judge thereof, on application of the commission, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Each witness who appears before the commission by its order, other than a state official or employee, shall

receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record in accordance with RCW 2.40.010, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the secretary and chairman of the commission. [1967 c 128 § 4.]

41.52.070 Appointment of investment counsel—Qualifications—Duties. The state public pension commission shall employ on a contractual basis a qualified investment counsel. Such counsel shall be a business organization having experience in securities analyses and investment counseling for both private and public pension funds on a national basis for a minimum of three consecutive years during the five years immediately prior to employment by the commission. The counsel shall not be engaged in the business of buying, selling or otherwise marketing securities during the time of its employment by the commission.

The securities counsel shall make periodic examinations of the transactions and portfolio of each public pension system in the state. The administrator of each pension system shall cooperate with and make its records available to the counsel. The counsel shall file a copy of its examination report with the public pension system examined and also with the public pension commission. The public pension commission shall include in its biennial report to the legislature a summarization of all such examination reports. The securities counsel shall be available on request of the board of trustees of any public retirement system in the state of Washington for investment counseling pertaining to any or all proposed changes in the investment portfolio of that system. [1967 c 160 § 1.]

Chapter 41.56 PUBLIC EMPLOYEES' COLLECTIVE BARGAINING

Sections	
41.56.010	Declaration of purpose.
41.56.020	Application of chapter.
41.56.030	Definitions.
41.56.040	Right of employees to organize and designate representatives without interference.
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41.56.160	Department to prevent unfair labor practices and issue remedial orders.

- 41.56.170 Department to prevent unfair labor practices and issue remedial orders—Procedure—Complaint—Notice of hearing—Answer—Intervening parties—Department not bound by technical rules of evidence.
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- 41.56.200 Department to prevent unfair labor practices and issue remedial orders—Application to state higher education personnel.
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- 41.56.220 Right of employee representing bargaining unit to be absent from employment during legislative session—Replacement.
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- 41.56.405 Interim committee on public employees collective bargaining—Membership.
- 41.56.410 Interim committee on public employees collective bargaining—Chairman—Officers—Rules of procedure—Ad hoc committees—Legislative members as liaison members to council—Staff.
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- 41.56.460 Uniformed personnel—Arbitration panel—Basis for determination.
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- 41.56.900 Short title—Effective date—1967 ex.s. c 108.
- 41.56.905 Uniformed personnel—Provisions additional—Liberal construction—1973 c 131.
- 41.56.910 Severability—1973 c 131.
- 41.56.950 Retroactive date in collective bargaining agreements allowable, when.

Reviser's note: Throughout chapter 41.56 RCW the phrase "this act" has been changed to "this chapter". "This act" [1967 ex.s. c 108] is codified as this chapter and RCW 41.06.150.

41.56.010 Declaration of purpose. The intent and purpose of this chapter is to promote the continued improvement of the relationship between public employers and their employees by providing a uniform basis for implementing the right of public employees to join labor organizations of their own choosing and to be represented by such organizations in matters concerning their employment relations with public employers. [1967 ex.s. c 108 § 1.]

41.56.020 Application of chapter. This chapter shall apply to any county or municipal corporation, or any political subdivision of the state of Washington except

as otherwise provided by RCW 47.64.030, 47.64.040, 54.04.170, 54.04.180, *28.72.010 through 28.72.090, and chapter 53.18 RCW. [1967 ex.s. c 108 § 2.]

***Reviser's note:** RCW 28.72.010 through 28.72.090 was repealed and reenacted as RCW 28A.72.010 through 28A.72.090.

41.56.030 Definitions. As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Department" means the department of labor and industries.

(6) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of AA counties or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended. [1973 c 131 § 2; 1967 ex.s. c 108 § 3.]

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.040 Right of employees to organize and designate representatives without interference. No public employer, or other person, shall directly or indirectly, interfere with, restrain, coerce, or discriminate against any public employee or group of public employees in the free exercise of their right to organize and designate representatives of their own choosing for the purpose of collective bargaining, or in the free exercise of any other right under this chapter. [1967 ex.s. c 108 § 4.]

41.56.050 Disagreement in selection of bargaining representative—Intervention by department. In the event that a public employer and public employees are in disagreement as to the selection of a bargaining representative the department shall be invited to intervene as is provided in RCW 41.56.060 through 41.56.090. [1967 ex.s. c 108 § 5.]

41.56.060 Determination of bargaining unit—Bargaining representative. The department, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining. In determining, modifying, or combining the bargaining unit, the department shall consider the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees. The department shall determine the bargaining representative by (1) examination of organization membership rolls, (2) comparison of signatures on organization bargaining authorization cards, or (3) by conducting an election specifically therefor. [1967 ex.s. c 108 § 6.]

41.56.070 Election to ascertain bargaining representative. In the event the department elects to conduct an election to ascertain the exclusive bargaining representative, and upon the request of a prospective bargaining representative showing written proof of at least thirty percent representation of the public employees within the unit, the department shall hold an election by secret ballot to determine the issue. The ballot shall contain the name of such bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the public employees within the unit, together with a choice for any public employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority vote of the public employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second-largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. Any agreement which contains a provision for automatic renewal or extension of the agreement shall not be a valid agreement; nor shall any agreement be valid if it provides for a term of existence for more than three years. [1967 ex.s. c 108 § 7.]

41.56.080 Certification of bargaining representative—Scope of representation. The bargaining representative which has been determined to represent a majority of the employees in a bargaining unit shall be

certified by the department as the exclusive bargaining representative of, and shall be required to represent, all the public employees within the unit without regard to membership in said bargaining representative: *Provided*, That any public employee at any time may present his grievance to the public employer and have such grievance adjusted without the intervention of the exclusive bargaining representative, if the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect, and if the exclusive bargaining representative has been given reasonable opportunity to be present at any initial meeting called for the resolution of such grievance. [1967 ex.s. c 108 § 8.]

41.56.090 Rules and regulations. The department shall promulgate, revise or rescind such rules and regulations as it may deem necessary or appropriate to administer the provisions of this chapter in conformity with the intent and purpose of this chapter and consistent with the best standards of labor-management relations. [1967 ex.s. c 108 § 9.]

41.56.100 Authority and duty of employer to engage in collective bargaining—Limitations—Mediation upon failure to agree. A public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative: *Provided*, That nothing contained herein shall require any public employer to bargain collectively with any bargaining representative concerning any matter which by ordinance, resolution or charter of said public employer has been delegated to any civil service commission or personnel board similar in scope, structure and authority to the board created by chapter 41.06 RCW. Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by either party to the state mediation service of the department of labor and industries. [1967 ex.s. c 108 § 10.]

Arbitration of labor disputes: Chapter 49.08 RCW.

41.56.110 Dues—Deduction from pay. Upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative. [1973 c 59 § 1; 1967 ex.s. c 108 § 11.]

41.56.120 Right to strike not granted. Nothing contained in this chapter shall permit or grant any public employee the right to strike or refuse to perform his official duties. [1967 ex.s. c 108 § 12.]

41.56.122 Collective bargaining agreements—Authorized provisions. A collective bargaining agreement may:

(1) Contain union security provisions: *Provided*, That nothing in this section shall authorize a closed shop provision: *Provided further*, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the department of labor and industries shall designate the charitable organization. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement. [1973 c 59 § 2.]

41.56.125 Arbitrators—Selection—Additional method. In addition to any other method for selecting arbitrators, the parties may request the department of labor and industries to, and the department shall, appoint a qualified person who may be an employee of the department to act as an arbitrator to assist in the resolution of a labor dispute between such public employer and such bargaining representative arising from the application of the matters contained in a collective bargaining agreement. The arbitrator shall conduct such arbitration of such dispute in a manner as provided for in the collective bargaining agreement: *Provided*, That the department shall not collect any fees or charges from such public employer or such bargaining representative for services performed by the department under the provisions of this chapter: *Provided further*, That the provisions of chapter 49.08 RCW shall have no application to this chapter. [1973 c 59 § 3.]

41.56.130 Rules and regulations of state personnel board—Mandatory subjects. See RCW 41.06.150.

41.56.140 Unfair labor practices for public employer enumerated. It shall be an unfair labor practice for a public employer:

(1) To interfere with, restrain, or coerce public employees in the exercise of their rights guaranteed by this chapter;

(2) To control, dominate or interfere with a bargaining representative;

(3) To discriminate against a public employee who has filed an unfair labor practice charge;

(4) To refuse to engage in collective bargaining. [1969 ex.s. c 215 § 1.]

41.56.150 Unfair labor practices for bargaining representative enumerated. It shall be an unfair labor practice for a bargaining representative:

(1) To interfere with, restrain, or coerce public employees in the exercise of their rights guaranteed by this chapter;

(2) To induce the public employer to commit an unfair labor practice;

(3) To discriminate against a public employee who has filed an unfair labor practice charge;

(4) To refuse to engage in collective bargaining. [1969 ex.s. c 215 § 2.]

41.56.160 Department to prevent unfair labor practices and issue remedial orders. The department is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law. [1969 ex.s. c 215 § 3.]

41.56.170 Department to prevent unfair labor practices and issue remedial orders—Procedure—Complaint—Notice of hearing—Answer—Intervening parties—Department not bound by technical rules of evidence. Whenever a charge has been made concerning any unfair labor practice, the department shall have power to issue and cause to be served a complaint stating the charges in that respect, and containing a notice of hearing before the department at a place therein fixed to be held not less than seven days after the serving of said complaint. Any such complaint may be amended by the department any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the department, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the department shall not be bound by technical rules of evidence prevailing in the courts of law or equity. [1969 ex.s. c 215 § 4.]

41.56.180 Department to prevent unfair labor practices and issue remedial orders—Procedure—Subpoena power—Oaths and affirmations—Receiving evidence. For the purpose of all hearings and investigations, which, in the opinion of the department, are necessary and proper for the exercise of the powers vested in it by RCW 41.56.140 through 41.56.190, the department shall at all reasonable times have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or

proceeded against that relates to any matter under investigation or in question. The department shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the department. The department, or any agent, or agency designated by the department for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. [1969 ex.s. c 215 § 5.]

Reviser's note. "this act" translated to "RCW 41.56.140 through 41.56.190"; 1969 ex.s. c 215 included sections codified as RCW 28B.16.230, 41.06.300 and 41.56.400 through 41.56.420.

41.56.190 Department to prevent unfair labor practices and issue remedial orders—Procedure—Petition to court for enforcement of order or other relief—Transcript filed—Notice—Court decree. The department, or any party to the department proceedings, thirty days after the department has entered its findings of fact, shall have power to petition the superior court of the state within the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the department. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the department. [1969 ex.s. c 215 § 6.]

41.56.200 Department to prevent unfair labor practices and issue remedial orders—Application to state higher education personnel. See RCW 28B.16.230.

41.56.210 Department to prevent unfair labor practices and issue remedial orders—Application to state civil service employees. See RCW 41.06.340.

41.56.220 Right of employee representing bargaining unit to be absent from employment during legislative session—Replacement. Any public employee who represents fifty percent or more of a bargaining unit or who represents on a state-wide basis a group of five or more bargaining units shall have the right to absent himself from his employment without pay and without suffering any discrimination in his future employment

and without losing benefits incident to his employment while representing his bargaining unit at the legislature of the state of Washington during any regular or extraordinary session thereof: *Provided*, That such employee is replaced by his bargaining unit with an employee who shall be paid by the employer and who shall be qualified to perform the duties and obligations of the absent member in accordance with the rules of the civil service or other standards established by his employer for such absent employee. [1969 ex.s. c 174 § 1.]

41.56.400 Interim committee on public employees collective bargaining—Created. There is hereby created a committee to study the public employees collective bargaining act as provided in chapter 41.56 RCW. As used in RCW 41.56.400 through 41.56.420 unless the context indicates otherwise the term "committee" shall mean the interim committee on public employees collective bargaining. [1969 ex.s. c 215 § 7.]

Reviser's note: "this act" translated to RCW 41.56.400 through 41.56.420; 1969 ex.s. c 215 included sections codified in RCW 28B.16.230, 41.06.340, and 41.56.140 through 41.56.190.

Appropriation—1969 ex.s. c 215: "There is hereby appropriated out of the general fund to the legislative council for the biennium ending June 30, 1971, to carry out the purposes of sections 7, 8, 9, 10 and 11 of this act the sum of twenty-five thousand dollars, or so much thereof as may be necessary." [1969 ex.s. c 215 § 12.] Sections 7, 8, 9, 10 and 11 of this act are RCW 41.56.400 through 41.56.420.

41.56.405 Interim committee on public employees collective bargaining—Membership. The committee shall have the following membership:

(1) Two senators to be appointed by the president of the senate, not more than one from the same political party, and two representatives to be appointed by the speaker of the house, not more than one from the same political party;

(2) Three representatives of public employees as "public employees" is defined in RCW 41.56.030 to be appointed by the governor; and

(3) Three representatives of public employers as "public employers" is defined in RCW 41.56.030 to be appointed by the governor.

In addition, the department of labor and industries shall cooperate with the committee and maintain a liaison representative, who shall be a nonvoting member. [1969 ex.s. c 215 § 8.]

41.56.410 Interim committee on public employees collective bargaining—Chairman—Officers—Rules of procedure—Ad hoc committees—Legislative members as liaison members to council—Staff. The committee, by majority vote, shall select from among the members a chairman and such other officers as the committee shall deem appropriate. The committee, by majority vote, may prescribe rules of procedure for itself, may from time to time establish ad hoc committees, and may take such other action as it shall deem appropriate to accomplish its purposes.

The legislative members of the committee shall serve as liaison members to the legislative council. The staff of the legislative council shall serve as the staff of the

committee and shall provide such clerical, research and other assistance as the committee shall deem appropriate to accomplish its purposes. [1969 ex.s. c 215 § 9.]

41.56.415 Interim committee on public employees collective bargaining—Reimbursement for expenses—Manner of payment. The members of the committee shall receive no compensation but shall be reimbursed for their expenses while attending meetings of the committee in the same manner as legislators engaged in interim committee business as in RCW 44.04-.120. Payment of expenses shall be made by vouchers approved in the same manner as other expenses of the legislative council. [1969 ex.s. c 215 § 10.]

41.56.420 Interim committee on public employees collective bargaining—Duties—Reports—Recommendations to include proposed legislation. The committee shall study the operation of chapter 108, Laws of 1967 extraordinary session, relating to public employees collective bargaining, including an evaluation of the collective bargaining practices and procedures of uniformed personnel, and review the efficacy of RCW 28-.75.130 (28B.16.130), 41.06.340, 41.56.140 through 41.56.190 and 41.56.400 through 41.56.420 or any part thereof as a means of furthering and improving management relationships within public service. The committee shall submit its report to the governor and the state legislature, with a copy to the legislative council, prior to the convening of any regular session of the legislature, or to any special session if the committee deems it appropriate. The report shall contain specific recommendations as to necessary or desirable changes, if any, in the law, and shall also include any proposed legislation necessary to implement the recommendations of the committee. [1973 c 131 § 9; 1969 ex.s. c 215 § 11.]

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.430 Uniformed personnel—Legislative declaration. The intent and purpose of *this 1973 amendatory act is to recognize that there exists a public policy in the state of Washington against strikes by uniformed personnel as a means of settling their labor disputes; that the uninterrupted and dedicated service of these classes of employees is vital to the welfare and public safety of the state of Washington; that to promote such dedicated and uninterrupted public service there should exist an effective and adequate alternative means of settling disputes. [1973 c 131 § 1.]

***Reviser's note:** "this 1973 amendatory act" [1973 c 131] consists of RCW 41.56.430–41.56.490, 41.56.905, 41.56.910, and the 1973 c 131 amendments to RCW 41.56.030 and 41.56.420.

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.440 Uniformed personnel—Negotiations—Impasse defined—Fact-finding panel—Hearings—Findings. Negotiations between representatives of the public employer and uniformed personnel shall

be commenced at least five months prior to the submission of the budget to the legislative body of the public employer. If after a forty-five day period of negotiation between representatives of the public employer and uniformed personnel, an agreement has not been concluded, then an impasse is declared to exist, and either party may voluntarily submit the matters in dispute to mediation, as provided for in RCW 41.56.100. If the parties have still not reached agreement after a ten day period of mediation, a fact-finding panel shall be created in the following manner: Each party shall appoint one member within two days; the two appointed members shall then choose a third member within two days who shall act as chairman of the panel. If the two members so appointed cannot agree within two days to the appointment of a third member, either party may request, and the department shall name a third member who shall be chairman of the fact-finding panel and who may be an employee of the department. The panel shall begin hearings on the matters in dispute within five days of the formation of the fact-finding panel and shall conclude such hearings and issue findings of fact and recommendations to the parties within thirty days of the date upon which hearings were commenced.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Minutes of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. Costs of each party's appointee shall be paid by the party, and the costs of proceedings otherwise shall be borne by the department.

In making its findings, the fact-finding panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards of guidelines to aid it in developing its recommendations, it shall take into consideration those factors set forth in RCW 41.56.460. [1973 c 131 § 3.]

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.450 Uniformed personnel—Arbitration panel—Powers and duties—Hearings—Findings and determination. If an agreement has not been reached within forty-five days after mediation and fact-finding has commenced, an arbitration panel shall be created in the following manner: Each party shall submit a list of three persons to the director, who shall then name one from each list as members to the panel, all within two days. The two appointed members shall utilize one of the two following options in the appointment of the third member, who shall act as chairman of the panel: (1) By mutual consent, the two appointed members may jointly request the department, and the department

shall appoint a third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the department; or (2) The two appointed members shall choose a third member within two days. The costs of each party's appointee shall be borne by each party respectively, and the costs of the proceedings otherwise shall be shared equally between the parties.

If the two members so appointed under alternative (2) cannot agree within two days to the appointment of a third member, either party may apply to the superior court of the county where the labor disputes exist and request that the third member of the panel be appointed as provided by RCW 7.04.050. The panel thus composed shall be deemed an agency of the director and a state agency for the purposes of *this 1973 amendatory act. The panel shall hold hearings on the matters in dispute within five days after the formation of the arbitration panel and take oral or written testimony.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party or attorney of a party is guilty of any contempt while in attendance at any hearing held hereunder, the panel may invoke the jurisdiction of the superior court in the county where a labor dispute exists and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof.

The hearing conducted by the panel shall be concluded within twenty days of the time of commencement and, within fifteen days after conclusion of the hearings, the chairman shall make written findings of fact and a written determination of the dispute based upon the issues presented, a copy of which shall be mailed or otherwise delivered to the employees' negotiating agent or its attorney or other designated representative and to the employer or the employer's attorney or designated representative. The decision made by the panel shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious. [1973 c 131 § 4.]

***Reviser's note:** "this 1973 amendatory act", see note following RCW 41.56.430.

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.460 Uniformed personnel—Arbitration panel—Basis for determination. In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer.

(b) Stipulations of the parties.

(c) Comparison of the wages, hours and conditions of employment of the uniformed personnel of cities and counties involved in the proceedings with the wages, hours, and conditions of employment of uniformed personnel of cities and counties respectively of similar size on the west coast of the United States.

(d) The average consumer prices for goods and services, commonly known as the cost of living.

(e) Changes in any of the foregoing circumstances during the pendency of the proceedings.

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

(g) Findings of fact made by the fact-finder pursuant to RCW 41.56.440. [1973 c 131 § 5.]

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.470 Uniformed personnel—Arbitration panel—Rights of parties. During the pendency of the proceedings before the arbitration panel, existing wages, hours and other conditions of employment shall not be changed by action of either party without the consent of the other but a party may so consent without prejudice to his rights or position under *this 1973 amendatory act. [1973 c 131 § 6.]

***Reviser's note:** "this 1973 amendatory act", see note following RCW 41.56.430.

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.480 Uniformed personnel—Refusal to submit to procedures—Invoking jurisdiction of superior court—Contempt. If the representative of either or both the uniformed personnel and the public employer refuse to submit to the procedures set forth in RCW 41.56.440 and 41.56.450, the parties, or the department on its own motion, may invoke the jurisdiction of the superior court for the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof. A decision of the arbitration panel shall be final and binding on the parties, and may be enforced at the instance of either party, the arbitration panel or the department in the superior court for the county where the dispute arose. [1973 c 131 § 7.]

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.490 Uniformed employees—Strikes prohibited—Violations—Fines. The right of uniformed employees to engage in any strike, work slowdown or stoppage is not granted. Where an organization, recognized as the bargaining representative of uniformed employees subject to this chapter, as amended by *this 1973 amendatory act, wilfully disobeys a lawful order of enforcement by a superior court pursuant to RCW 41.56.480 and 41.56.490, or wilfully offers resistance to such order, whether by strike or otherwise, the punishment for each day that such contempt persists, may be a fine fixed in the discretion of the court in an amount not to exceed two hundred fifty dollars per day. Where an employer wilfully disobeys a lawful order of enforcement by a superior court pursuant to RCW 41.56.480 or wilfully offers resistance to such order, the punishment for each day that such contempt persists may be a fine, fixed at the discretion of the court in an amount not to exceed two hundred fifty dollars per day to be assessed against the employer. [1973 c 131 § 8.]

***Reviser's note:** "this 1973 amendatory act", see note following RCW 41.56.430.

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.900 Short title—Effective date—1967 ex.s. c 108. RCW 41.56.010 through 41.56.900 and 41.06.150 shall be known as the "Public Employees' Collective Bargaining Act" and shall take effect on July 1, 1967. [1967 ex.s. c 108 § 14.]

41.56.905 Uniformed personnel—Provisions additional—Liberal construction—1973 c 131. The provisions of *this 1973 amendatory act relating to uniformed personnel are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. If any provision of *this 1973 amendatory act conflicts with any other statute, ordinance, rule or regulation of any public employer as it relates to uniformed employees, the provisions of *this 1973 amendatory act shall control. [1973 c 131 § 10.]

***Reviser's note:** "this 1973 amendatory act", see note following RCW 41.56.430.

41.56.910 Severability—1973 c 131. If any provisions of this 1973 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. [1973 c 131 § 11.]

41.56.950 Retroactive date in collective bargaining agreements allowable, when. Whenever a collective bargaining agreement between a public employer and a bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the same parties, the effective date of such collective bargaining agreement may be the day after the termination date of the previous collective bargaining agreement and all benefits included in the

new collective bargaining agreement including wage increases may accrue beginning with such effective date as established by this section. [1971 ex.s. c 187 § 1.]

Chapter 41.60

STATE EMPLOYEES' SUGGESTION AWARDS

Sections

41.60.010	Definitions.
41.60.020	Board created—Composition—Officers—Program—Rules and regulations.
41.60.030	Determination of award.
41.60.040	Amount of awards.
41.60.050	Administrative expenses.
41.60.060	Fiscal support for awards and expenses.
41.60.070	Funds—Disbursement.
41.60.900	Chapter is prospective.

41.60.010 Definitions. As used in this chapter:

(1) "Board" means the employee suggestion awards board.

(2) "Employee suggestion program" means the program developed by the board under RCW 41.60.020(2).

(3) "Secretary" means the secretary of the employee suggestion program.

(4) "Institutions of higher learning" are the University of Washington, Washington State University, Central Washington State College, Eastern Washington State College, Western Washington State College, The Evergreen State College, and the various state community college districts. [1969 ex.s. c 152 § 3; 1965 ex.s. c 142 § 1.]

41.60.020 Board created—Composition—Officers—Program—Rules and regulations. (1) There is established the employee suggestion awards board. The board shall consist of the director of personnel or his designee who shall serve as its chairman and two state officers or state employees appointed by the governor, to serve at his pleasure. The governor shall appoint a state officer or state employee to serve as secretary of the employee suggestion program.

(2) The board shall formulate, establish and maintain an employee suggestion program to encourage and reward meritorious suggestions by state employees that will promote efficiency and economy in the performance of any function of state government: *Provided*, That RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020 and 41.60.040 through 41.60.070 shall not apply to the institutions of higher learning or to their employees.

(3) The secretary, with the approval of the employee suggestion awards board, shall prepare rules and regulations necessary or appropriate for the proper administration and for the accomplishment of the purposes of this chapter. [1969 ex.s. c 152 § 4; 1965 ex.s. c 142 § 2.]

41.60.030 Determination of award. The board shall make the final determination as to whether an employee suggestion award will be made and, subject to the rules and regulations adopted pursuant to RCW 41.60.020(3), the board shall determine the nature and extent of the award. [1965 ex.s. c 142 § 3.]

41.60.040 Amount of awards. Cash awards may be paid from the department of personnel service fund not to exceed a total of five thousand dollars during any fiscal year from sources provided in RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020, and 41.60.040 through 41.60.070, together with such other funds as may be available from donations, grants, and other sources: *Provided*, That no award or awards in any fiscal year to any one employee shall exceed three hundred dollars. [1969 ex.s. c 152 § 5; 1965 ex.s. c 142 § 4.]

41.60.050 Administrative expenses. Administrative expenses of the board in administering this chapter shall be paid from the department of personnel service fund and shall be limited to five thousand dollars per biennium from sources provided in RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020 and 41.60.040 through 41.60.070 together with such other funds as may be available from donations, grants and other sources. [1969 ex.s. c 152 § 6; 1965 ex.s. c 142 § 5.]

41.60.060 Fiscal support for awards and expenses. The estimated annual amount of the cash awards and administrative expenses under this chapter which are to be paid from the department of personnel service fund shall be in addition to the administrative expenses and costs of operating the personnel departments established under the provisions of RCW 41.06.030 and 41.06.060, as now or hereafter amended, and shall be added to and collected with the administrative expenses and costs of operating the department of personnel under RCW 41.06.280. [1969 ex.s. c 152 § 7; 1965 ex.s. c 142 § 6.]

41.60.070 Funds—Disbursement. An amount may be charged against the agencies allotments subject to chapter 41.60 RCW pro rata, at a rate to be fixed by the chairman of the employees suggestion awards board from time to time which will provide the employees suggestion awards board with funds to pay the administrative expenses and cash awards provided in RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020 and 41.60.040 through 41.60.070 during the allotment period. Funds made available from other sources for expenditure under RCW 41.06.080, 41.06.350, 41.60.010, 41.60.020 and 41.60.040 through 41.60.070 shall be paid into and disbursed from the department of personnel service fund.

The moneys for employees suggestion awards shall be disbursed by the state treasurer by warrant on vouchers duly authorized by the chairman of the employees suggestion awards board or his designee. [1969 ex.s. c 152 § 8.]

41.60.900 Chapter is prospective. The provisions of this chapter shall apply only to those suggestions presented after August 6, 1965. [1965 ex.s. c 142 § 7.]

TITLE 42

PUBLIC OFFICERS AND AGENCIES

Chapters

- 42.04 General provisions.
- 42.08 Official bonds.
- 42.12 Vacancies.
- 42.14 Continuity of government act.
- 42.16 Salaries and fees.
- 42.17 Disclosure—Campaign finances—Lobbying—Records.
- 42.18 Executive conflict of interest act.
- 42.20 Misconduct of public officers.
- 42.21 Code of ethics for public officials.
- 42.22 Code of ethics for public officers and employees.
- 42.23 Code of ethics for municipal officers—Contract interests.
- 42.24 Payment of claims for expenses, material, purchases—Advance.
- 42.26 Agency vendor payment revolving fund—Petty cash accounts.
- 42.28 Notaries public and commissioners of deeds.
- 42.30 Open public meetings act.
- 42.32 Meetings.

County officers, general provisions: Chapter 36.16 RCW.

Elections: Title 29 RCW.

Hospitalization and medical aid for public employees and dependents—Premiums, governmental contributions authorized: RCW 41.04.180, 41.04.190.

Military leaves for public employees: RCW 38.40.060.

Public employment, civil service and pensions: Title 41 RCW.

Public notice provided for in RCW 42.30.060, also required by administrative procedure act: RCW 34.04.025.

State officers, general provisions: Chapter 43.01 RCW.

Chapter 42.04 GENERAL PROVISIONS

Sections

- 42.04.020 Eligibility to hold office.
- 42.04.021 Eligibility to vote and hold office—Code 1881.
- 42.04.040 Proceedings to impeach, etc., preserved.
- 42.04.060 Offices to be open certain days and hours.
- 42.04.070 Compensation for unofficial services.

42.04.020 Eligibility to hold office. That no person shall be competent to qualify for or hold any elective public office within the state of Washington, or any county, district, precinct, school district, municipal corporation or other district or political subdivision, unless he be a citizen of the United States and state of Washington and an elector of such county, district, precinct, school district, municipality or other district or political subdivision. [1919 c 139 § 1; RRS § 9929.

FORMER PART OF SECTION: Code 1881 § 3050 now codified as RCW 42.04.021.]

Accountancy board members, qualifications: RCW 18.04.030-18.04.050.

Apple advertising commission, qualifications of members: RCW 15.24.020.

Attorney general, qualifications: RCW 43.10.010.

Board of prison terms and paroles, qualifications: RCW 9.95.003.

Cemetery board, qualifications of members: RCW 68.05.050.

Cities, council-manager plan, qualifications of city manager: RCW 35.18.040.

Cities, second class, eligibility of officers: RCW 35.23.030.

Cities, third class, eligibility to hold office: RCW 35.24.030.

Cities and towns, residence qualifications of officials and employees: RCW 35.21.200.

County hospital board of trustees, eligibility: RCW 36.62.140.

Court administrator, qualifications: RCW 2.56.010.

Court commissioners, qualifications: RCW 2.24.010.

Dairy products commission, members, qualifications: RCW 15.44.030.

Electors, qualifications: State Constitution Art. 6 § 1 (Amendment 5).

Engineers and land surveyors' board of registration, qualifications: RCW 18.43.030.

Ferry district commissioners, eligibility: RCW 36.54.090.

Fire protection district commissioners, qualifications: RCW 52.12.010.

Fisheries director, qualifications: RCW 75.08.014.

Flood control districts, qualifications of directors: RCW 86.09.289.

Fruit commission, qualifications of members: RCW 15.28.030.

Game commission members, qualifications: RCW 77.04.040.

Game director, qualifications: Chapter 77.04 RCW.

Intermediate school district superintendent: RCW 28A.21.080.

Judges of superior court, eligibility: State Constitution Art. 4 § 17.

Judges of supreme court, eligibility: State Constitution Art. 4 § 17.

Justices of the peace, eligibility: RCW 3.04.040.

Legislators, eligibility: State Constitution Art. 2 § 7; Art. 2 § 14.

Militia, staff officers, eligibility: RCW 38.12.090.

Municipal court judges, qualifications: RCW 35.20.170.

Port district commissioners, qualifications: RCW 53.12.020.

Prosecuting attorney, eligibility: RCW 36.27.010.

Public utility district commissioners, qualifications: RCW 54.12.010.

Registered nurse registration board members, qualifications: RCW 18.88.060.

Religion or religious affiliation not to be asked person seeking employment in schools: RCW 28A.02.050.

Religious qualification to hold public office or employment prohibited: State Constitution Art. 1 § 11 (Amendment 4).

Residence for eligibility to public office: State Constitution Art. 6 § 4.

School directors, qualifications: RCW 28A.57.318.

School teachers, qualifications: RCW 28A.67.010, 28A.67.030.

State board of education, eligibility: RCW 28A.04.060.

State highway commission, qualifications of members: RCW 47.01.030.

State highways director, qualifications: RCW 47.01.110.

State hospitals for insane, superintendents' qualifications: RCW 71-.02.510, 72.24.050.

State officers, eligibility: State Constitution Art. 3 § 25 (Amendment 31).

State schools for blind and deaf, qualifications of superintendents: RCW 72.40.020.

Subversive activities as disqualification from holding public office: Chapter 9.81 RCW.

Superior court reporters, qualifications: RCW 2.32.180.

Towns, eligibility of officers: RCW 35.27.080.

Utilities and transportation commission, qualifications: RCW 80.01.020.

Veterinary board members, qualifications: RCW 18.92.021.

Weed district director and electors, qualifications: RCW 17.04.070.

42.04.021 Eligibility to vote and hold office—Code 1881. All American male citizens, above the age of twenty-one years, and all American male half-breeds over that age, who have adopted the habits of the whites, and all other male inhabitants of this territory, above that age, who shall have declared on oath their intentions to become citizens, at least six months previous to the day of election, and shall have taken an oath to support the Constitution of the United States, and the organic act of this territory, at least six months previous to the day of election, and who shall have resided six months in the territory, and thirty days in the county next preceding the day of election, and none other, shall be entitled to hold office or vote at any election in this territory: *Provided*, That no officer, soldier, seaman or marine, in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote at any election in this territory, by reason of being in service therein, unless said territory is, and has been for the period of six months, his permanent domicile: *Provided*, He was a citizen of this territory, at the time of his enlistment: *And provided further*, That no person belonging to the army or navy of the United States shall be elected to, or hold any civil office or appointment in this territory: *Providing*, That this provision shall not apply to officers of the army or navy on the retired list. [Code 1881 § 3050; 1854 p 64 § 1. Cf. 1883 p 39 § 1; 1885 p 113 § 1; 1887 c 51. Formerly RCW 42.04.020, part.]

Reviser's note: The 1941 Code Committee retained only a portion of the above section (the 3rd proviso relating to the holding of office by persons belonging to the army or navy). This proviso was rewritten as straight matter and combined with 1919 c 139 § 1 to form RCW 42.04.020. In restoring the session law language, the two session laws sections (1919 c 139 § 1 and Code 1881 § 3050) are herein published as RCW 42.04.020 and 42.04.021. The above territorial Statute, Code 1881 § 3050 appears for the most part to have been superseded by the Constitution and later statutes. As to qualifications of electors, see state Constitution Article 6 § 1 (Amendment 5). As to eligibility to hold public office, see RCW 42.04.020.

Leaves of absence of elective and judicial officers entering armed forces: RCW 73.16.041.

42.04.040 Proceedings to impeach, etc., preserved. The omission to specify or affirm in this act any ground of forfeiture of a public office or other trust or special authority conferred by law, or any power conferred by law to impeach, remove, depose or suspend any public officer or other person holding any trust, appointment or other special authority conferred by law, shall not affect such forfeiture or power, or any proceeding authorized by law to carry into effect such impeachment,

removal, deposition or suspension. [1909 c 249 § 45; RRS § 2297.]

Reviser's note: "this act" relates to the criminal code of 1909. For disposition of sections, see note following RCW 9.01.010.

Forfeiture of office for conviction of felony or malfeasance: RCW 9.92.120.

Impeachment and removal: State Constitution Art. 5.

Recall of elective officers: State Constitution Art. 1 § 33 (Amendment 8); chapter 29.82 RCW.

42.04.060 Offices to be open certain days and hours.

All state elective and appointive officers shall keep their offices open for the transaction of business from eight o'clock a.m. to five o'clock p.m. of each business day from Monday through Friday, state legal holidays excepted. On Saturday, such offices may be closed.

This section shall not apply to the courts of record of this state or to their officers nor to the office of the attorney general and the lieutenant governor. [1973 2nd ex.s. c 1 § 2; 1955 ex.s. c 9 § 3. Prior: 1951 c 100 §§ 3, 4; 1941 c 113 § 1; Rem. Supp. 1941 § 9963-1.]

Office hours of city, county, precinct: RCW 35.21.175, 36.16.100.

42.04.070 Compensation for unofficial services. The directors, trustees and commissioners of state institutions in this state, serving as such without any compensation, shall not be precluded by reason of holding such offices from receiving compensation for services not official rendered without being procured or brought about by use of such official position, or by reason thereof, but such officers shall be allowed to receive such reasonable compensation for services not official or connected with their respective offices as they would otherwise be allowed were they not such officers. [1891 c 109 § 1; RRS § 10966.]

Chapter 42.08 OFFICIAL BONDS

Sections	
42.08.005	Official bonds—Payment of premiums.
	OFFICIAL BONDS—CODE OF 1881
42.08.010	Scope of coverage.
42.08.020	Who may maintain action.
42.08.030	Leave of court required.
42.08.040	Judgment no bar to further action.
42.08.050	Recoveries limited to amount of bond.
	OFFICIAL BONDS—1890 ACT
42.08.060	Form of official bonds.
42.08.070	Effect of bonds.
42.08.080	Who may bring action on bond.
42.08.090	Defective bonds validated.
42.08.100	Approval and filing.
42.08.110	Procedure when bond of county or township officer is insufficient.
42.08.120	Additional bond.
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42.08.140	Force of additional bond.
42.08.150	Number of sureties.
42.08.160	Justification of sureties.
42.08.170	Liability of sureties.
42.08.180	Release of sureties.

Adjutant general, official bond: RCW 38.12.010.

Apple advertising commission treasurer, bond required: RCW 15.24.150.

Athletic commission, official bonds: RCW 67.08.003.

Attorney general, official bonds: RCW 43.10.010, 43.10.020.
Bank examiners, official bonds: RCW 43.19.030.
Cities, commission form, bonds required: RCW 35.17.100.
Cities, council-manager plan, bond of manager: RCW 35.18.050.
Cities, second class, bond of officers: RCW 35.23.190.
Cities, third class, bond required: RCW 35.24.080.
Commissioner of public lands, official bonds: RCW 79.01.064.
Constables, bond required: RCW 3.08.040.
County clerk, new bond may be required: RCW 36.23.020.
County commissioners, official bond: RCW 36.32.060.
County officers, official bonds: RCW 36.16.050.
County sheriff, additional bond: RCW 36.28.030.
Dairy products commission treasurer, bond required: RCW 15.44.050.
Fisheries department employees, bonds: RCW 75.08.023.
Flood control districts, official bonds: RCW 86.09.301, 86.09.304, 86.09.307.
Fruit commission treasurer, bond required: RCW 15.28.190.
Game department employees, official bonds: RCW 77.04.070.
Horse racing commission, official bonds: RCW 67.16.012.
Insurance commissioner, official bond: RCW 48.02.030.
Irrigation districts, official bonds: RCW 87.03.082.
Justices of the peace, bond required: RCW 3.04.060.
Liquor control board, official bond: RCW 66.08.014.
Municipal court judge, bond required: RCW 35.20.180.
Notary public, official bond: RCW 42.28.030.
Public printer, official bond: RCW 43.78.020.
Reclamation district directors, official bonds: RCW 89.30.259.
Reclamation districts, bond of secretary: RCW 89.30.262.
Secretary of state, official bond: RCW 43.07.010.
Soil conservation committee, official bonds: RCW 89.08.050.
Soldiers' home superintendent, official bond: RCW 72.36.020.
State administrative officers, official bonds: RCW 43.17.100.
State auditor, official bond: RCW 43.09.010.
State treasurer, official bond: RCW 43.08.020.
Superior court reporters, bond required: RCW 2.32.180.
Supreme court clerk, bond required: RCW 2.32.020.
Suretyship: Chapters 19.72, 48.28 RCW.
Towns, bond of officers: RCW 35.27.120.
Townships, official bonds: RCW 45.16.040-45.16.090, 45.24.040, 45.28.060, 45.32.040.
University of Washington, board of regents, secretary to give bond: RCW 28B.20.110.
Utilities and transportation commission, official bonds: RCW 80.01.020.
Washington State University, board of regents, bonds required: RCW 28B.30.105, 28B.30.125.
Weed district officers, bond required: RCW 17.04.070.

42.08.005 Official bonds—Payment of premiums.
 See RCW 48.28.040.

OFFICIAL BONDS—CODE OF 1881

42.08.010 Scope of coverage. The official bond of a public officer, to the state, or to any county, city, town or other municipal or public corporation of like character therein, shall be deemed a security to the state, or to such county, city, town or other municipal or public corporation, as the case may be, and also to all persons severally, for the official delinquencies against which it is intended to provide. [Code 1881 § 652; 1877 p 135 § 655; 1869 p 152 § 592; RRS § 958.]

Bonds payable to state: RCW 42.08.060.

42.08.020 Who may maintain action. When a public officer by official misconduct or neglect of duty, shall forfeit his official bond or render his sureties therein liable upon such bond, any person injured by such misconduct or neglect, or who is by law entitled to the benefit of the security, may maintain an action at law thereon in his own name against the officer and his sureties to recover the amount to which he may by reason thereof be entitled. [Code 1881 § 653; 1877 p 135 § 656; 1869 p 152 § 593; RRS § 959.]

Action on official bond: RCW 42.08.080.

42.08.030 Leave of court required. Before an action can be commenced by a plaintiff, other than the state, or the municipal or public corporation named in the bond, leave shall be obtained of the court or judge thereof where the action is triable. Such leave shall be granted upon the production of a certified copy of the bond and an affidavit of the plaintiff, or some person in his behalf, showing the delinquency. But if the matter set forth in his affidavit be such that, if true, the party applying would clearly not be entitled to recover in the action, the leave shall not be granted. If it does not appear from the complaint that the leave herein provided for has been granted, the defendant, on motion, shall be entitled to judgment of nonsuit; if it does, the defendant may controvert the allegation, and if the issue be found in his favor, judgment shall be given accordingly. [Code 1881 § 654; 1877 p 136 § 657; 1869 p 152 § 594; RRS § 960.]

42.08.040 Judgment no bar to further action. A judgment in favor of a party for one delinquency shall not preclude the same or another party from maintaining another action on the same bond for another delinquency. [Code 1881 § 655; 1877 p 136 § 658; 1869 p 153 § 595; RRS § 961.]

42.08.050 Recoveries limited to amount of bond. In an action upon an official bond, if judgments have been recovered against the surety therein other than by confession, equal in the aggregate to the penalty or any part thereof of such bond, and if such recovery be established on the trial, judgment shall not be given against such surety for an amount exceeding such penalty, or such portion thereof as is not already recovered against him. [Code 1881 § 656; 1877 p 136 § 659; 1869 p 153 § 596; RRS § 962.]

Liability of sureties: RCW 42.08.170.

OFFICIAL BONDS—1890 ACT

42.08.060 Form of official bonds. All official bonds required by law of officers shall be in form, joint and several, and made payable to the state of Washington, in such penal sum and with such conditions as may be required by law. [1890 p 34 § 1; RRS § 9930.]

Bonds deemed security to state, county, city, town, etc.: RCW 42.08.010.

County commissioner bond is payable to county: RCW 36.32.060.

42.08.070 Effect of bonds. Every official bond executed by any officer pursuant to law shall be deemed and taken to be in force, and shall be obligatory upon the principal and sureties therein for any and all breach of the condition or conditions thereof committed during the time such officer shall continue to discharge any of the duties of, or hold such office, and every such bond shall be deemed to be in force and obligatory upon the principal and sureties therein for the faithful discharge of all duties which may be required of such officer by any law enacted subsequent to the execution of such bond, and such condition shall be expressed therein. [1890 p 34 § 2; RRS § 9931.]

42.08.080 Who may bring action on bond. Every official bond executed by any officer pursuant to law, shall be in force and obligatory upon the principal and sureties therein, to and for the state of Washington, and to and for the use and benefit of all persons who may be injured or aggrieved by the wrongful act or default of such officer, in his official capacity, and any person so injured or aggrieved may bring suit on such bond in his or her own name without an assignment thereof. [1890 p 34 § 3; RRS § 9932.]

Action on official bond: RCW 42.08.020.

42.08.090 Defective bonds validated. Whenever any such official bond shall not contain the substantial matter or condition or conditions required by law, or there shall be any defect in the approval or filing thereof, such bond shall not be void so as to discharge such officer and his sureties, but they shall be bound to the state, or party interested, and the state or such party may, by action instituted in any court of competent jurisdiction, suggest the defect of such bond or such approval or filing, and recover his proper and equitable demand or damages from such officer, and the person or persons, who intended to become, and were included in such bond as sureties. [1890 p 35 § 4; RRS § 9933.]

42.08.100 Approval and filing. The official bonds of officers shall be approved and filed as follows, to wit: The official bond of the secretary of state shall be approved by the governor and filed in the office of the state auditor. The official bonds of all other state officers required by law to give bonds, except as otherwise expressly provided by law, shall be approved by the governor and filed in the office of the secretary of state.

The official bonds of all county and township officers, except the county superintendent of schools, shall be approved by the board of county commissioners, if in session, and if not in session, by the chairman of such board, and filed and recorded in the office of the county clerk of their respective counties: *Provided*, That the bond of the county clerk shall be recorded in the office of the county auditor and filed in the office of the county treasurer. [1955 c 157 § 11. Prior: 1890 p 35 § 5; RRS § 9934.]

Contractor's bonds: Chapter 39.08 RCW.

Official bonds — Payment of premiums: RCW 48.28.040.

Surety insurance: Chapter 48.28 RCW.

42.08.110 Procedure when bond of county or township officer is insufficient. Whenever the sureties, or any one of them, in the official bond of any county or township officer shall die, remove from the state, become insolvent or insufficient, or the penalty of such bond shall become insufficient, on account of recoveries had thereon, or otherwise, it shall be the duty of the board of county commissioners of the proper county, of their own motion, or on the showing of any person, supported by affidavit, to summon any such officer to appear before them at a stated time, not less than five days after service of such summons, and show cause why he should not execute an additional official bond with good and sufficient sureties. [1890 p 35 § 6; RRS § 9935.]

42.08.120 Additional bond. Should such officer, after due notice, fail to appear at the time appointed, the matter may be heard and determined in his absence; if after examination the board of county commissioners shall be of opinion that the bond of such officer has become insufficient from any cause whatever, they shall require an additional bond with such security as may be deemed necessary, which said additional bond shall be executed and filed within such time as the board of county commissioners may order; and if any such officer shall fail to execute and file such additional bond within the time prescribed by such order, his office shall become vacant. [1890 p 36 § 7; RRS § 9936.]

Failure to give or renew official bond a cause for vacation of office: RCW 42.12.010.

42.08.130 Remedy when bond of state officer becomes insufficient. Whenever the official bond of any state officer shall become insufficient from any cause whatever, the like proceedings may be had before the superior court of the county in which said state officer holds his office with reference thereto: *Provided*, That such proceedings may be commenced by a written motion supported by affidavit. [1890 p 36 § 8; RRS § 9937.]

42.08.140 Force of additional bond. Every such additional bond shall be of like force and obligation upon the principal and sureties therein, and shall subject the officer and his sureties to the same liabilities as are prescribed respecting the original bonds of officers. [1890 p 36 § 9; RRS § 9938.]

42.08.150 Number of sureties. Unless otherwise expressly provided, there shall be at least two sureties upon the official bond of every officer. [1890 p 36 § 10; RRS § 9939.]

Corporate sureties: Chapter 48.28 RCW.

42.08.160 Justification of sureties. In all cases where official bonds are required or may be hereafter required, from state, county, township or precinct officers, the officer or officers whose duty it is or may be to approve such bonds, shall not accept or approve any such bonds except such bond be that of a surety company, unless

the sureties thereon shall severally justify before an officer authorized to administer oaths as follows: (1) On a bond given by a state or county officer that he is a resident and freeholder within this state, and on a bond given by a township or precinct officer that he is a resident and freeholder within the county in which such township or precinct is situated. (2) That he is worth double the amount for which he becomes surety over and above all his debts and liabilities, in property situated within this state which is not exempt from seizure and sale under execution. [1901 c 14 § 1; 1890 p 36 § 11; RRS § 9940.]

Qualification of individual sureties: RCW 19.72.030.

42.08.170 Liability of sureties. When the penal sum of any bond amounts to more than two thousand dollars, the sureties may become severally liable for portions, not less than five hundred dollars, of such penal sum, making in the aggregate at least two sureties for the whole penal sum. [1890 p 37 § 12; RRS § 9941.]

Recoveries limited to amount of bond: RCW 42.08.050.

42.08.180 Release of sureties. Release of sureties (1937 act), see chapter 19.72 RCW.

**Chapter 42.12
VACANCIES**

Sections

- 42.12.010 Causes of vacancy.
- 42.12.020 Resignations, to whom made.
- 42.12.030 Term of person elected to fill vacancy.
- Accountancy board, vacancies, how filled: RCW 18.04.060.*
- Apple advertising commission, vacancies, how filled: RCW 15.24.050.*
- Athletic commission, vacancies, how filled: RCW 67.08.001.*
- Attorney general, removal from office: State Constitution Art. 4 § 9.*
- Board of prison terms and paroles, vacancies: RCW 9.95.003.*
- Bond, failure to file additional bond causes vacancy: RCW 42.08.120.*
- Cemetery district commissioners, vacancies: RCW 68.16.160.*
- Cities, commission form, vacancies in office of commissioners: RCW 35.17.020.*
- Cities, council-manager plan, optional municipal code, vacancies: RCW 35A.13.020.*
- Cities, council-manager plan, vacancies in council: RCW 35.18.020.*
- Cities, mayor-council plan, optional municipal code, vacancies: RCW 35A.12.050.*
- Cities, second class, vacancies: RCW 35.23.240.*
- Cities, third class, vacancies, how filled: RCW 35.24.100.*
- Constables, vacancies, how filled: RCW 3.08.050.*
- County, township, precinct or road district offices, vacancies, how filled: State Constitution Art. 11 § 6.*
- County annexation review board, vacancies: RCW 35A.14.170.*
- County clerk, failure to file new bond vacates office: RCW 36.23.020, 42.08.120.*
- County commissioners, removal for misconduct: RCW 36.32.230.*
- County commissioners, vacancies, how filled: RCW 36.32.070.*
- County hospital board of trustees, vacancies, how filled: RCW 36.62.160.*
- County officers, conviction for taking illegal fees vacates office: RCW 36.18.180.*
- County offices, vacancies: RCW 36.16.110.*
- County treasurer, suspension for misconduct: RCW 36.29.090.*
- Engineers and land surveyors' board of registration, vacancies on: RCW 18.43.030.*
- Ferry district commissioners, vacancies, how filled: RCW 36.54.090.*

- Fire protection district commissioners, vacancies: RCW 52.12.050.*
- Flood control districts, vacancies in office of director: RCW 86.09.295.*
- Fruit commission, vacancies, how filled: RCW 15.28.080.*
- Governor, vacancies in state office filled by: RCW 43.06.090.*
- Governor, vacancy in office of: State Constitution Art. 3 § 10 (Amendment 6).*
- Horse racing commission, vacancies: RCW 67.16.012.*
- Impeachment: State Constitution Art. 5.*
- Intermediate school district superintendent: Chapter 28A.21 RCW.*
- Irrigation district directors, vacancies, how filled: RCW 87.03.081, 87.04.020.*
- Judges, removal from office: State Constitution Art. 4 § 9.*
- Judges of the court of appeals, vacancies, how filled: RCW 2.06.080.*
- Judges of superior court, vacancies, how filled: State Constitution Art. 4 § 5; RCW 2.08.120, 2.08.069.*
- Judges of supreme court, vacancies, how filled: State Constitution Art. 4 § 3; RCW 2.04.100.*
- Judicial officer's absence from state as forfeiting office: State Constitution Art. 4 § 8.*
- Legislative budget committee, vacancies, how filled: RCW 44.28.020.*
- Legislative council, vacancies, how filled: RCW 44.24.070.*
- Legislators, expulsion of member: State Constitution Art. 2 § 9.*
- Legislators, vacancies, how filled: State Constitution Art. 2 § 15 (Amendment 32).*
- Liquor control board, vacancies, how filled: RCW 66.08.014.*
- Metropolitan park district commissioners, vacancies, how filled: RCW 35.61.070.*
- Militia, vacancies, how filled: RCW 38.12.100-38.12.120.*
- Night court judges, vacancies, how filled: RCW 3.24.020.*
- Port district commissioners, vacancies: RCW 53.12.150.*
- Practical nurses examining board, vacancies, how filled: RCW 18.78.030.*
- Prosecuting attorney, removal from office: State Constitution Art. 4 § 9.*
- Public utility district commissioners, vacancies: RCW 54.12.010.*
- Recall proceedings, grounds: RCW 29.82.010.*
- Reclamation district directors, vacancies: RCW 89.30.256.*
- School directors in second and third class districts, vacancies, how filled: RCW 28A.57.326.*
- Sewer district commissioners, vacancies: RCW 56.12.030.*
- State appointive office, vacancy in, how filled: State Constitution Art. 3 § 13; RCW 43.06.090.*
- State board of education, vacancies, how filled: RCW 28A.04.080.*
- State colleges of education, board of trustees, vacancies: RCW 28B.40.100.*
- State elective officers, recall: State Constitution Art. 1 § 33 (Amendment 8).*
- State officers, removal from office: State Constitution Art. 5.*
- Statute law committee, vacancies, how filled: RCW 1.08.003.*
- Townships, vacancies in office, how filled: Chapter 45.20 RCW.*
- United States representatives, vacancies, how filled: RCW 29.68.080-29.68.120.*
- United States senators, vacancies, how filled: RCW 29.68.070.*
- University of Washington board of regents, vacancies, how filled: RCW 28B.20.100.*
- Utilities and transportation commission, vacancies, how filled: RCW 80.01.010.*
- Washington State University, board of regents, vacancies: RCW 28B.30.100.*
- Water district commissioners, vacancies: RCW 57.12.020.*
- Weed district directors, vacancies, how filled: RCW 17.04.070.*

42.12.010 Causes of vacancy. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such officer. First, the death of the incumbent; second, his resignation; third, his removal; fourth, his ceasing to be an inhabitant of the district, county, town or village for

which he shall have been elected or appointed, or within which the duties of his office are to be discharged; fifth, his conviction of an infamous crime, or of any offense involving a violation of his official oath; sixth, his refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit such oath or bond within the time prescribed by law; seventh, the decision of a competent tribunal declaring void his election or appointment; eighth, whenever a judgment shall be obtained against such officer for breach of the condition of his official bond. [Code 1881 § 3063; 1866 p 28 § 2; RRS § 9950.]

42.12.020 Resignations, to whom made. Resignations shall be made as follows: By the state officers and members of the legislature, to the governor; by all county officers, to the county commissioners of their respective counties; by all other officers, holding their offices by appointment, to the body, board or officer that appointed them. [Code 1881 § 3062; 1865 p 28 § 1; RRS § 9949.]

Appointments to fill vacancies: State Constitution Art. 2 § 15 (Amendment 32).

42.12.030 Term of person elected to fill vacancy. Whenever any officer resigns his office before the expiration of his term, or the office becomes vacant from any other cause, and at a subsequent special election such vacancy is filled, the person so elected to fill such vacancy shall not hold the office any longer than the original incumbent who resigned would have been entitled to hold the office. [Code 1881 § 3066; 1866 p 30 § 6; RRS § 9951.]

Chapter 42.14 CONTINUITY OF GOVERNMENT ACT

Sections

42.14.010	Definitions.
42.14.020	Office of governor.
42.14.030	Legislature.
42.14.035	Convening legislature at locations other than usual seat of government.
42.14.040	County commissioners.
42.14.050	City or town officers.
42.14.060	Appointed officers of the state.
42.14.070	Officers of political subdivisions.
42.14.075	Meetings of governing bodies of political subdivisions at other than usual places.
42.14.900	Short title.
42.14.910	Severability—1963 c 203.

Continuity of government: State Constitution Art. 2 § 42 (Amendment 39).

Microfilming of records to provide continuity of civil government: Chapter 40.10 RCW.

42.14.010 Definitions. Unless otherwise clearly required by the context, the following definitions apply:

(1) "Unavailable" means either that a vacancy in the office exists or that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office following an attack and a declaration of existing emergency by the governor or his successor.

(2) "Attack" means any acts of warfare taken by an enemy of the United States causing substantial damage or injury to persons or property in the United States and in the state of Washington. [1963 c 203 § 2.]

42.14.020 Office of governor. (1) In the event that all successors to the office of governor as provided by article 3, section 10, as amended by amendment 6 of the Constitution of the state of Washington are unavailable following an enemy attack, the powers and duties of the office of governor shall be exercised and discharged by the speaker of the house of representatives.

(2) In the event the speaker of the house is unavailable, the powers and duties of the office of governor shall be exercised and discharged by the president pro tem of the senate.

(3) In the event that neither the speaker nor the president pro tem is available, the house of representatives and the senate in joint assembly shall elect an emergency interim governor. [1963 c 203 § 3.]

42.14.030 Legislature. In the event enemy attack reduces the number of legislators available for duty, then those legislators available for duty shall constitute the legislature and shall have full power to act in separate or joint assembly by majority vote of those present. In the event of an attack, (1) quorum requirements for the legislature shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient. In the event of an attack, the governor shall call the legislature into session as soon as practicable, and in any case within thirty days following the inception of the attack. If the governor fails to issue such call, the legislature shall, on the thirtieth day from the date of inception of the attack, automatically convene at the place where the governor then has his office. Each legislator shall proceed to the place of session as expeditiously as practicable. At such session or at any session in operation at the inception of the attack, and at any subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended. [1963 c 203 § 4.]

42.14.035 Convening legislature at locations other than usual seat of government. Whenever, in the judgment of the governor, it becomes impracticable, due to an emergency resulting from enemy attack or natural disaster, to convene the legislature in the usual seat of government at Olympia, the governor may call the legislature into emergency session in any location within this or an adjoining state. The first order of business of any legislature so convened shall be the establishment of temporary emergency seats of government for the state. After any emergency relocation, the affairs of state government shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency. [1969 ex.s. c 106 § 1.]

42.14.040 County commissioners. In the event enemy attack reduces the number of county commissioners of any county, then those commissioners available for duty shall have full authority to act in all matters as a board of county commissioners. In the event no county commissioner is available for duty, then those elected county officials, except for the members of the county board of education, as are available for duty shall jointly act as the board of county commissioners and shall possess by majority vote the full authority of the board of county commissioners. [1963 c 203 § 5.]

42.14.050 City or town officers. In the event that the executive head of any city or town is unavailable by reason of enemy attack to exercise the powers and discharge the duties of his office, then those members of the city or town council or commission available for duty shall by majority vote select one of their number to act as the executive head of such city or town. In the event enemy attack reduces the number of city or town councilmen or commission members, then those members available for duty shall have full power to act by majority vote of those present. [1963 c 203 § 6.]

42.14.060 Appointed officers of the state. The governor shall, subject to such rules and regulations as he may adopt, permit each appointed officer of the state to designate temporary interim successors to the office of such officer. [1963 c 203 § 7.]

42.14.070 Officers of political subdivisions. The legislative authority of each political subdivision, subject to the provisions of this chapter, shall adopt rules and regulations providing for appointment of temporary interim successors to the elected and appointed offices of the political subdivisions. [1963 c 203 § 8.]

42.14.075 Meetings of governing bodies of political subdivisions at other than usual places. Whenever, due to a natural disaster, an attack or an attack is imminent, it becomes imprudent, inexpedient or impossible to conduct the affairs of a political subdivision at the regular or usual place or places, the governing body of the political subdivision may meet at any place within or without the territorial limits of the political subdivision on the call of the presiding official or any two members of the governing body. After any emergency relocation, the affairs of political subdivisions shall be lawfully conducted at such emergency temporary location or locations for the duration of the emergency. [1969 ex.s. c 106 § 2.]

42.14.900 Short title. This act shall be known as the "continuity of government act". [1963 c 203 § 1.]

42.14.910 Severability—1963 c 203. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1963 c 203 § 9.]

Chapter 42.16 SALARIES AND FEES

Sections	
42.16.010	Salaries to be paid <i>monthly</i> —Adoption of <i>semimonthly</i> or more frequent schedule of payment—Procedure.
42.16.011	State payroll revolving fund, agency payroll revolving fund—Created—Utilization.
42.16.012	State payroll revolving fund, agency payroll revolving fund—Disbursements—Sources.
42.16.013	Transfers to state payroll revolving fund—Certification by agencies or budget director.
42.16.014	Disbursements by warrants—Certifications.
42.16.015	Cancellation of warrants—Transfer of increased balance amounts in state payroll revolving fund.
42.16.016	Cancellation of warrants—Refund of increased balance amounts in agency payroll revolving fund.
42.16.017	Payroll preparation and accounting—Establishment of pay dates.
42.16.020	Salaried officers not to receive witness fees.
42.16.030	Disposition of fees.
42.16.040	Official fees payable in advance.

Aeronautics' director, salary: RCW 14.04.040.

Board of prison terms and paroles, salaries: RCW 9.95.003.

Cities, commission form, salaries: RCW 35.17.108.

Cities, council-manager plan, salaries: RCW 35.18.220.

Cities, first class, police judge's salary: RCW 35.22.430.

Cities, optional municipal code, council-manager plan, compensation: RCW 35A.13.040.

Cities, optional municipal code, mayor-council plan compensation: RCW 35A.12.070.

Cities, second class, salaries: RCW 35.23.220.

Commissioner of public lands, fees: RCW 79.01.720.

Commissioner of public lands, salary: State Constitution Art. 3 § 23; RCW 43.03.010.

Compensation not to be increased or diminished during term of office: State Constitution Art. 2 § 13; Art. 2 § 25; Art. 3 § 25 (Amendment 31); Art. 4 § 13; Art. 11 § 8; Art. 28 § 1 (Amendment 20).

Constables, salaries and fees: Chapter 3.16 RCW.

County officers, compensation: State Constitution Art. 11 § 8.

County officers, fees: Chapter 36.18 RCW.

County officers, salaries: Chapter 36.17 RCW.

County sheriff, fees payable in advance: RCW 36.28.040.

Court commissioners, salary: RCW 2.24.030.

Election officials, fees: RCW 29.45.120.

Elections, registration fees: RCW 29.07.040.

Governor's advisory committee on salaries: RCW 43.03.028.

Horse racing commission, salaries: RCW 67.16.012.

Judges of court of appeals, salaries: State Constitution Art. 4 § 30 (Amendment 50); RCW 2.06.060.

Judges of superior court, salaries: State Constitution Art. 4 § 14; RCW 2.08.090.

Judicial officers, salaries, how paid, etc.: State Constitution Art. 4 § 13.

Justices of supreme court, salaries: State Constitution Art. 4 § 14; RCW 2.04.090.

Justices of the peace, salaries and fees: Chapter 3.16 RCW; State Constitution Art. 4 § 10 (Amendment 28).

Legislators, salaries: RCW 43.03.010.

Militia, salaries and pay: RCW 38.24.050.

Municipal court judges, salaries: RCW 35.20.160.

Night court judges, salaries: RCW 3.24.040.

Port district commissioners, salaries: RCW 53.12.250.

Reformatory superintendent, salary: RCW 72.01.060.

Secretary of state, fees: RCW 43.07.120.

State appointive officers, governor may fix salaries, maximum: RCW 43.03.040.

State elective officers, salaries: RCW 43.03.010.

State employees, minimum salaries: RCW 43.03.080, 43.03.090.

State highways director, salary: RCW 47.01.130.

Superior court reporters, salaries: RCW 2.32.210.

Supreme court reporter, salary: State Constitution Art. 4 § 18; Rules of court: SAR 17(1).

Townships, compensation of officers: Chapter 45.44 RCW.

University of Washington, disposition of fees: RCW 28B.15.210, 28B.15.220.

Utilities and transportation commission, salaries: RCW 80.01.010.

Washington State University, disposition of fees: RCW 28B.15.310.

42.16.010 Salaries to be paid monthly—Adoption of semimonthly or more frequent schedule of payment—Procedure. The salaries of all state officers and employees shall be paid monthly on the last day of each month unless the budget director shall establish different dates in accordance with RCW 42.16.017: *Provided*, That the budget director may adopt or authorize adoption of semi-monthly or more frequent payment schedules for state agencies, in his discretion: *And provided further*, That schedules for the payment of compensation more often than semi-monthly may be adopted only upon the written requests of state agencies, and only for the purpose of conforming state payment schedules for classes of employees in specific trades or occupations to customary schedules prevailing in private industries. [1969 c 59 § 1; 1967 ex.s. c 25 § 1; 1891 c 130 § 1; RRS § 10965.]

Reviser's note: Central budget agency abolished, powers and duties transferred to office of program planning and fiscal management: RCW 43.41.940, 43.41.050.

Effective date—1967 ex.s. c 25: "This 1967 amendatory act shall take effect July 1, 1967: *Provided*, That the budget director may by regulation postpone the operation of the act for any reasonable time, not extending beyond the 1967–1969 biennium, to facilitate an orderly transition in state payroll procedures." [1967 ex.s. c 25 § 9.] This applies to RCW 42.16.010–42.16.017.

42.16.011 State payroll revolving fund, agency payroll revolving fund—Created—Utilization. A state payroll revolving fund and an agency payroll revolving fund are created in the state treasury, for the payment of compensation to employees and officers of the state and distribution of all amounts withheld therefrom pursuant to law and amounts authorized by employees to be withheld pursuant to law; also for the payment of the state's contributions for retirement and insurance and other employee benefits: *Provided*, That the utilization of the state payroll revolving fund shall be optional except for agencies whose payrolls are prepared under a centralized system established pursuant to regulations of the budget director: *Provided further*, That the utilization of the agency payroll revolving fund shall be optional for agencies whose operations are funded in whole or part other than by funds appropriated from the state treasury. [1969 c 59 § 2; 1967 ex.s. c 25 § 2.]

42.16.012 State payroll revolving fund, agency payroll revolving fund—Disbursements—Sources. The amounts to be disbursed from the state payroll revolving fund from time to time on behalf of agencies utilizing such fund shall be transferred thereto by the state treasurer from appropriated funds properly chargeable with the disbursement for the purposes set forth in RCW 42.16.011, on or before the day prior to scheduled

disbursement. The amounts to be disbursed from the agency payroll revolving fund from time to time on behalf of agencies electing to utilize such fund shall be deposited therein by such agencies from funds held by the agency pursuant to law outside the state treasury and properly chargeable with the disbursement for the purposes set forth in RCW 42.16.011, on or before the day prior to scheduled disbursement. [1967 ex.s. c 25 § 3.]

42.16.013 Transfers to state payroll revolving fund—Certification by agencies or budget director. The state treasurer shall make such transfers to the state payroll revolving fund in the amounts to be disbursed as certified by the respective agencies: *Provided*, That if the payroll is prepared on behalf of an agency from data authenticated and certified by the agency under a centralized system established pursuant to regulation of the budget director, the state treasurer shall make the transfer upon the certification of the head of the agency preparing the centralized payroll or his designee. [1969 c 59 § 3; 1967 ex.s. c 25 § 4.]

42.16.014 Disbursements by warrants—Certifications. Disbursements from the revolving funds created by RCW 42.16.010 through 42.16.017 shall be by warrant in accordance with the provisions of RCW 43.88-.160: *Provided*, That when the payroll is prepared under a centralized system established pursuant to regulations of the budget director, disbursements on behalf of the agency shall be certified by the head of the agency preparing the centralized payroll or his designee: *Provided further*, That disbursements from a centralized paying agency representing amounts withheld, and/or contributions, for payment to any individual payee on behalf of several agencies, may be by single warrant representing the aggregate amounts payable by all such agencies to such payee. The procedure for disbursement and certification of these aggregate amounts shall be established by the budget director.

All payments to employees or other payees, from the revolving funds created by RCW 42.16.010 through 42.16.017, whether certified by an agency or by the budget director on behalf of such agency, shall be made wherever possible by a single warrant reflecting on its face the amount charged to each revolving fund. [1969 c 59 § 4; 1967 ex.s. c 25 § 5.]

42.16.015 Cancellation of warrants—Transfer of increased balance amounts in state payroll revolving fund. All amounts increasing the balance in the state payroll revolving fund, as a result of the cancellation of warrants issued therefrom shall be transferred by the state treasurer to the fund from which the canceled warrant would originally have been paid except for the provisions of RCW 42.16.010 through 42.16.017. [1967 ex.s. c 25 § 6.]

42.16.016 Cancellation of warrants—Refund of increased balance amounts in agency payroll revolving fund. All amounts increasing the balance in the agency payroll revolving fund, as a result of the cancellation of

warrants issued therefrom shall be refunded by the state treasurer to the appropriate state agency. The refund shall be deposited by the agency to the fund from which such amount was originally withdrawn for deposit in the agency payroll revolving fund. [1967 ex.s. c 25 § 7.]

42.16.017 Payroll preparation and accounting—Establishment of pay dates. To facilitate payroll preparation and accounting, or to implement the provisions of RCW 42.16.010 through 42.16.017, the budget director may adopt customary and necessary procedures including the establishment of pay dates at reasonable times following periods in which payment is earned. [1967 ex.s. c 25 § 8.]

42.16.020 Salaried officers not to receive witness fees. No state, county, municipal or other public officer within the state of Washington, who receives from the state, or from any county or municipality therein, a fixed and stated salary as compensation for services rendered as such public officer shall be allowed or paid any per diem for attending or testifying on behalf of the state of Washington, or any county or municipality therein, at any trial or other judicial proceeding, in any state, county or municipal court within this state; nor shall such officer, in any case, be allowed nor paid any per diem for attending or testifying in any state or municipal court of this state, in regard to matters and information that have come to his knowledge in connection with and as a result of the performance of his duties as a public officer as aforesaid: Provided, This section shall not apply when any deduction shall be made from the regular salary of such officer by reason of his being in attendance upon the superior court, but in such cases regular witness fees shall be paid; and further, that if a public officer be subpoenaed and required to appear or testify in judicial proceedings in a county other than that in which he resides, then said public officer shall be entitled to receive per diem and mileage as provided by statute in other cases; and, provided further, that this section shall not apply to police officers when called as witnesses in the superior courts during hours when they are off duty as such officers. [1903 c 10 § 1; 1901 c 101 § 1; RRS § 499.]

42.16.030 Disposition of fees. All officers enumerated in this section, who are paid a salary in lieu of fees, shall collect the fees herein prescribed for the use of the state or county, as the case may be, and shall pay the same into the state or county treasury, as the case may be, on the first Monday of each month. [1907 c 56 § 1, part; RRS § 4217. Prior: 1903 c 151 § 1, part; 1893 c 130 § 1, part.]

Reviser's note: "this section" refers to 1907 c 56 § 1 of which RCW 42.16.030 is but a part. The other parts of 1907 c 56 § 1, as amended, are codified as RCW 2.32.070 (supreme court clerk's fees), 2.40.010 (witnesses' fees), 36.18.020 (superior court clerks' fees), 36.18.040 (sheriff's fees), 36.18.010 (county auditor's fees), 36.18.030 (county coroner's fees), 2.36.150 (jurors' fees), 3.16.100 (constables' fees), and 42.28.090 (notaries' fees).

Daily remittance of moneys to state treasury required: RCW 43.01.050.

Officers paid salaries in lieu of fees to collect fees for use of state or county: RCW 42.28.090.

Payment of fees to county treasurer: RCW 36.18.140.

42.16.040 Official fees payable in advance. All fees are invariably due in advance where demanded by the officer required to perform any official act, and no officer shall be required to perform any official act unless his fees are paid when he demands the same: *Provided,* This section shall not apply when the officer performs any official act for his county or the state. [Code 1881 § 2099; 1869 p 374 § 21; RRS § 505. Formerly codified as RCW 42.04.050.]

County officers, fees payable in advance: RCW 36.18.060.

County sheriff, may demand fees payable in advance: RCW 36.28.040.

Salaries and fees: Chapter 42.16 RCW.

**Chapter 42.17
DISCLOSURE—CAMPAIGN FINANCES—
LOBBYING—RECORDS**

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42.17.010 Declaration of policy. It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information

concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence in fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. [1973 c 1 § 1 (Initiative Measure No. 276 § 1).]

42.17.020 Definitions. (1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, public official, department, division, bureau, board, commission or other state agency. "Local agency" includes every county, city, city and county, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of any specific constituency which has been filed with the appropriate election officer of that constituency.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses not in excess of twenty-five dollars personally paid for by any volunteer campaign worker. "Part time" services, for the purposes of this chapter, means services in addition

to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

(9) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(10) "Election" includes any primary, general or special election for public office and any election in which a ballot proposition is submitted to the voters.

(11) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(12) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(13) "Final report" means the report described as a final report in RCW 42.17.080(2).

(14) "Immediate family" includes the spouse and children living in the household and other relatives living in the household.

(15) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

(16) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate or other legislative enactment of any state agency under the state Administrative Procedure Acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(17) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

(18) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(19) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency

however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(20) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

(21) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(22) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(23) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(24) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(25) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires. [1973 c 1 § 2 (Initiative Measure No. 276 § 2).]

CAMPAIGN FINANCING

42.17.030 Applicability. The provisions of this chapter relating to election campaigns shall apply in all election campaigns other than (a) for precinct committeeman; (b) for the president and vice president of the United States; and (c) for an office the constituency of which does not encompass a whole county and which contains less than five thousand registered voters as of the date of the most recent general election in such district. [1973 c 1 § 3 (Initiative Measure No. 276 § 3).]

42.17.040 Obligation of political committees to file statement of organization. (1) Every political committee, within ten days after its organization or, within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with

the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides). Each political committee in existence on the effective date of this act shall file a statement of organization with the commission within ninety days after such effective date.

(2) The statement of organization shall include but not be limited to:

- (a) The name and address of the committee;
- (b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;
- (c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses and titles of its responsible leaders;
- (d) The name and address of its campaign treasurer and campaign depository;
- (e) A statement whether the committee is a continuing one;
- (f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;
- (g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;
- (h) What distribution of surplus funds will be made in the event of dissolution; and
- (i) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county auditor within the ten days following the change. [1973 c 1 § 4 (Initiative Measure No. 276 § 4).]

Effective date—1973 c 1: See RCW 42.17.900.

42.17.050 Campaign treasurer—Depositories. (1) Each candidate, at or before the time he announces publicly or files for office, and each political committee, at or before the time it files a statement of organization, shall designate and file with the commission the names and addresses of:

- (a) One legally competent individual, who may be the candidate, to serve as a campaign treasurer; and
- (b) One bank doing business in this state to serve as campaign depository.

(2) A candidate, a political committee or a campaign treasurer may appoint as many deputy campaign treasurers as is considered necessary and may designate not more than one additional campaign depository in each other county in which the campaign is conducted. The candidate or political committee shall file the names and addresses of the deputy campaign treasurers and additional campaign depositories with the commission.

(3) (a) A candidate or political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository.

(b) In the event of the death, resignation, removal, or change of a campaign treasurer, deputy campaign treasurer or depository, the candidate or political committee shall designate and file with the commission the name and address of any successor.

(4) No campaign treasurer, deputy campaign treasurer, or campaign depository shall be deemed to be in compliance with the provisions of this chapter until his name and address is filed with the commission. [1973 c 1 § 5 (Initiative Measure No. 276 § 5).]

42.17.060 Deposit of contributions—Statement of campaign treasurer—Anonymous contributions. (1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of -----" (name of candidate or political committee).

(2) All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: *Provided*, That contributions not exceeding five dollars from any one person may be deposited without identifying the contributor. The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the third copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) (a) Accumulated anonymous contributions in excess of one dollar from any individual contributor, and

(b) Accumulated anonymous contributions in excess of one percent of the total accumulated contributions received to date or three hundred dollars (whichever is less),

shall not be deposited, used or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund. [1973 c 1 § 6 (Initiative Measure No. 276 § 6).]

42.17.070 Authorization of expenditures and restrictions thereon. No expenditures shall be made or incurred by any candidate or political committee except on the authority of the campaign treasurer or the candidate, and a record of all such expenditures shall be maintained by the campaign treasurer. [1973 c 1 § 7 (Initiative Measure No. 276 § 7).]

42.17.080 Candidates' and treasurers' duty to report. (1) On the day the campaign treasurer is designated, each candidate or political committee shall file with the commission and the county auditor of the county in

which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides), in addition to any statement of organization required under RCW 42.17.040, a report of all contributions received and expenditures made in the election campaign prior to that date: *Provided*, That if the political committee is an organization of continuing existence not established in anticipation of any particular election the campaign treasurer shall report, at the times required by this chapter, and at such other times as are designated by the commission, all contributions received and expenditures made since the date of his or his predecessor's last report. In addition to any statement of organization required under RCW 42.17.040, the initial report of the campaign treasurer of such a political committee in existence at the time this chapter becomes effective need include only:

- (a) The funds on hand at the time of the report, and
- (b) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter.

(2) At the following intervals each campaign treasurer shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition the county in which the campaign treasurer resides) a further report of the contributions received and expenditures made since the date of the last report:

- (a) On the fifth and nineteenth days immediately preceding the date on which the election is held; and
- (b) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and
- (c) On the tenth day of each month preceding the election in which no other reports are required to be filed under this section.

The report filed under paragraph (b) above shall be the final report if there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and if in the case of a political committee, the committee has ceased to function and has dissolved. If the candidate or political committee has any outstanding debt or obligation, additional reports shall be filed at least once every six months until the obligation or indebtedness is entirely satisfied at which time a final report shall be filed. A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(3) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection during normal

business hours at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(4) All reports filed pursuant to this section shall be certified as correct by the candidate and the campaign treasurer.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer. [1973 c 1 § 8 (Initiative Measure No. 276 § 8).]

42.17.090 Contents of report. (1) Each report required under RCW 42.17.080 shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

- (a) The funds on hand at the beginning of the period;
- (b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the preceding twelve-month period: *Provided*, That contributions not exceeding five dollars in aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names and amounts of each such contributor;
- (c) Each loan, promissory note or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note or security instrument;
- (d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates and purpose of all such transfers;
- (e) All other contributions not otherwise listed or exempted;
- (f) The name and address of each person to whom an expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date and purpose of each such expenditure;
- (g) The total sum of expenditures;
- (h) The surplus or deficit of contributions over expenditures;
- (i) The disposition made of any surplus of contributions over expenditures;
- (j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state and not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee has

filed with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses and titles of its officers or if it has no officers, the names, addresses and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) The campaign treasurer and the candidate shall certify the correctness of each report. [1973 c 1 § 9 (Initiative Measure No. 276 § 9).]

42.17.100 Special reports. In addition to the other reports required by this chapter

(1) Any person who makes an expenditure in support of or in opposition to any candidate or proposition (except to the extent that a contribution is made directly to a candidate or political committee), in the aggregate amount of one hundred dollars or more during an election campaign, shall file with the commission a report signed by the contributor disclosing (a) the contributor's name and address, and (b) the date, nature, amount and recipient of such contribution or expenditure; and

(2) Any person who contributes in the aggregate amount of one hundred dollars or more during the preceding twelve-month period to any political committee not domiciled in the state of Washington or not otherwise required to report under this chapter, if the person reasonably expects such political committee to make contributions in respect to any election covered by this chapter, shall file with the commission a report signed by the contributor disclosing (a) the contributor's name and address, and (b) the date, nature, amount and recipient of such contribution, and (c) any instructions given as to the use or disbursement of such contribution. [1973 c 1 § 10 (Initiative Measure No. 276 § 10).]

42.17.110 Commercial advertisers' duty to report. (1) Within fifteen days after an election each commercial advertiser who has accepted or provided political advertising during the election campaign shall file a report

with the commission which shall be certified as correct and shall specify:

(a) The names and addresses of persons from whom it accepted political advertising;

(b) The exact nature and extent of the advertising services rendered;

(c) The consideration and the manner of paying that consideration for such services; and

(d) Such other facts as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) No report shall be required from any commercial advertiser as to any single candidate or political committee when the total value of such political advertising does not exceed fifty dollars. [1973 c 1 § 11 (Initiative Measure No. 276 § 11).]

42.17.120 Identification of contributions and communications. No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative or other person in such a manner as to conceal the identity of the source of the contribution. [1973 c 1 § 12 (Initiative Measure No. 276 § 12).]

42.17.130 Forbids use of public office facilities in campaigns. No elective official nor any employee of his office may use or authorize the use of any of the facilities of his public office, directly or indirectly, for the purpose of assisting his campaign for reelection to the office he holds, or for election to any other office, or for election of any other person to any office or for the promotion or opposition to any ballot proposition. Facilities of public office include, but are not limited to, use of stationery, postage, machines and equipment, use of employees of the office during working hours, vehicles, office space, publications of the office, and clientele lists of persons served by the office: *Provided*, That this section shall not apply to those activities performed by the official or his office which are part of the normal and regular conduct of the office. [1973 c 1 § 13 (Initiative Measure No. 276 § 13).]

42.17.140 Campaign expenditure limitations. (1) The total of expenditures made in any election campaign in connection with any public office shall not exceed the larger of the following amounts:

(a) Ten cents multiplied by the number of voters registered in the constituency at the last general election for the public office; or

(b) Five thousand dollars; or

(c) A sum equal to the public salary which will be paid to the occupant of the office which the candidate seeks, during the term for which the successful candidate will be elected: *Provided*, That with respect to candidates for the office of governor and lieutenant governor of the state of Washington only, a sum equal to the public salary which will be paid the governor during the term sought, multiplied by two; and with respect to candidates for the state legislature only, a sum equal to the public salary which will be paid to a member of the state senate during his term.

(2) In any election campaign in connection with any state-wide ballot proposition the total of expenditures made shall not exceed one hundred thousand dollars. The total of such expenditures in any election campaign in connection with any other ballot proposition shall not exceed ten cents multiplied by the number of voters registered in the constituency voting on such proposition. [1973 c 1 § 14 (Initiative Measure No. 276 § 14).]

LOBBYIST REPORTING

42.17.150 Registration of lobbyists. (1) Before doing any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, showing:

(a) His name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of his employment;

(d) His compensation for lobbying; how much he is to be paid for expenses, and what expenses are to be reimbursed; and a full and particular description of any agreement, arrangement or understanding according to which his compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation;

(e) Whether the person from whom he receives said compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects of his legislative interest;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for his services as a lobbyist shall file a separate notice of representation with respect to each such person; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed to by more than one person then

such lobbyist may file a single statement, in which he shall detail the name, business address and occupation of each person so paying or contributing, and the amount of the respective payments or contributions made by each such person.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of such change, modification or termination, furnish full information regarding the same by filing with the commission an amended registration statement.

(4) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, each January, and failure to do so shall terminate his registration. [1973 c 1 § 15 (Initiative Measure No. 276 § 15).]

42.17.160 Exemption from registration. The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, 42.17.190 and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies.

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.

(3) Lobbying without compensation or other consideration: *Provided*, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter.

(4) The governor.

(5) The lieutenant governor.

(6) Except as provided by RCW 42.17.190(1), members of the legislature.

(7) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation and enactment of legislation.

(8) Except as provided by RCW 42.17.190 elected state officers, state officers appointed by the governor subject to confirmation by the senate, and employees of any state agency. [1973 c 1 § 16 (Initiative Measure No. 276 § 16).]

42.17.170 Reporting by lobbyists. (1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the commission. They shall be due quarterly and shall be filed within thirty days after the end of the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in

session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday.

(2) Each such quarterly and weekly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: *Provided however*, That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported: *and Provided further*, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule. Each individual expenditure of more than fifteen dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates or other legislative enactments under chapter 34.04 RCW and chapter 28B.19 RCW (the state Administrative Procedure Acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: *Provided*, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed. [1973 c 1 § 17 (Initiative Measure No. 276 § 17).]

42.17.180 Reports by employers of registered lobbyists. Every employer of a lobbyist registered under this chapter shall file with the commission on or before January 31st of each year a statement disclosing for the preceding twelve months the following information:

(1) The name of each elected official, candidate, or any member of his immediate family to whom such employer has paid any compensation, the value of such

compensation and the consideration given or performed in exchange for such compensation.

(2) The name of any corporation, partnership, joint venture, association, union or other entity of which any elected official, candidate, or any member of his immediate family is a member, officer, partner, director, associate or employee and to which the employer has paid compensation, the value of such compensation and the consideration given or performed in exchange for such compensation. [1973 c 1 § 18 (Initiative Measure No. 276 § 18).]

42.17.190 Legislative activities of state agencies and other units of government. (1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation and enactment of legislation during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter.

(2) Unless expressly authorized by law, no state funds shall be used directly or indirectly for lobbying: *Provided*, This shall not prevent state officers or employees from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: *Provided further*, That this subsection shall not apply to the legislative branch.

(3) Each state agency which expends state funds for lobbying pursuant to an express authorization by law or whose officers or employees communicate to members of the legislature on request of any member or communicate to the legislature requests for legislation or appropriations shall file with the commission quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each employee engaged in such legislative activity, a general description of the nature of his legislative activities, and the proportionate amount of his time spent on such activities;

(c) In the case of any communications to a member of the legislature in response to a request from the member, the name of the member making the request and the nature and subject of the request.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

(4) The provisions of this section shall not relieve any state officer or any employee of a state agency from complying with other provisions of this chapter, if such officer or employee is not otherwise exempted. [1973 c 1 § 19 (Initiative Measure No. 276 § 19).]

42.17.200 Grass roots lobbying campaigns. (1) Any person who has made expenditures, not reported under other sections of this chapter, exceeding five hundred dollars in the aggregate within any three month period or exceeding two hundred dollars in the aggregate within any one month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2), as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses and titles of the controlling persons responsible for managing the sponsor's affairs.

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons.

(c) The names and addresses of all persons contributing to the campaign, and the amount contributed by each contributor.

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards or proposals which are the subject matter of the campaign.

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement. [1973 c 1 § 20 (Initiative Measure No. 276 § 20).]

42.17.210 Employment of legislators, attaches, or state employees—Statement, contents and filing. If any person registered or required to be registered as a lobbyist under this chapter employs, or if any employer of any person registered or required to be registered as a lobbyist under this chapter, employs any member of the legislature, or any member of any state board or commission, or any employee of the legislature, or any full time state employee, if such new employee shall remain in the partial employ of the state or any agency thereof, then the new employer shall file a statement under oath with the commission setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. The statement shall be filed within fifteen days after the commencement of such employment. [1973 c 1 § 21 (Initiative Measure No. 276 § 21).]

42.17.220 Employment of unregistered persons. It shall be a violation of this chapter for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, a person to lobby who is not registered under this chapter except upon condition that such person register as a lobbyist as provided by this chapter, and such person does in fact so register as soon as practicable. [1973 c 1 § 22 (Initiative Measure No. 276 § 22).]

42.17.230 Duties of lobbyists. A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this chapter:

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least six years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the commission at any time: *Provided*, That if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:

(a) Engage in any activity as a lobbyist before registering as such;

(b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation. [1973 c 1 § 23 (Initiative Measure No. 276 § 23).]

REPORTING OF ELECTED OFFICIALS FINANCIAL AFFAIRS

42.17.240 Elected officials reports of financial affairs.

(1) Every elected official (except president, vice president and precinct committeemen) shall on or before January 31st of each year, and every candidate (except for the offices of president, vice president and precinct committeeman) shall, within two weeks of becoming a candidate, file with the commission a written statement sworn as to its truth and accuracy stating for himself and his immediate family for the preceding twelve months:

(a) Occupation, name of employer, and business address; and

(b) Each direct financial interest in excess of five thousand dollars in a bank or savings account or cash surrender value of any insurance policy; each other direct financial interest in excess of five hundred dollars; and the name, address, nature of entity, nature and value of each such direct financial interest; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: *Provided*, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom actual or proposed legislation, rules, rates, or standards has been prepared, promoted, or opposed for current or deferred compensation; the description of such actual or proposed legislation, rules, rates or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union or other entity in which is held any office, directorship or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship or partnership; the nature of ownership interest; and with respect to each such entity the name of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union or other business

or commercial entity from which such entity has received compensation in any form in the amount of five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation; and

(h) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: *Provided*, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report;

(k) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(1) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Elected officials and candidates reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060. [1973 c 1 § 24 (Initiative Measure No. 276 § 24).]

PUBLIC RECORDS

42.17.250 Duty to publish procedures. (1) Each state agency shall separately state and currently publish in the Washington Administrative Code and each local agency shall prominently display and make available for inspection and copying at the central office of such local agency, for guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain copies of agency decisions;

(b) Statements of the general course and method by which its operations are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(e) Each amendment or revision to, or repeal of any of the foregoing.

(2) Except to the extent that he has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published or displayed and not so published or displayed. [1973 c 1 § 25 (Initiative Measure No. 276 § 25).]

42.17.260 Documents and indexes to be made public.

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records. To the extent required to prevent an unreasonable invasion of personal privacy, an agency shall delete identifying details when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law. [1973 c 1 § 26 (Initiative Measure No. 276 § 26).]

42.17.270 Facilities for copying. Public records shall be available to any person for inspection and copying, and agencies shall, upon request for identifiable records, make them promptly available to any person. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. [1973 c 1 § 27 (Initiative Measure No. 276 § 27).]

42.17.280 Times for inspection and copying. Public records shall be available for inspection and copying during the customary office hours of the agency: *Provided*, That if the agency does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m. Monday through Friday, excluding legal holidays, unless the person making the request and the agency or its representative agree on a different time. [1973 c 1 § 28 (Initiative Measure No. 276 § 28).]

42.17.290 Protection of public records. Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this chapter to provide full public access to official records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. [1973 c 1 § 29 (Initiative Measure No. 276 § 29).]

42.17.300 Charges for copying. No fee shall be charged for the inspection of public records. Agencies may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the agency for its actual costs incident to such copying. [1973 c 1 § 30 (Initiative Measure No. 276 § 30).]

42.17.310 Certain personal and other records exempt.

(1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

(b) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of

which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. [1973 c 1 § 31 (Initiative Measure No. 276 § 31).]

42.17.320 Prompt responses required. Responses to requests for records shall be made promptly by agencies. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of judicial review. [1973 c 1 § 32 (Initiative Measure No. 276 § 32).]

42.17.330 Court protection of records. The examination of any specific record may be enjoined if, upon motion and affidavit, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions. [1973 c 1 § 33 (Initiative Measure No. 276 § 33).]

42.17.340 Judicial review of agency actions. (1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is required.

(2) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record. [1973 c 1 § 34 (Initiative Measure No. 276 § 34).]

ADMINISTRATION AND ENFORCEMENT

42.17.350 Public disclosure commission—Established—Membership. There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after the effective date of this act. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four and five years, respectively, as designated by the governor. No member of the commission, during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chapter 34.04 RCW. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

Members shall serve without compensation, but shall be reimbursed for necessary traveling and lodging expenses actually incurred while engaged in the business of the commission as provided in chapter 43.03 RCW. [1973 c 1 § 35 (Initiative Measure No. 276 § 35).]

Effective date—1973 c 1: See RCW 42.17.900.

42.17.360 Commission—Duties. The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter:

(2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

(3) Compile and maintain a current list of all filed reports and statements;

(4) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

(5) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities;

(6) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities; and

(7) Enforce this chapter according to the powers granted it by law. [1973 c 1 § 36 (Initiative Measure No. 276 § 36).]

42.17.370 Commission—Additional powers. The commission is empowered to:

(1) Adopt, promulgate, amend and rescind suitable administrative rules and regulations to carry out the policies and purposes of this chapter;

(2) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(3) Make from time to time, on its own motion, audits and field investigations;

(4) Make public the fact that an alleged or apparent violation has occurred and the nature thereof;

(5) Administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memorandums or other records which the commission deems relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(6) Adopt and promulgate a code of fair campaign practices;

(7) Relieve, by published regulation of general applicability, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; and

(8) Enact regulations prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities and other municipalities and political subdivisions in preparing, publishing and distributing legislative information. The term "legislative information", for the purposes of this subsection, means books, pamphlets, reports and other materials prepared, published or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review such regulations, accounts and reports and make appropriate findings, comments and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the chapter. Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing to bring an action in Thurston county superior court to contest the propriety of any order entered hereunder within one year from the date of the entry of such order. [1973 c 1 § 37 (Initiative Measure No. 276 § 37).]

42.17.380 Secretary of state, attorney general—Duties. (1) The secretary of state, through his office, shall perform such ministerial functions as may be necessary to enable the commission to carry out its responsibilities under this chapter. The office of the secretary of state shall be designated as the place where the public may file papers or correspond with the commission and receive any form or instruction from the commission.

(2) The attorney general, through his office, shall supply such assistance as the commission may require in order to carry out its responsibilities under this chapter. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this section. [1973 c 1 § 38 (Initiative Measure No. 276 § 38).]

42.17.390 Civil remedies and sanctions. (1) One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his registration may be revoked or suspended and he may be enjoined from receiving compensation or making expenditures for lobbying: *Provided, however,* That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

(c) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation.

(d) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

(e) Any person who fails to report a contribution or expenditure may be subject to a civil penalty equivalent to the amount he failed to report.

(f) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein. [1973 c 1 § 39 (Initiative Measure No. 276 § 39).]

42.17.400 Enforcement. (1) The attorney general and the prosecuting authorities of political subdivisions of this state may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17.390.

(2) The attorney general and the prosecuting authorities of political subdivisions of this state may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general or the prosecuting authority of any political subdivision of this state requires the attendance of any person to obtain such information or the production of the accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this chapter, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, shall be effective state-wide, and, upon application of the attorney general or said prosecuting authority, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and such action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) Any person who has notified the attorney general in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized

under this chapter if the attorney general has failed to commence an action hereunder within forty days after such notice and if the attorney general has failed to commence an action within ten days after a notice in writing delivered to the attorney general advising him that a citizen's action will be brought if the attorney general does not bring an action. If the person who brings the citizen's action prevails, he shall be entitled to one-half of any judgment awarded, and to the extent the costs and attorney's fees he has incurred exceed his share of the judgment, he shall be entitled to be reimbursed for such costs and fees by the state of Washington: *Provided*, That in the case of a citizen's action which is dismissed and which the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorney's fees incurred by the defendant.

(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including a reasonable attorney's fee to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or treble damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he shall be awarded all costs of trial, and may be awarded a reasonable attorney's fee to be fixed by the court to be paid by the state of Washington. [1973 c 1 § 40 (Initiative Measure No. 276 § 40).]

42.17.410 Limitation on actions. Any action brought under the provisions of this chapter must be commenced within six years after the date when the violation occurred. [1973 c 1 § 41 (Initiative Measure No. 276 § 41).]

42.17.420 Date of mailing deemed date of receipt. When any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. [1973 c 1 § 42 (Initiative Measure No. 276 § 42).]

42.17.430 Certification of reports. Every report and statement required to be filed under this chapter shall identify the person preparing it, and shall be certified as complete and correct, both by the person preparing it and by the person on whose behalf it is filed. [1973 c 1 § 43 (Initiative Measure No. 276 § 43).]

42.17.440 Statements and reports public records. All statements and reports filed under this chapter shall be public records of the agency where they are filed, and shall be available for public inspection and copying

during normal business hours at the expense of the person requesting copies, provided that the charge for such copies shall not exceed actual cost to the agency. [1973 c 1 § 44 (Initiative Measure No. 276 § 44).]

42.17.450 Duty to preserve statements and reports. Persons with whom statements or reports or copies of statements or reports are required to be filed under this chapter shall preserve them for not less than six years. The commission, however, shall preserve such statements or reports for not less than ten years. [1973 c 1 § 45 (Initiative Measure No. 276 § 45).]

42.17.900 Effective date—1973 c 1. The effective date of this act shall be January 1, 1973. [1973 c 1 § 49 (Initiative Measure No. 276 § 49).]

42.17.910 Severability—1973 c 1. If any provision of this 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. [1973 c 1 § 46 (Initiative Measure No. 276 § 46).]

42.17.920 Construction—1973 c 1. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. *In the event of conflict* between the provisions of this act and any other act, the provisions of this act shall govern. [1973 c 1 § 47 (Initiative Measure No. 276 § 47).]

42.17.930 Chapter, section headings not part of law. Chapter and section captions or headings as used in this act do not constitute any part of the law. [1973 c 1 § 48 (Initiative Measure No. 276 § 48).]

42.17.940 Repealer. Chapter 9, Laws of 1965, as amended by section 9, chapter 150, Laws of 1965 ex. sess., and RCW 29.18.140; and chapter 131, Laws of 1967 ex. sess. and RCW 44.64; and chapter 82, Laws of 1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 24; and chapter 98, Laws of 1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 25 are each hereby repealed. [1973 c 1 § 50 (Initiative Measure No. 276 § 50).]

Chapter 42.18

EXECUTIVE CONFLICT OF INTEREST ACT

Sections

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42.18.010 Policy and purpose. It is the policy and purpose of this chapter to promote and balance the dual objectives of protecting the integrity of the government of the state of Washington and of facilitating the recruitment and retention of the personnel needed by the state, by prescribing essential restrictions against conflicts of interest in the executive branch of the state government without creating unnecessary barriers to public service. [1969 ex.s. c 234 § 1.]

42.18.020 Application of definitions. Unless the context clearly requires otherwise, for purposes of this chapter, the terms defined in RCW 42.18.030 through 42.18.150 shall have the meanings therein set forth. [1969 ex.s. c 234 § 2.]

42.18.030 Agency. "Agency" means:

- (1) The office of the governor.
- (2) Any office, department, board, commission, or other separate unit or division, however designated, of the state government, together with all personnel thereof:
 - (a) Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and
 - (b) That has as its chief executive officer a person or combination of persons such as a commission, board, or council, by law empowered to operate it, responsible either to (i) no other public officer or (ii) the governor. [1969 ex.s. c 234 § 3.]

42.18.040 Agency head. "Agency head" and "head of agency" mean the chief executive officer of an agency, who shall be the chairman in the case of an independent establishment which is a commission, board, or committee. [1969 ex.s. c 234 § 4.]

42.18.050 Assist. "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that such action is of help, aid, advice, or assistance to such person and with intent so to assist such person. [1969 ex.s. c 234 § 5.]

42.18.060 Compensation. "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person. [1969 ex.s. c 234 § 6.]

42.18.070 Intermittent state employee. "Intermittent state employee" means any state employee, as defined in RCW 42.18.130, who has performed services as such employee on not more than fifty-two working days (which shall not include Saturdays, Sundays, and holidays) out of the preceding three hundred and sixty-five calendar days: *Provided*, That:

(1) A reserve of the Washington national guard, unless otherwise a regular state employee, shall be classified as an intermittent state employee for purposes of this chapter while on active duty solely for training irrespective of the number of days of such training;

(2) Irrespective of the fact he has performed services on less than fifty-two working days, a state employee shall be deemed a regular state employee and not an intermittent state employee, if:

(a) He was appointed to a position calling for regular and continuing full time services; and

(b) His appointment did not evidence an intent that his services would be for a period of less than one hundred and thirty working days in the three hundred and sixty-five calendar day period following such appointment.

An intermittent state employee shall be in such status on days on which he performs no services as well as days on which he performs services. [1969 ex.s. c 234 § 7.]

42.18.080 Participate. "Participate," in connection with a transaction involving the state, means to participate in state action or a proceeding personally and substantially as a state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise. [1969 ex.s. c 234 § 8.]

42.18.090 Person. "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit. [1969 ex.s. c 234 § 9.]

42.18.100 Regular state employee. "Regular state employee" means any state employee other than an intermittent state employee as defined in RCW 42.18.070. [1969 ex.s. c 234 § 10.]

42.18.110 Responsibility. "Responsibility" in connection with a transaction involving the state, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove, or otherwise direct state action in respect of such transaction. [1969 ex.s. c 234 § 11.]

42.18.120 State action. "State action" means any action on the part of an agency, including, but not limited to:

(1) Any decision, determination, finding, ruling, or order; and

(2) Any grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect thereto. [1969 ex.s. c 234 § 12.]

42.18.130 State employee. "State employee" means any individual who is appointed by an agency head, as defined in RCW 42.18.040, or his designee, and serves under the supervision and authority of an agency as defined in RCW 42.18.030.

Notwithstanding the foregoing, the term "state employee" shall not include any of the following:

(1) Officers and employees in the legislative and judicial branches of the state of Washington; and

(2) A reserve of the Washington national guard, when he is not on active duty and is not otherwise a state employee.

An individual shall not be deemed an employee solely by reason of his being subject to recall to active service.

Every state employee shall be deemed either "intermittent" or "regular" as determined by the definitions contained in RCW 42.18.070 and 42.18.100 respectively.

The term "state employee" also includes any member of a commission, board, committee or any other multi-member governing body of an agency. [1973 c 137 § 1; 1969 ex.s. c 234 § 13.]

42.18.140 Thing of economic value. "Thing of economic value" includes:

(1) Any loan, property interest, interest in a contract or other chose in action, and any employment or other arrangement involving a right to compensation;

(2) Any option, irrespective of the conditions to the exercise of such option; and

(3) Any promise or undertaking for the present or future delivery or procurement.

In the case of an option, promise, or undertaking, the time of receipt of the thing of economic value shall be deemed to be, respectively, the time the option becomes fixed, regardless of the conditions of its exercise, and the time the promise of undertaking is made, regardless of the condition to its performance. [1969 ex.s. c 234 § 14.]

42.18.150 Transaction involving the state. "Transaction involving the state" means any proceeding, application, submission, request for a ruling or other

determination, contract, claim, case, or other such particular matter which the state employee or former state employee in question believes, or has reason to believe:

(1) Is, or will be, the subject of state action; or

(2) Is one to which the state is or will be a party; or

(3) Is one in which the state has a direct and substantial proprietary interest. [1969 ex.s. c 234 § 15.]

42.18.160 Participating in transactions involving the state—Substantial economic interest. (1) No state employee shall participate in a transaction involving the state in the consequences of which he has a substantial economic interest of which he may reasonably be expected to know.

(2) No state employee shall participate in a transaction involving the state in the consequences of which, to his actual knowledge, any of the following persons has a direct and substantial economic interest:

(a) His spouse or child; or

(b) Any person in which he has a substantial economic interest of which he may reasonably be expected to know; or

(c) Any person of which he is an officer, director, trustee, partner, or employee; or

(d) Any person with whom he is negotiating or has any arrangement concerning prospective employment; or

(e) Any person who is a party to an existing contract with such state employee or an obligee of such state employee as to a thing of economic value and who, by reason thereof, is in a position to affect directly and substantially such employee's economic interests.

(3) Every state employee shall disqualify himself from participating in a transaction involving the state when a violation of subsection (1) or (2) would otherwise result. The procedures for such disqualification shall be established by regulations issued pursuant to RCW 42.18.240.

(4) The term "substantial economic interest" may be defined by regulations issued by the governor pursuant to RCW 42.18.240 but shall not include:

(a) The interest of a state employee in his grade, salary, or other matters arising solely from his state employment;

(b) The interest of a state employee or of a person referred to in subsection (2) solely as a member of the general public; or of any significant economic or any other segment of the general public.

(5) If the public interest so requires, the governor may issue an order suspending the operation of subsections (1) and (2), in whole or in part, as to a particular employee in a specified transaction involving the state, by expressing the suspension and the reasons for it in writing. The writing shall be filed with the secretary of state and shall be open to public inspection. [1969 ex.s. c 234 § 16.]

42.18.170 Assisting in transactions involving the state. (1) Except in the course of his official duties or incident thereto, no state employee shall assist another person, whether or not for compensation, in any transaction involving the state:

(a) In which he has at any time participated; or
 (b) If such transaction involving the state is or has been under his official responsibility at any time within a period of two years preceding such assistance.

(2) No state employee shall share in any compensation received by another for assistance which such state employee is prohibited from rendering pursuant to subsection (1) or (2).

(3) No partnership of which a state employee is a partner and no partner or employee of such a partnership, shall assist another person in any transaction involving the state if such state employee is prohibited from doing so by subsection (1). [1969 ex.s. c 234 § 17.]

42.18.180 Assisting in transactions involving the state—Permissible transactions. (1) Nothing in this chapter shall prevent a state employee, subject to conditions or limitations set forth in regulations issued pursuant to RCW 42.18.240 from assisting, in a transaction involving the state:

(a) His parent, spouse, or child, or any child thereof for whom he is serving as guardian, executor, administrator, trustee, or other personal fiduciary;

(b) A person other than his parent, spouse, or child for whom he is serving as guardian, executor, administrator, trustee, or other personal fiduciary; or

(c) Another state employee involved in disciplinary or other personnel administration proceedings;

(d) In the case of clauses (a) and (b), such state employee shall not have at any time participated in such transaction, nor, in the case of clause (b), shall such transaction have been under his official responsibility; and

(e) In a case in which clauses (a) and (b) are applicable, the circumstances of assistance shall be disclosed to the head of the employee's agency and approved by him in advance of the assistance.

(2) Nothing in this chapter shall prevent a state employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt. [1969 ex.s. c 234 § 18.]

42.18.190 Receiving consideration for other personal services. (1) No regular state employee shall receive any thing of economic value (other than his compensation from the state of Washington) for or in consideration of his personal services rendered, or to be rendered, to or for any person during the term of his state employment unless such services meet each of the following qualifications:

(a) The services are bona fide and actually performed by such employee;

(b) The services are not within the course of his official duties;

(c) The services are not prohibited by RCW 42.18.170 or by applicable laws or regulations governing nonstate employment for such employee; and

(d) The services are neither performed for nor compensated by any person from whom such employee would be prohibited by *RCW 42.18.200(b) from receiving a gift, or, alternatively, the services and compensation are fully disclosed in writing to the head of

the employee's agency and are approved in writing by him.

(2) Nothing contained in this section shall prevent a state employee from receiving compensation contributed out of the treasury of the United States, any other state, or any county, or municipality if:

(a) The compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and such employee's agency; or

(b) The compensation and the services for which it is received are fully disclosed in writing to the head of the employee's agency and are approved in writing by him.

(3) Travel and related expenses received other than from the state of Washington shall be deemed to be for or in consideration of personal service rendered to or for a person only to the extent provided in regulations issued pursuant to *RCW 42.18.100.

(4) Exceptions to the provisions of this section may be made by regulations issued pursuant to RCW 42.18.240 in situations where the circumstances do not lead to the inference that the official judgment or action of the state employee receiving, directly or indirectly, the gift, gratuity, or favor was intended to be influenced thereby.

(5) For purposes of this section the term "regular state employee" shall not include any state employee who, in accordance with the terms of his appointment, is serving without compensation from the state of Washington or is receiving from the state only reimbursement of expenses incurred or a predetermined allowance for such expenses. [1969 ex.s. c 234 § 19.]

***Reviser's note:** The reference in subsection (1)(d) to RCW 42.18.200(b) appears erroneous. What was apparently intended is RCW 42.18.200(2).

The reference in subsection (3) to RCW 42.18.100 appears erroneous. RCW 42.18.240 provides for the issuance of regulations by the governor and RCW 42.18.250 provides for issuance of regulations by agency heads.

42.18.200 Gifts, gratuities, or favors. (1) No state employee shall receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from any person if such state employee has reason to believe the donor would not give the gift, gratuity, or favor but for such employee's office or position with the state.

(2) No regular state employee shall receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from any person, or from any officer or director of such person, if such state employee has reason to believe such person:

(a) Has or is seeking to obtain contractual or other business or financial relationships with such employee's agency; or

(b) Conducts operations or activities which are regulated by such employee's agency; or

(c) Has interests which may be substantially affected by such employee's performance or nonperformance of official duty.

(3) Exceptions to the provisions of this section may be made by regulations issued pursuant to RCW 42.18.240 in situations where the circumstances do not lead

to the inference that the official judgment or action of the state employee receiving, directly or indirectly, the gift, gratuity, or favor was intended to be influenced thereby. [1969 ex.s. c 234 § 20.]

42.18.210 Using state office to induce or coerce any thing of economic value from others. Except in the course of his official duties or incident thereto, no state employee shall, in his relationships with any person specified in the succeeding sentence, use the power or authority of his office or position with the state in a manner intended to induce or coerce such other person to provide such state employee or any other person with any thing of economic value, directly or indirectly. This section shall apply to relationships with any person or any officer or director of such person from whom such state employee, if he were a regular state employee, would be prohibited by *RCW 42.18.200(b) from receiving a gift. [1969 ex.s. c 234 § 21.]

***Reviser's note:** The reference to RCW 42.18.200(b) appears erroneous. What was apparently intended is RCW 42.18.200(2).

42.18.220 Former state employees. (1) No former state employee shall at any time subsequent to his state employment assist another person, whether or not for compensation, in any transaction involving the state in which he at any time participated during his state employment.

(2) No former state employee shall, within a period of two years after termination of employment with an agency, appear before such agency.

(3) No former state employee shall share in any compensation received by another person for assistance which such former state employee is prohibited from rendering by subsections (1) or (2).

(4) No partnership of which a former state employee is a partner, and no partner or employee of such a partnership, shall, for a period of two years following the termination of his state employment, assist another person in any transaction involving the state in which such former state employee at any time participated during his state employment. For purposes of this subsection, the termination of the former state employee's employment with the agency by which he was employed when he so participated shall be deemed to be the termination of his state employment.

(5) The permitted exceptions applicable to state employees under RCW 42.18.180 shall also be applicable to former state employees under this section, subject to conditions or limitations set forth in regulations issued pursuant to RCW 42.18.240. [1969 ex.s. c 234 § 22.]

42.18.230 Giving, paying, loaning, etc., any thing of economic value to state employee. (1) No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of RCW 42.18.170, 42.18.190, and 42.18.220.

(2) No person shall give, transfer, or deliver, directly or indirectly, to a state employee, any thing of economic value as a gift, gratuity, or favor if either:

(a) Such person would not give the gift, gratuity, or favor but for such employee's office or position with the state; or

(b) Such person is in a status specified in clause (a), (b), or (c) of RCW 42.18.200(2).

Exceptions to this subsection (2) may be made by regulations issued pursuant to RCW 42.18.240 in situations referred to in RCW 42.18.200(3). [1969 ex.s. c 234 § 23.]

42.18.240 Standards—Regulations—Enforcement—Investigations—Governor's responsibility. (1) Subject to the provisions of applicable laws, the governor shall be responsible for the establishment of appropriate standards to protect against actual or potential conflicts of interest on the part of state employees and for the administration and enforcement of this chapter and the regulations and orders issued hereunder.

(2) The governor may, and shall when required by this chapter, issue regulations carrying out the policies and purposes thereof. Such regulations shall take precedence over any regulations issued by agency heads pursuant to RCW 42.18.250.

(3) The governor shall have particular responsibility for the enforcement of this chapter as applied to employees of the office of the governor and to agency heads, and for this purpose the governor shall have all the powers of an agency head.

(4) The governor may conduct investigations of facts, condition or conditions, practices, or other matters in carrying out his responsibilities and powers under this section. In connection with any such investigation the governor shall have all the powers with respect to oaths, affirmations, subpoenas, and witnesses as are provided in RCW 42.18.270(2). The governor may delegate any or all of his powers under this subsection (4) to any officer designated by him, either generally or in particular instances. [1969 ex.s. c 234 § 24.]

42.18.250 Agency head's responsibility for standards, regulations, enforcement. (1) Each agency head shall be responsible for the establishment of appropriate standards within his agency to protect against actual or potential conflicts of interest on the part of employees of his agency, and for the administration and enforcement within his agency of this chapter and the regulations and orders issued hereunder.

(2) Each agency head may, subject to the regulations issued by the governor under RCW 42.18.240(2) issue regulations carrying out the policies and purposes of this chapter as applied to his agency. He shall file copies of all such regulations with the office of the governor. [1969 ex.s. c 234 § 25.]

42.18.260 Dismissal, suspension or other action by agency head—Procedures—Judicial review. (1) The head of an agency may dismiss, suspend, or take such other action as may be appropriate in the circumstances in respect to any state employee of his agency upon finding that such employee has violated this chapter or regulations promulgated hereunder. Such action may

include the imposition of conditions of the nature described in RCW 42.18.270(1).

(2) The procedures for any such action shall correspond to those applicable for disciplinary action for employee misconduct generally; for those state employees not specifically exempted therein the rules set forth in the state civil service law, chapter 41.06 RCW, shall apply. Any action against the employee shall be subject to judicial review to the extent provided by law for disciplinary action for misconduct of employees of the same category and grade. [1969 ex.s. c 234 § 26.]

42.18.270 Imposition of conditions upon appearance before state agencies or doing business with the state—Hearing—Judicial review. (1) The head of an agency, upon finding that any former employee of such agency or any other person has violated any provision of this chapter, may, in addition to any other powers the head of such agency may have, bar or impose reasonable conditions upon:

(a) The appearance before such agency of such former employee or other person; and

(b) The conduct of, or negotiation or competition for, business with such agency by such former employee or other person, such period of time as may reasonably be necessary or appropriate to effectuate the purposes of this chapter.

(2) Findings of violations referred to in subsection (1)(b) shall be made on record after notice and hearing, conducted in accordance with the Washington Administrative Procedure Act, chapter 34.04 RCW. Such findings and orders are subject to judicial review. [1969 ex.s. c 234 § 27.]

42.18.280 Suspension of rescission of state action—Judicial review—Bond. The governor may, in addition to any other available rights of rescission, bring an action in the superior court of Thurston county to cancel or rescind any state action without contractual liability to the state of Washington where:

(1) He has found that a violation of this chapter has substantially influenced such state action; and

(2) In his judgment the interests of the state of Washington so require under all of the circumstances, including the position of innocent third parties.

The findings referred to in subsection (1) shall be made in accordance with the procedures set forth in RCW 42.18.270(2) and shall be subject to judicial review: *Provided*, That the governor may suspend state action pending the determination pursuant to this section of the merits of the controversy: *Provided further*, That the court may permit persons affected by the governor's action to post an adequate bond pending such resolution to insure compliance by the defendant with the final judgment, decree, or other order of the court. [1969 ex.s. c 234 § 28.]

42.18.290 Civil action against persons violating this chapter. The attorney general of the state of Washington may bring a civil action in the superior court of the county in which the violation was alleged to have occurred against any state employee, former

state employee or other person who shall have violated or knowingly assisted any other person in violating any provision of this chapter and in such action may recover the following damages on behalf of the state of Washington: (1) From each such person a civil penalty of either five hundred dollars or an amount not exceeding three times the amount of the economic value of anything received or sought in violation of *this 1973 amendatory act; and (2) any damages sustained by the state, which are caused by the conduct constituting the violation. [1973 c 137 § 2; 1969 ex.s. c 234 § 29.]

*Reviser's note: "this 1973 amendatory act" [1973 c 137] consists of the 1973 c 137 amendments to RCW 42.18.130, 42.18.290, and 42.18.300 and the repeal of RCW 42.18.340.

42.18.300 Civil action against other violators. The attorney general of the state of Washington may bring a civil action in the superior court of Thurston county against any person who shall violate RCW 42.18.230. In such action the attorney general shall be awarded the following damages for the state of Washington: (1) A civil penalty of either one thousand dollars or an amount not exceeding three times the economic value of anything which has been given, transferred, or delivered in violation of RCW 42.18.230; and (2) any damages sustained by the state which are caused by the conduct constituting the violation. [1973 c 137 § 3; 1969 ex.s. c 234 § 30.]

42.18.310 Findings and decisions—Filing—Public inspection. Whenever the head of an agency, or the governor, exercises the authority conferred by RCW 42.18.260, 42.18.270 or 42.18.280, copies of the findings and decision therein shall be filed with the governor and shall be made available for public inspection. [1969 ex.s. c 234 § 31.]

42.18.320 Limitations upon actions. No administrative or other action taken under RCW 42.18.270, 42.18.280, 42.18.290 or 42.18.300, to enforce any provision of said act shall be commenced after the expiration of three years following the occurrence of the alleged violation. [1969 ex.s. c 234 § 32.]

42.18.330 Serving on board, committee or commission not prevented. Nothing in this chapter shall be interpreted to prevent a member of a board, committee, advisory commission, or other body required or permitted by statute to be appointed from any identifiable group or interest, from serving on such body in accordance with the intent of the legislature in establishing such body. [1969 ex.s. c 234 § 33.]

42.18.900 Short title. This act shall be known and may be cited as the "Executive Conflict of Interest Act." Sections 1 through 33 and section 39 thereof shall constitute a new chapter in Title 42 RCW. [1969 ex.s. c 234 § 40.]

Chapter 42.20
MISCONDUCT OF PUBLIC OFFICERS

Sections

- 42.20.010 Misconduct of public officer.
 42.20.020 Powers may not be delegated for profit.
 42.20.030 Intrusion into and refusal to surrender public office.
 42.20.040 False report.
 42.20.050 Public officer making false certificate.
 42.20.060 Falsely auditing and paying claims.
 42.20.070 Misappropriation and falsification of accounts by public officer.
 42.20.080 Other violations by officers.
 42.20.090 Misappropriation, etc., by treasurer.
 42.20.100 Failure of duty by public officer a misdemeanor.
 42.20.110 Improper conduct by certain justices.

Agriculture department personnel, misconduct: RCW 43.23.140.

Bribery and grafting: Chapter 9.18 RCW.

Bribery or corrupt solicitation prohibited: State Constitution Art. 2 § 30.

Cities, optional municipal code, council-manager plan, forfeiture of office for misconduct RCW 35A.13.020.

Cities, optional municipal code, mayor-council plan, forfeiture of office for misconduct: RCW 35A.12.060.

Cities, second class, misconduct of officers and employees: RCW 35.23.230.

Cities and towns, commission form, misconduct of officers and employees: RCW 35.17.150.

County commissioners, misconduct relating to inventories: RCW 36.32.220.

County officers, misconduct: RCW 36.18.160, 36.18.170.

County sheriff, misconduct: RCW 36.28.140.

County treasurer, suspension for misconduct: RCW 36.29.090.

Election officials, misconduct: Chapter 29.85 RCW.

Extortion by public officer: RCW 9.33.040.

False acknowledgment: RCW 9.44.030.

Flood control district officers, interest in contracts prohibited: RCW 86.09.286.

Forfeiture of office upon conviction of felony or malfeasance: RCW 9.92.120.

Free transportation for public officers prohibited: State Constitution Art. 2 § 39, Art. 12 § 20.

Irrigation districts, interest in contracts: RCW 87.03.465.

Juries, misconduct of public officers concerning: Chapter 9.51 RCW.

Militia, misconduct: Chapter 38.32 RCW.

Oppression under color of office: RCW 9.33.020.

Penitentiary employees, misconduct: RCW 72.01.060, 72.08.150, 72.08.160.

Personating public officer: RCW 9.34.020.

Private use of public funds, penalty: State Constitution Art. 11 § 14.

School funds, failure to turn over: RCW 28A.87.080, 28A.87.130, 28A.87.135.

School officials

disclosing examination questions: RCW 28A.87.070.

false reports: RCW 28A.87.020-28A.87.050.

grafting: RCW 28A.87.090.

School teachers

abuse of pupil: RCW 28A.87.140.

failure to display flag: RCW 28A.02.030.

failure to enforce rules: RCW 28A.67.060.

revocation of authority to teach, grounds: RCW 28A.70.160.

State and judicial officers, impeachment: State Constitution Art. 5.

State colleges of education, board of trustees, interest in contracts prohibited: RCW 28B.40.120.

State treasurer, embezzlement: RCW 43.08.140.

Township officers not to be interested in contracts: RCW 45.16.110.

Utilities and transportation commission members and employees, interest in regulated companies prohibited: RCW 80.01.020.

42.20.010 Misconduct of public officer. Every public officer who shall—

(1) Ask or receive, directly or indirectly, any compensation, gratuity, or reward, or promise thereof, for omitting or deferring the performance of any official duty; or for any official service which has not been actually rendered, except in case of charges for prospective costs or fees demandable in advance in a case allowed by law; or

(2) Be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested therein; or

(3) Employ or use any person, money, or property under his official control or direction, or in his official custody, for the private benefit or gain of himself or another;

Shall be guilty of a gross misdemeanor, and any contract, sale, lease or purchase mentioned in subdivision (2) hereof shall be void: *Provided*, That this section shall have no application to any person who is a state employee as defined in RCW 42.18.130. [1969 ex.s. c 234 § 34; 1909 c 249 § 82; RRS § 2334. Prior: Code 1881 § 879; 1873 p 200 § 83; 1869 p 216 § 79; 1859 p 119 § 74; 1854 p 89 § 74.]

Executive conflict of interest act: Chapter 42.18 RCW.

42.20.020 Powers may not be delegated for profit. Every public officer who, for any reward, consideration or gratuity paid or agreed to be paid, shall, directly or indirectly, grant to another the right or authority to discharge any function of his office, or permit another to perform any of his duties, shall be guilty of a gross misdemeanor. [1909 c 249 § 83; RRS § 2335.]

Reviser's note: Caption for 1909 c 249 § 83 reads as follows: "Sec. 83. *Grant of Official Powers.*"

42.20.030 Intrusion into and refusal to surrender public office. Every person who shall falsely personate or represent any public officer, or who shall wilfully intrude himself into a public office to which he has not been duly elected or appointed, or who shall wilfully exercise any of the functions or perform any of the duties of such officer, without having duly qualified therefor, as required by law, or who, having been an executive or administrative officer, shall wilfully exercise any of the functions of his office after his right to do so has ceased, or wrongfully refuse to surrender the official seal or any books or papers appertaining to such office, upon the demand of his lawful successor, shall be guilty of a gross misdemeanor. [1909 c 249 § 84; RRS § 2336.]

Personating a public officer: RCW 9.34.020.

Quo warranto: Chapter 7.56 RCW.

42.20.040 False report. Every public officer who shall knowingly make any false or misleading statement in any official report or statement, under circumstances

not otherwise prohibited by law, shall be guilty of a gross misdemeanor. [1909 c 249 § 98; RRS § 2350.]

Falsifying accounts: RCW 9.38.050.

42.20.050 Public officer making false certificate. Every public officer who, being authorized by law to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing containing any statement which he knows to be false, in a case where the punishment thereof is not expressly prescribed by law, shall be guilty of a gross misdemeanor. [1909 c 249 § 128; RRS § 2380.]

42.20.060 Falsely auditing and paying claims. Every public officer, or person holding or discharging the duties of any public office or place of trust under the state or in any county, town or city, a part of whose duty it is to audit, allow or pay, or take part in auditing, allowing or paying, claims or demands upon the state or such county, town or city, who shall knowingly audit, allow or pay, or, directly or indirectly, consent to or in any way connive at the auditing, allowance or payment of any claim or demand against the state or such county, town or city, which is false or fraudulent or contains any charge, item or claim which is false or fraudulent, shall be guilty of a gross misdemeanor. [1909 c 249 § 129; RRS § 2381.]

42.20.070 Misappropriation and falsification of accounts by public officer. Every public officer, and every other person receiving money on behalf or for or on account of the people of the state or of any department of the state government or of any bureau or fund created by law in which the people are directly or indirectly interested, or for or on account of any county, city, town or any school, diking, drainage or irrigation district, who—

(1) Shall appropriate to his own use or the use of any person not entitled thereto, without authority of law, any money so received by him as such officer or otherwise; or

(2) Shall knowingly keep any false account, or make any false entry or erasure in any account, of or relating to any money so received by him; or

(3) Shall fraudulently alter, falsify, conceal, destroy or obliterate any such account; or

(4) Shall wilfully omit or refuse to pay over to the state, its officer or agent authorized by law to receive the same, or to such county, city, town or such school, diking, drainage or irrigation district or to the proper officer or authority empowered to demand and receive the same, any money received by him as such officer when it is a duty imposed upon him by law to pay over and account for the same, shall be punished by imprisonment in the state penitentiary for not more than fifteen years. [1909 c 249 § 317; RRS § 2569. Prior: Code 1881 § 890; 1873 p 202 § 92; 1854 p 91 § 83.]

Falsifying accounts: RCW 9.38.050.

42.20.080 Other violations by officers. Every officer or other person mentioned in RCW 42.20.070, who shall wilfully disobey any provision of law regulating

his official conduct in cases other than those specified in said section, shall be guilty of a gross misdemeanor. [1909 c 249 § 318; RRS § 2570.]

42.20.090 Misappropriation, etc., by treasurer. Every state, county, city or town treasurer who shall wilfully misappropriate any moneys, funds or securities received by or deposited with him as such treasurer, or who shall be guilty of any other malfeasance or willfull neglect of duty in his office, shall be punished by imprisonment in the state penitentiary for not more than five years or by a fine of not more than five thousand dollars. [1909 c 249 § 319; RRS § 2571.]

County treasurer, suspension for misconduct: RCW 36.29.090.

State treasurer, embezzlement: RCW 43.08.140.

42.20.100 Failure of duty by public officer a misdemeanor. Whenever any duty is enjoined by law upon any public officer or other person holding any public trust or employment, their wilful neglect to perform such duty, except where otherwise specially provided for, shall be a misdemeanor. [1909 c 249 § 16; RRS § 2268. Prior: Code 1881 § 889; 1854 p 90 § 82.]

42.20.110 Improper conduct by certain justices. It shall be a misdemeanor for any judge or justice of any court not of record, during the hearing of any cause or proceeding therein, to address any person in his presence in unfit, unseemly or improper language. [1911 c 115 § 1; RRS § 2696-1.]

Chapter 42.21

CODE OF ETHICS FOR PUBLIC OFFICIALS

Sections

42.21.010	Declaration of necessity and purpose.
42.21.020	Definitions.
42.21.030	Prohibited practices—Using position to secure special privileges or exemptions.
42.21.040	Prohibited practices—Engaging in activities likely to require or induce disclosure of confidential information.
42.21.050	Prohibited practices—Disclosure of confidential information or use for personal benefit.
42.21.060	Public officials and candidates to file statement concerning private interests.
42.21.070	Annual report by secretary of state.
42.21.080	Penalty.
42.21.090	Chapter inapplicable to state employees under executive conflict of interest act.

Executive conflict of interest act: Chapter 42.18 RCW.

Public officer requiring or procuring bond or insurance on public works from particular insurer, broker, agent: RCW 48.30.270.

42.21.010 Declaration of necessity and purpose. It is declared that high moral and ethical standards among public officials are essential to the conduct of free government; that a code of ethics for the guidance of public officials is necessary to prevent conflicts of interest in public office, improve standards of public service, and promote and strengthen the faith and confidence of the people of the state of Washington in their public officials. [1965 ex.s. c 150 § 1.]

42.21.020 Definitions. "Public official" means every person holding a position of public trust in or under an executive, legislative or judicial office of the state and includes judges of the superior court, the court of appeals, and justices of the supreme court, members of the legislature together with the secretary and sergeant at arms of the senate and the clerk and sergeant at arms of the house of representatives, elective and appointive state officials and such employees of the supreme court, of the legislature, and of the state offices as are engaged in supervisory, policy making or policy enforcing work.

"Candidate" means any individual who declares himself to be a candidate for an elective office and who if elected thereto would meet the definition of public official herein set forth.

"Regulatory agency" means any state board, commission, department or officer authorized by law to make rules or to adjudicate contested cases except those in the legislative or judicial branches. [1971 c 81 § 106; 1965 ex.s. c 150 § 2.]

42.21.030 Prohibited practices—Using position to secure special privileges or exemptions. No public official shall use his position to secure special privileges or exemptions for himself, his spouse, child, parents or other persons standing in the first degree of relationship. [1965 ex.s. c 150 § 3.]

42.21.040 Prohibited practices—Engaging in activities likely to require or induce disclosure of confidential information. No public official shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position. [1965 ex.s. c 150 § 4.]

42.21.050 Prohibited practices—Disclosure of confidential information or use for personal benefit. No public official shall disclose confidential information gained by reason of his official position nor shall he otherwise use such information for his personal gain or benefit. [1965 ex.s. c 150 § 5.]

42.21.060 Public officials and candidates to file statement concerning private interests. Every public official and such other public employees as may be provided for herein shall on or before January 31st of each year, and every candidate shall simultaneously with filing a declaration of candidacy, file with the secretary of state, a written statement of:

(1) The name of any corporation, firm or enterprise subject to the jurisdiction of a regulatory agency in which he has a direct financial interest of a value in excess of one thousand five hundred dollars: *Provided*, That policies of insurance issued to himself or his spouse, accounts in banks, savings and loan associations or credit unions are not to be considered financial interests; and

(2) Every office or directorship held by him or his spouse in any corporation, firm or enterprise which is subject to the jurisdiction of a regulatory agency; and

(3) The name of any person, corporation, firm, partnership, or other business association from which he receives compensation in excess of one thousand five hundred dollars during the preceding twelve month period by virtue of his being an officer, director, employee, partner or member of any such person, corporation, firm, partnership or other business association; and

(4) As to attorneys or others practicing before regulatory agencies during the preceding twelve month period, the name of the agency or agencies and the name of the firm, partnership or association of which he is a member, partner, or employee and the gross compensation received by the attorney and the firm, partnership or association respectively for such practice before such regulatory agencies; and

(5) A list of legal description of all real property in the state of Washington, in which any interest whatsoever, including options to buy, was acquired during the preceding calendar year where the property is valued in excess of fifteen hundred dollars: *Provided*, That legislators shall also comply with such rules or joint rules as they now exist or may hereafter be amended or adopted.

For the purposes of this section, and this section only, the Washington state personnel board, established by RCW 41.06.110, shall adopt and promulgate rules and regulations in accordance with the standards and policies set forth in RCW 41.06.150, delineating which classified personnel employed by the state shall be required to complete and file the financial statement set forth in *sections 1 and 2 of this 1969 amendatory act, as they now exist or may hereafter be amended. [1969 ex.s. c 188 § 1; 1965 ex.s. c 150 § 6.]

***Reviser's note:** "this 1969 amendatory act" [1969 ex.s. c 188] was an act containing only one section, which section was the amendment to RCW 42.21.060 set forth above.

42.21.070 Annual report by secretary of state. On or before February 15th of each year, the secretary of state shall prepare a report containing the statements required to be filed pursuant to RCW 42.21.060, which reports shall be open to public inspection. [1965 ex.s. c 150 § 7.]

42.21.080 Penalty. Any person wilfully, knowingly and intentionally violating any provision of this chapter shall be guilty of a gross misdemeanor. [1965 ex.s. c 150 § 8.]

42.21.090 Chapter inapplicable to state employees under executive conflict of interest act. This chapter shall have no application to any person who is a state employee as defined in RCW 42.18.130. [1969 ex.s. c 234 § 36.]

Executive conflict of interest act: Chapter 42.18 RCW.

Chapter 42.22 CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

Sections

42.22.010 Declaration of necessity and purpose.

- 42.22.020 Definitions.
 42.22.030 Activities in conflict with discharge of duties prohibited.
 42.22.040 Prohibited practices enumerated—Agency code of ethics.
 42.22.050 Sworn statement of relationship or interest in certain business entities required—Confidentiality.
 42.22.060 Chapter supplemental—Liberal construction.
 42.22.070 Penalties.
 42.22.120 Chapter inapplicable to state employees under executive conflict of interest act.

Executive conflict of interest act: Chapter 42.18 RCW.

42.22.010 Declaration of necessity and purpose. It is declared that the high moral and ethical standards among the public servants are essential to the conduct of free government; that a code of ethics for the guidance of public officers and employees is necessary in order to eliminate conflicts of interest in public office, improve standards of public service, and promote and strengthen the faith and confidence of the people of Washington in their government. [1959 c 320 § 1.]

42.22.020 Definitions. (1) State agency means any state board, commission, bureau, department, division, or tribunal other than a court.

(2) Legislative employee means any officer or employee of the legislature other than members thereof.

(3) Personal and private interest means any interest which pertains to a person, firm, corporation, or association whereby such person, firm, corporation, or association would gain a special benefit or advantage as distinguished from a general or public benefit or advantage.

(4) Confidential information means such information as is declared confidential by other specific statutes. [1959 c 320 § 2.]

42.22.030 Activities in conflict with discharge of duties prohibited. No officer or employee of a state agency or legislative employee shall have any interest, financial or otherwise, direct or indirect, or shall engage in any business or transaction or professional activity, or shall incur any obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest. [1961 c 268 § 8; 1959 c 320 § 3.]

42.22.040 Prohibited practices enumerated—Agency code of ethics. No officer or employee of a state agency, legislative employee, or other public officer shall use his position to secure special privileges or exemptions for himself or others.

(1) No legislative employee shall directly or indirectly give or receive or agree to receive any compensation, gift, reward, or gratuity from any source except the state of Washington for any matter connected with or related to the legislative process unless otherwise provided for by law.

(2) No officer or employee of a state agency, or other public officer shall, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from any source except the state of Washington, its political subdivisions, or employing municipal government, for any matter connected with

or related to his services as such an officer or employee unless otherwise provided for by law.

(4) No person who has served as an officer or employee of a state agency shall, within a period of two years after the termination of such service or employment, appear before such agency or receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which such person was directly concerned and in which he personally participated during the period of his service or employment.

(5) No officer or employee of a state agency, legislative employee, or public official shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position.

(6) No officer or employee of a state agency, legislative employee, or public official shall disclose confidential information gained by reason of his official position nor shall he otherwise use such information for his personal gain or benefit.

(7) No officer or employee of a state agency shall transact any business in his official capacity with any business entity of which he is an officer, agent, employee, or member, or in which he owns an interest.

(8) The head of each state agency shall publish for the guidance of its officers and employees a code of public service ethics appropriate to the specific needs of each such agency.

(9) No officer or employee of a state agency nor any firm, corporation, or association, or other business entity in which such officer or employee of a state agency is a member, agent, officer, or employee, or in which he owns a controlling interest, or any interest acquired after the acceptance of state employment, accept any gratuity or funds from any employee or shall sell goods or services to any person, firm, corporation, or association which is licensed by or regulated in any manner by the state agency in which such officer or employee serves. [1959 c 320 § 4.]

Reviser's note: Subdivision (3) of 1959 c 320 § 4 was vetoed.

42.22.050 Sworn statement of relationship or interest in certain business entities required—Confidentiality. Each legislative employee, agency officer and such employees thereof as the agency head may by regulation provide, who is an officer, agent, member of, attorney for, or who owns an interest in any firm, corporation, association, or other business entity which is subject to state regulation shall file a sworn statement with the secretary of state disclosing the nature and extent of his relationship or interest, said statement to be kept in confidence and to be disclosed only to members of the legislature or any legislative committee which may be organized for the purpose of ascertaining a breach of this code, and the same also to be disclosed to any other authority having the power of removal of any public official or servant. [1959 c 320 § 5.]

42.22.060 Chapter supplemental—Liberal construction. This chapter shall be construed liberally to effectuate its purposes and policy as set forth in RCW 42.22.010, and to supplement such existing laws as may relate to the same subject. [1959 c 320 § 6.]

42.22.070 Penalties. Any person violating any provision of this chapter shall be guilty of a gross misdemeanor, and such person may be removed from his position or office, in addition to any other remedies or penalties provided by law, as for misconduct or malfeasance in office. [1959 c 320 § 7.]

42.22.120 Chapter inapplicable to state employees under executive conflict of interest act. This chapter shall have no application to any person who is a state employee as defined in RCW 42.18.130. [1969 ex.s. c 234 § 37.]

Chapter 42.23 CODE OF ETHICS FOR MUNICIPAL OFFICERS—CONTRACT INTERESTS

Sections

42.23.010	Declaration of purpose.
42.23.020	Definitions.
42.23.030	Interest in contracts prohibited—Excepted cases.
42.23.040	Remote interests.
42.23.050	Prohibited contracts are void—Penalties for violation of chapter.
42.23.060	City charter paramount to act.

Cities, free passes, services prohibited: RCW 35.17.150.

Cities, political activities by officers and employees forbidden: RCW 35.17.160.

Cities of second class, restrictions on official conduct: RCW 35.23.230.

County officers, general provisions: Chapter 36.16 RCW.

Public employment, civil service: Title 41 RCW.

Public officers, code of ethics: Chapter 42.22 RCW.

State officers, general provisions: Chapter 43.01 RCW.

42.23.010 Declaration of purpose. It is the purpose and intent of this chapter to revise and make uniform the laws of this state concerning the transaction of business by municipal officers, as defined in this act, in conflict with the proper performance of their duties in the public interest; and to promote the efficiency of local government by prohibiting certain instances and areas of conflict while at the same time sanctioning, under sufficient controls, certain other instances and areas of conflict wherein the private interest of the municipal officer is deemed to be only remote, to the end that, without sacrificing necessary public responsibility and enforceability in areas of significant and clearly conflicting interests, the selection of municipal officers may be made from a wider group of responsible citizens of the communities which they are called upon to serve. [1961 c 268 § 2.]

Reviser's note: "this act" (1961 c 268) is codified as RCW 28A.58-310, 35.17.150, 35.17.160, 35.23.230, 42.22.030, and 42.23.010 through 42.23.060.

Codification: "There is added to Title 42 RCW a new chapter as set forth in sections 2 through 6 of this amendatory act." [1961 c 268 § 1.] This applies to RCW 42.23.010 through 42.23.050.

42.23.020 Definitions. For the purpose of this act:

(1) "Municipality" shall include all counties, cities, towns, districts, and other municipal corporations and quasi municipal corporations organized under the laws of the state of Washington;

(2) "Municipal officer" and "officer" shall each include all elected and appointed officers of a municipality, together with all deputies and assistants of such an officer, and all persons exercising or undertaking to exercise any of the powers or functions of a municipal officer;

(3) "Contract" shall include any contract, sale, lease or purchase;

(4) "Contracting party" shall include any person, partnership, association, cooperative, corporation, or other business entity which is a party to a contract with a municipality. [1961 c 268 § 3.]

Reviser's note: "this act", see note following RCW 42.23.010.

42.23.030 Interest in contracts prohibited—Excepted cases. No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county of the first class or higher, a city of the first or second class, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county of the first class or higher, a city of the first or second class, or a first class school district: *Provided*, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed two hundred dollars in any calendar month: *Provided further*, That in the case of a particular officer of a city or town of the third, or fourth class, or a noncharter optional code city, the total volume of such contract or contracts authorized in this subsection may exceed two hundred dollars in any calendar month but shall not exceed thirty-six hundred dollars in any calendar year;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest. [1971 ex.s. c 242 § 1; 1961 c 268 § 4.]

42.23.040 Remote interests. A municipal officer shall not be deemed to be interested in a contract, within the meaning of RCW 42.23.030, if he has only a remote interest in the contract and if the fact and extent of such interest is disclosed to the governing body of the municipality of which he is an officer and noted in the official minutes or similar records of the municipality prior to the formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest. As used in this section "remote interest" means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;

(3) That of a landlord or tenant of a contracting party;

(4) That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

None of the provisions of this section shall be applicable to any officer interested in a contract, though his interest be only remote, who influences or attempts to influence any other officer of the municipality of which he is an officer to enter into the contract. [1961 c 268 § 5.]

42.23.050 Prohibited contracts are void—Penalties for violation of chapter. Any contract made in violation of the provisions of this act shall be void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the municipality. Any officer violating the provisions of this act shall be liable to the municipality of which he is an officer for a penalty in the amount of three hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon him by law.

In addition to all other penalties, civil or criminal, the violation by any officer of the provisions of this act shall work a forfeiture of his office. [1961 c 268 § 6.]

Reviser's note: "this act", see note following RCW 42.23.010.

42.23.060 City charter paramount to act. If any provision of this act conflicts with any provision of a city charter, the city charter shall control. [1961 c 268 § 16.]

Reviser's note: "this act", see note following RCW 42.23.010.

Chapter 42.24 PAYMENT OF CLAIMS FOR EXPENSES, MATERIAL, PURCHASES—ADVANCEMENTS

Sections

- 42.24.035 Manner of payment for postage and periodicals.
- 42.24.070 State agencies—Budget and accounting system.
- 42.24.080 Municipal corporations and political subdivisions—
Claims against for contractual purposes—Auditing and payment—Forms—Authentication and certification.
- 42.24.090 Municipal corporations and political subdivisions—
Reimbursement claims by officers and employees—Detailed account—Travel allowances and allowances in lieu of actual expenses—Certification—Form.
- 42.24.100 Municipal corporations and political subdivisions—
Certificates need not be sworn—Penalty for false claim.
- 42.24.110 Municipal corporations and political subdivisions—
Approving or paying false claim—Penalties.
- 42.24.120 Advancements for travel expenses—Municipal corporation or political subdivision officers and employees.
- 42.24.130 Advancements for travel expenses—Revolving fund.
- 42.24.140 Advancements for travel expenses—Provision to assure repayment.
- 42.24.150 Advancements for travel expenses—Travel expense voucher.
- 42.24.160 Advancements for travel expenses—Purpose of advancement—Not personal loan.

County auditor: Chapter 36.22 RCW.

State auditor: Chapter 43.09 RCW.

42.24.035 Manner of payment for postage and periodicals. Notwithstanding the provisions of chapter 42.24 RCW or any other existing statute, school districts and other public agencies including but not limited to state agencies and municipal corporations which are expressly or by necessary implication authorized to subscribe to magazines or other periodical publications or to purchase postage or publications from the United States government may make payment of the costs of such purchases in a manner as consistent as possible and practicable with normal and usual business methods, and in the case of subscriptions, for periods not in excess of three years. [1963 c 116 § 1.]

42.24.070 State agencies—Budget and accounting system. See chapter 43.88 RCW.

42.24.080 Municipal corporations and political subdivisions—Claims against for contractual purposes—Auditing and payment—Forms—Authentication and certification. All claims presented against any county, city, district or other municipal corporation or political subdivision by persons furnishing materials, rendering services or performing labor, or for any other contractual purpose, shall be audited, before payment, by an auditing officer elected or appointed pursuant to statute or, in the absence of statute, an appropriate charter provision, ordinance or resolution of the municipal corporation or political subdivision. Such claims shall be prepared for audit and payment on a form and in the

manner prescribed by the division of municipal corporations in the state auditor's office. The form shall provide for the authentication and certification by such auditing officer that the materials have been furnished, the services rendered or the labor performed as described, and that the claim is a just, due and unpaid obligation against the municipal corporation or political subdivision; and no claim shall be paid without such authentication and certification: *Provided*, That the certificates as to claims of officers and employees of a county, city, district or other municipal corporation or political subdivision, for services rendered, shall be made by the person charged with the duty of preparing and submitting vouchers for the payment of services, and he shall certify that the claim is just, true and unpaid, which certificate shall be part of the voucher. [1965 c 116 § 1.]

42.24.090 Municipal corporations and political subdivisions—Reimbursement claims by officers and employees—Detailed account—Travel allowances and allowances in lieu of actual expenses—Certification—Form. No claim for reimbursement of any expenditures by officers or employees of any municipal corporation or political subdivision of the state for transportation, lodging, meals or any other purpose shall be allowed by any officer, employee or board charged with auditing accounts unless the same shall be presented in a detailed account: *Provided*, That, unless otherwise authorized by law, the legislative body of any municipal corporation or political subdivision of the state may prescribe by ordinance or resolution the amounts to be paid officers or employees thereof as reimbursement for the use of their personal automobiles or other transportation equipment in connection with officially assigned duties and other travel for approved public purposes, or as reimbursement to such officers or employees in lieu of actual expenses incurred for lodging, meals or other purposes. The rates for such reimbursements may be computed on a mileage, hourly, per diem or other basis as the respective legislative bodies shall determine to be proper in each instance.

All claims for reimbursement authorized under this section shall be duly certified by the officer or employee submitting such claims on forms and in the manner prescribed by the division of municipal corporations in the office of the state auditor. [1965 c 116 § 2.]

42.24.100 Municipal corporations and political subdivisions—Certificates need not be sworn—Penalty for false claim. The certificates required by RCW 42.24.080 through 42.24.110 need not be sworn, but any person certifying a claim or making a claim knowing the same to be false or untrue shall be guilty of perjury in the second degree. [1965 c 116 § 3.]

42.24.110 Municipal corporations and political subdivisions—Approving or paying false claim—Penalties. Any person who knowingly approves or pays or causes to be approved or paid a false or untrue claim shall be guilty of a gross misdemeanor and, in addition, he shall

be civilly liable on his bond to the municipal corporation or political subdivision, as the case may be, for the amount so paid or for three hundred dollars whichever is the greater. [1965 c 116 § 4.]

42.24.120 Advancements for travel expenses—Municipal corporation or political subdivision officers and employees. Whenever it becomes necessary for an elected or appointed official or employee of the municipal corporation or political subdivision to travel and incur expenses, the legislative body of such municipal corporation or political subdivision may provide, in the manner that local legislation is officially enacted, reasonable allowances to such officers and employees in advance of expenditure. Such advance shall be made under appropriate rules and regulations to be prescribed by the state auditor. [1969 c 74 § 1.]

42.24.130 Advancements for travel expenses—Revolving fund. The legislative body of a municipal corporation or political subdivision wishing to make advance payments of travel expenses to officials and employees, as provided in RCW 42.24.120 through 42.24.160, will establish, in the manner that local legislation is officially enacted, a revolving fund to be used solely for the purpose of making advance payments of travel expenses. The revolving fund will be maintained in a bank as a checking account and advances to officials or employees will be by check. The fund will be replenished by warrant. [1969 c 74 § 2.]

42.24.140 Advancements for travel expenses—Provision to assure repayment. To protect the municipal corporation or political subdivision from any losses on account of advances made as provided in RCW 42.24.120 through 42.24.160, the municipal corporation or political subdivision shall have a prior lien against and a right to withhold any and all funds payable or to become payable by the municipal corporation or political subdivision to such officer or employee to whom such advance has been given, as provided in RCW 42.24.120 through 42.24.160, up to the amount of such advance and interest at the rate of ten percent per annum, until such time as repayment or justification has been made. No advance of any kind may be made to any officer or employee under RCW 42.24.120 through 42.24.160, at any time when he is delinquent in accounting for or repaying a prior advance under RCW 42.24.120 through 42.24.160. [1969 c 74 § 3.]

42.24.150 Advancements for travel expenses—Travel expense voucher. On or before the tenth day following the close of the authorized travel period for which expenses have been advanced to any officer or employee, he shall submit to the appropriate official a fully itemized travel expense voucher, for all reimbursable items legally expended, accompanied by the unexpended portion of such advance, if any.

Any advance made for this purpose, or any portion thereof, not repaid or accounted for in the time and manner specified herein, shall bear interest at the rate

of ten percent per annum from the date of default until paid. [1969 c 74 § 4.]

42.24.160 Advancements for travel expenses—Purpose of advancement—Not personal loan. An advance made under RCW 42.24.120 through 42.24.160 shall be considered as having been made to such officer or employee to be expended by him as an agent of the municipal corporation or political subdivision for the municipal corporation's or political subdivision's purposes only, and specifically to defray necessary costs while performing his official duties.

No such advance shall be considered as a personal loan to such officer or employee and any expenditure thereof, other than for official business purposes, shall be considered a misappropriation of public funds. [1969 c 74 § 5.]

Chapter 42.26 AGENCY VENDOR PAYMENT REVOLVING FUND—PETTY CASH ACCOUNTS

Sections

42.26.010	Agency vendor payment revolving fund—Created—use.
42.26.020	Disbursements—Deposits to cover.
42.26.030	Rules and regulations.
42.26.040	Petty cash accounts—Authorized—Advancements.
42.26.050	Request for petty cash advancement—Approval.
42.26.060	Restrictions on use of petty cash account—Expenditures—Reimbursement.
42.26.070	Custodian of petty cash account—Bond.
42.26.080	Violation of petty cash account requirements.
42.26.090	Rules and regulations for petty cash and accounts.
42.26.900	Effective date—1969 ex.s. c 60.

42.26.010 Agency vendor payment revolving fund—Created—use. An agency vendor payment revolving fund is hereby created in the state treasury. This fund is to be used for payment for services rendered or materials furnished to the state, which are properly payable from funds other than those appropriated from the state treasury: *Provided*, That the use of this revolving fund by a state agency shall be optional: *And provided further*, That payment of salaries and wages shall be subject to the provisions of chapter 42.16 RCW. [1969 ex.s. c 60 § 1.]

42.26.020 Disbursements—Deposits to cover. The amount to be disbursed from the vendor payment revolving fund on behalf of an agency electing to utilize such fund shall be deposited therein by the agency on or before the day prior to scheduled disbursement. The deposit shall be made from funds held by the agency outside the state treasury pursuant to law and which are properly chargeable for the disbursement. Disbursements from the revolving fund created by this chapter shall be by warrant in accordance with the provisions of RCW 43.88.160. [1969 ex.s. c 60 § 2.]

42.26.030 Rules and regulations. The budget director shall adopt such regulations as may be necessary or desirable to implement the provisions of this chapter relating to the establishment of an agency vendor payment revolving fund. [1969 ex.s. c 60 § 3.]

42.26.040 Petty cash accounts—Authorized—Advancements. The state treasurer is authorized to advance moneys from treasury funds to state agencies for the purpose of establishing petty cash accounts not to exceed fifteen thousand dollars for any agency. The amount so advanced shall be reflected in the state treasurer's accounts as an amount due from the agency to the fund or account from which the advance was made. [1969 ex.s. c 60 § 4.]

42.26.050 Request for petty cash advancement—Approval. The agency requesting a petty cash account or an increase in the amount of petty cash advanced under the provisions of this chapter shall submit its request to the budget director in the form and detail prescribed by him. The agency's written request and the approval authorized by this chapter shall be the only documentation or certification required as a condition precedent to the issuance of such warrant. A copy of his approval shall be forwarded by the budget director to the state treasurer. [1969 ex.s. c 60 § 5.]

42.26.060 Restrictions on use of petty cash account—Expenditures—Reimbursement. The use of the petty cash account shall be restricted to miscellaneous petty or emergency expenditures, refunds legally payable by an agency, and for cash change to be used in the transaction of the agency's official business. All expenditures made from petty cash shall be charged to an existing appropriation for such purpose, except expenditures chargeable against funds for which no appropriation is required by law. All expenditures or refunds made from petty cash shall be reimbursed out of and charged to the proper appropriation or fund at the close of each month and such other times as may be necessary. [1969 ex.s. c 60 § 6.]

42.26.070 Custodian of petty cash account—Bond. The head of the agency or an employee designated by him shall have full responsibility as custodian for the petty cash account and its proper use under this chapter and applicable regulations of the budget director. The custodian of the petty cash account shall be covered by a surety bond in the full amount of the account at all times and all advances to it, conditioned upon the proper accounting for and legal expenditure of all such funds, in addition to other conditions required by law. [1969 ex.s. c 60 § 7.]

42.26.080 Violation of petty cash account requirements. If a post audit by the state auditor discloses the amount of the petty cash account of any agency under this chapter to be excessive or the use of the account to be in violation of requirements governing its operation, the budget director may require the return of the account or of the excessive amount to the state treasury for credit to the fund from which the advance was made. [1969 ex.s. c 60 § 8.]

42.26.090 Rules and regulations for petty cash and accounts. The budget director shall adopt such regulations as may be necessary or desirable to implement the

provisions of this chapter. Such regulation shall include but not be limited to, (1) defining limitations on the use of petty cash, and (2) providing accounting and reporting procedures for operation of the petty cash account. [1969 ex.s. c 60 § 9.]

42.26.900 Effective date—1969 ex.s. c 60. This chapter shall take effect July 1, 1969. [1969 ex.s. c 60 § 12.]

Chapter 42.28

NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS

Sections

42.28.010	Appointment—Qualifications.
42.28.020	Term of office.
42.28.030	Bond, fee, seal, oath of office.
42.28.040	Powers—General.
42.28.050	Powers as to banks and corporations.
42.28.060	Seal must be affixed—Judicial papers excepted.
42.28.070	Record of notices of protest.
42.28.090	Fees of notary—Collection of fees by public officers.
42.28.100	Certification of appointment.
42.28.110	Certificates of official character.
42.28.120	Commissioners of deeds.
42.28.130	Oath, seal, fee.

Notary public may take acknowledgments: RCW 64.08.010.

42.28.010 Appointment—Qualifications. The governor may appoint and commission, as notaries public, as many persons having the qualifications of electors as he shall deem necessary: *Provided*, That no person shall be appointed a notary public except upon the petition of at least ten freeholders of the county in which such person resides: *Provided, further*, That upon the expiration of his commission any notary public may obtain a new commission on application, without petition signed by freeholders, within one year from date of expiration of his preceding commission. [1937 c 6 § 1; 1907 c 137 § 1; 1890 p 473 § 1; RRS § 9899. Prior: Code 1881 § 2614; 1873 p 467 § 1; 1869 p 375 § 1; 1863 p 501 § 1; 1862 p 52 § 1; 1854 p 444 § 1.]

Notary's commission may be signed by governor's designee: RCW 43.06.100.

42.28.020 Term of office. Every notary public shall be appointed for the state, and shall hold his office for four years, unless sooner removed by the governor. [1890 p 473 § 2; Code 1881 § 2615; 1873 p 467 § 3; 1869 p 375 § 1; 1863 p 501 § 1; 1862 p 52 § 1.]

42.28.030 Bond, fee, seal, oath of office. Before a commission shall issue to the person appointed he shall—(1) execute a bond, payable to the state of Washington, in the sum of one thousand dollars, with sureties to be approved by the county clerk of the county in which the applicant resides, conditioned for the faithful discharge of the duties of his office; (2) pay into the state treasury the sum of ten dollars for special state library fund [state general fund], taking the treasurer's receipt therefor; (3) procure a seal, on which shall be engraved the words "Notary Public" and "State of Washington", and date of expiration of his commission,

with surname in full, and at least the initials of his Christian name; (4) to take and subscribe the oath of office required of state officers; (5) file the said oath of office, bond and treasurer's receipt in the office of the secretary of state, and before performing any official acts, shall file in the office of the secretary of state a clear impression of his official seal, which seal shall be approved by the governor. [1890 p 473 § 3; RRS § 9901. Prior: Code 1881 § 2616; 1873 p 467 § 3; 1869 p 376 § 3; 1863 p 52 § 3; 1854 p 545 § 5.]

Reviser's note: Since the enactment of 1907 c 8 § 1 (RCW 43.79-.010) the fee herein specified to be paid into the special state library fund has been paid into the state general fund.

Official bonds: Chapter 42.08 RCW.

42.28.040 Powers—General. Every duly qualified notary public is authorized in any county in this state—(1) to transact and perform all matters and things relating to protests, protesting bills of exchange and promissory notes, and such other duties as pertain to that office by the custom and laws merchant; (2) to take acknowledgments of all deeds and other instruments of writing, and certify the same in the manner required by law; (3) to take depositions and affidavits, and administer all oaths required by law to be administered, and every attorney at law who is a notary public may administer any oath to his client, and no pleading or affidavit shall, on that account, be held by any court to be improperly verified. [1890 p 474 § 4; RRS § 9902. Prior: Code 1881 § 2618; 1873 p 468 § 6; 1869 p 375 § 2; 1863 p 501 § 2; 1862 p 52 § 2; 1854 p 444 § 2.]

Acknowledgments: Chapter 64.08 RCW.

Oaths and affirmations: Chapter 5.28 RCW.

Protests of bills of exchange: RCW 62A.3-501, 62A.3-502, 62A.3-509, 62A.3-511.

42.28.050 Powers as to banks and corporations. It shall be lawful for any notary public who is a stockholder, director, officer or employee of a bank or other corporation to take the acknowledgment of any party to any written instrument executed to or by such corporation, or to protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by such corporation: *Provided*, It shall be unlawful for any notary public to take the acknowledgment of an instrument by or to a bank or other corporation of which he is a stockholder, director, officer or employee, where such notary is a party to such instrument individually or to protest any negotiable instrument owned or held for collection by such corporation, where such notary is individually a party to such instrument. [1913 c 32 § 1; RRS § 9903.]

Acknowledgments: Chapter 64.08 RCW.

Protests of bills of exchange: RCW 62A.3-501, 62A.3-502, 62A.3-509, 62A.3-511.

42.28.060 Seal must be affixed—Judicial papers excepted. It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official seal, but in all other cases when the notary public shall sign any

instrument officially, he shall, in addition to his name and the words "Notary Public", add his place of residence and affix his official seal. [1890 p 474 § 5; RRS § 9904. Prior: Code 1881 § 2619; 1873 p 468 § 7; 1869 p 376 § 5; 1862 p 52 § 5.]

Corporate seals—Effect of absence from instrument: RCW 64.04.105.

42.28.070 Record of notices of protest. Every notary public is required to keep a true record of all notices of protest given or sent by him, with the time and manner in which the same were given or sent, and the names of all the parties to whom the same were given or sent, with the copy of the instrument in relation to which the notice is served, and of the notice itself; said record, or a copy thereof, duly certified under the hand and seal of the notary public, or county clerk having the custody of the original record, shall be competent evidence to prove the facts therein stated, but the same may be contradicted by other competent evidence. [1890 p 474 § 6; RRS § 9905. Prior: Code 1881 § 2620; 1877 p 254 § 7; 1873 p 469 § 8.]

Protests of bills of exchange: RCW 62A.3-501, 62A.3-502, 62A.3-509, 62A.3-511.

42.28.090 Fees of notary—Collection of fees by public officers. Notaries public may make but not exceed the following charges for their services:

Protest of a bill of exchange or promissory note, one dollar;

Attesting any instrument of writing with or without seal, one dollar;

Taking acknowledgment, two persons, with seal, one dollar;

Taking acknowledgment, each person over two, fifty cents;

Certifying affidavit, with or without seal, one dollar;

Registering protest of bill of exchange or promissory note for nonacceptance or nonpayment, fifty cents;

Being present at demand, tender, or deposit, and noting the same, besides mileage at the rate of ten cents per mile, fifty cents;

Noting a bill of exchange or promissory note, for nonacceptance or nonpayment, fifty cents;

For copying any instrument or record, per folio, besides certificate and seal, fifteen cents.

All public officers who are paid a salary in lieu of fees shall collect the prescribed fees for the use of the state or county as the case may be. [1951 c 51 § 7; 1907 c 56 § 1, part; RRS § 9907. Prior: (i) 1903 c 151 § 1; 1893 c 130 § 1; Code 1881 § 2086; 1869 p 371 § 6; 1863 p 396; 1861 p 39; 1854 p 373. (ii) 1890 p 475 § 8; Code 1881 § 2622; 1877 p 254 § 9; 1873 p 469 § 10; 1869 p 375 § 2; 1863 p 501 § 2.]

Daily remittance of moneys to state treasurer required: RCW 43.01.050.

Disposition of fees: RCW 42.16.030.

Payment of fees to county treasurer: RCW 36.18.140.

42.28.100 Certification of appointment. After the delivery of a commission to a notary public, appointed and qualified as heretofore provided, the secretary of

state shall make a certificate of such appointment, with the date of said commission, and file the same in the office of the county clerk of the county where such notary resides, who shall file and preserve the same, and it shall be deemed sufficient evidence to enable such clerk to certify that the person so commissioned is a notary public during the time such commission is in force. [1890 p 475 § 9; Code 1881 § 2623; 1877 p 255 § 10; RRS § 9908.]

42.28.110 Certificates of official character. The county clerk of the county in which such notary resides, or the secretary of state, may grant certificates of official character of notaries public. The certificate of the clerk shall be under his hand and official seal, and that of the secretary of state, under the seal of the state. [1943 c 97 § 1; 1890 p 476 § 10; RRS § 9909.]

42.28.120 Commissioners of deeds. The governor may appoint in each of the United States and the territories thereof, one or more commissioners, under the seal of this state, to continue in office for the term of four years, who shall have power to administer oaths, and to take depositions and affidavits, to be used in this state, and also to take the acknowledgment of any deed or other instrument to be used or recorded in the state. [1890 p 91 § 1; 1890 p 90 § 1; RRS § 9910. Prior: Code 1881 § 2626; 1877 p 257 § 1; 1872 p 447 § 1; 1871 p 91 § 1; 1863 p 500 § 1; 1854 p 448 § 1.]

Acknowledgments: Chapter 64.08 RCW.

Depositions outside state: Chapter 5.16 RCW.

Oaths and affirmations: Chapter 5.28 RCW.

Persons before whom depositions may be taken: Civil rules for superior court—CR 28.

42.28.130 Oath, seal, fee. Before any commissioner appointed as aforesaid shall proceed to perform any of the duties of his office he shall take and subscribe an oath before any clerk of a court of record, or other officer having an official seal authorized to administer oaths in the state or territory for which such commissioner is appointed, that he will faithfully discharge all duties of his office, a certificate of which shall be filed in the office of the secretary of state, and shall provide and keep an official seal, upon which must be engraved his name and the words "Commissioner of Deeds for the State of Washington", and the name of the state or territory for which he is commissioned, with the date at which his commission expires, and shall pay into the state treasury the sum of five dollars for the special state library fund [state general fund]. [1890 p 90 § 2; RRS § 9911. Prior: 1877 p 257 § 2; 1872 p 477 § 2; 1871 p 91 § 2; 1863 p 500 § 2; 1854 p 448 § 2.]

Reviser's note: Since the enactment of 1907 c 8 § 1 (RCW 43.79-.010) the fee herein specified to be paid into the special state library fund has been paid into the state general fund.

Chapter 42.30

OPEN PUBLIC MEETINGS ACT

Sections	
42.30.010	Legislative declaration.
42.30.020	Definitions.

42.30.030	Meetings declared open and public.
42.30.040	Conditions to attendance not to be required.
42.30.050	Interruptions—Procedure.
42.30.060	Ordinances, rules, resolutions, regulations, etc., to be adopted at public meetings—Notice.
42.30.070	Times and places for meetings—Emergencies—Exception.
42.30.080	Special meetings.
42.30.090	Adjournments.
42.30.100	Continuances.
42.30.110	Executive sessions.
42.30.120	Violations—Personal liability—Penalty.
42.30.130	Violations—Mandamus or injunction.
42.30.140	Chapter controlling—Application.
42.30.900	Short title.
42.30.910	Construction—1971 ex.s. c 250.
42.30.920	Severability—1971 ex.s. c 250.

42.30.010 Legislative declaration. The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. [1971 ex.s. c 250 § 1.]

Reviser's note: Throughout this chapter, the phrases "this act" and "this 1971 amendatory act" have been changed to "this chapter". "This act" [1971 ex.s. c 250] consists of this chapter, the amendment to RCW 34.04.025 and to the repeal of RCW 42.32.010 and 42.32.020.

42.30.020 Definitions. As used in this chapter unless the context indicates otherwise:

(1) "Public agency" means:

(a) Any state board, commission, committee, department, educational institution or other state agency which is created by or pursuant to statute, other than courts and the legislature.

(b) Any county, city, school district, special purpose district or other municipal corporation or political subdivision of the state of Washington;

(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance or other legislative act, including but not limited to planning commissions, library or park boards, and other boards, commissions and agencies.

(2) "Governing body" means the multimember board, commission, committee, council or other policy or rule-making body of a public agency.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to a collective decision made by a majority of the members of a governing body, a collective commitment or promise by a majority of the members of a governing body to make a positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or

entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken. [1971 ex.s. c 250 § 2.]

42.30.030 Meetings declared open and public. All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter. [1971 ex.s. c 250 § 3.]

42.30.040 Conditions to attendance not to be required. A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his attendance. [1971 ex.s. c 250 § 4.]

42.30.050 Interruptions—Procedure. In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting. [1971 ex.s. c 250 § 5.]

42.30.060 Ordinances, rules, resolutions, regulations, etc., to be adopted at public meetings—Notice. No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to comply with the provisions of this section shall be null and void. [1971 ex.s. c 250 § 6.]

42.30.070 Times and places for meetings—Emergencies—Exception. The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on

the next business day. If by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the governing body: *Provided*, That the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: *Provided*, That they take no action as defined in this chapter. [1973 c 66 § 1; 1971 ex.s. c 250 § 7.]

42.30.080 Special meetings. A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering personally or by mail written notice to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the governing body a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage. [1971 ex.s. c 250 § 8.]

42.30.090 Adjournments. The governing body of a public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.30.080 for special meetings, unless such notice is waived as provided for special meetings. Whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular,

special or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule. [1971 ex.s. c 250 § 9.]

42.30.100 Continuances. Any hearing being held, noticed, or ordered to be held by a governing body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the governing body in the same manner and to the same extent set forth in RCW 42.30.090 for the adjournment of meetings. [1971 ex.s. c 250 § 10.]

42.30.110 Executive sessions. Nothing contained in this chapter shall be construed to prevent a governing body from holding executive sessions during a regular or special meeting to consider matters affecting national security; the selection of a site or the acquisition of real estate by lease or purchase, when publicity regarding such consideration would cause a likelihood of increased price; the appointment, employment, or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body. [1973 c 66 § 2; 1971 ex.s. c 250 § 11.]

42.30.120 Violations—Personal liability—Penalty. Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter applicable to him, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. [1973 c 66 § 3; 1971 ex.s. c 250 § 12.]

42.30.130 Violations—Mandamus or injunction. Any person may commence an action either by mandamus or injunction for the purpose of stopping violations or preventing threatened violations of this chapter by members of a governing body. [1971 ex.s. c 250 § 13.]

42.30.140 Chapter controlling—Application. If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: *Provided*, That this chapter shall not apply to:

(1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation or profession or to any disciplinary proceedings involving a member of such business, occupation or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) Matters governed by Title 34 RCW, the administrative procedure act, except as expressly provided in RCW 34.04.025; or

(4) That portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by such governing body during the course of any collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing the proposals made in such negotiations or proceedings while in progress. [1973 c 66 § 4; 1971 ex.s. c 250 § 14.]

42.30.900 Short title. This chapter may be cited as the "Open Public Meetings Act of 1971". [1971 ex.s. c 250 § 16.]

42.30.910 Construction—1971 ex.s. c 250. The purposes of this chapter are hereby declared remedial and shall be liberally construed. [1971 ex.s. c 250 § 18.]

42.30.920 Severability—1971 ex.s. c 250. If any provision of this 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. [1971 ex.s. c 250 § 19.]

Chapter 42.32 MEETINGS

Sections

42.32.030 Minutes.

Open public meetings act: Chapter 42.30 RCW.

42.32.030 Minutes. The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection. [1953 c 216 § 3.]

Reviser's note: RCW 42.32.010 and 42.32.020 were repealed by 1971 ex.s. c 250 § 15; later enactment see chapter 42.30 RCW.

TITLE 43

STATE GOVERNMENT—EXECUTIVE

- Chapter
- 43.01 State officers—General provisions.
 - 43.03 Salaries and expenses.
 - 43.06 Governor.
 - 43.07 Secretary of state.
 - 43.08 State treasurer.
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 - 43.17 Administrative departments and agencies—
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 - 43.19 Department of general administration.
 - 43.20 Department of health—State board of health.
 - 43.20A Department of social and health services.
 - 43.21 Department of conservation.
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 - 43.22 Department of labor and industries.
 - 43.23 Department of agriculture.
 - 43.24 Department of motor vehicles.
 - 43.27A Department of water resources.
 - 43.30 Department of natural resources.
 - 43.31 Department of commerce and economic
development.
 - 43.31A Economic assistance act of 1972.
 - 43.32 Design standards committee.
 - 43.33 Finance committee—Investment advisory
committee.
 - 43.34 Capitol committee.
 - 43.37 Weather modification.
 - 43.38 Tax advisory council.
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 - 43.43 Washington state patrol.
 - 43.46 Arts commission.
 - 43.49 Columbia Basin commission.
 - 43.51 Parks and recreation commission.
 - 43.52 Operating agencies (Power commission).
 - 43.56 Uniform legislation commission.
 - 43.57 Interstate compact commission.
 - 43.58 Washington–Oregon boundary commission.
 - 43.59 Traffic safety commission.
 - 43.61 Veterans' rehabilitation council.
 - 43.62 Determination of populations—Student
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 - 43.75 State building authority—Indebtedness—
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 - 43.79 State funds.
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 - 43.80 Fiscal agencies.
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 - 43.83F Refunding bonds—Capitol facilities revenue
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 - 43.84 Investments and interfund loans.
 - 43.85 State depositories.
 - 43.86 State budget.
 - 43.86A Surplus funds—Investment program.
 - 43.88 Budget and accounting system.
 - 43.89 Teletypewriter communications network.
 - 43.91 Automobile pool.
 - 43.92 Geological survey.
 - 43.94 Oceanographic commission.
 - 43.96A World fair commission—Osaka exposition.
 - 43.96B Expo '74.
 - 43.97 Columbia River Gorge commission.
 - 43.98 Outdoor recreational facilities.
 - 43.99 Marine recreation land—Interagency commit-
tee for outdoor recreation.
 - 43.99A Outdoor recreational areas and facilities—
1967 bond act.
 - 43.101 Criminal justice training commission—Educa-
tion and training standards boards.
 - 43.105 Data processing and communications systems.
 - 43.110 Municipal research council.
 - 43.115 State commission on Mexican–American affairs.
 - 43.117 State commission on Asian–American affairs.
 - 43.125 American revolution bicentennial commission.
 - 43.126 Geographic names.
 - 43.130 Economic impact act—Closing of state
facilities.
 - 43.198 Construction.
- Accountancy board: Chapter 18.04 RCW.*
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Advisory boarding home council: RCW 18.20.080.
Aeronautics commission: Chapter 14.04 RCW.
Agricultural pesticide advisory board: RCW 17.21.230–17.21.270.
Air pollution control advisory council: RCW 70.94.240.
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- Apple advertising commission: Chapter 15.24 RCW.
 Apprenticeship council: RCW 49.04.010.
 Architects board of registration: RCW 18.08.120.
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 Athletic commission: Chapter 67.08 RCW.
 Bar association, Washington state: Chapter 2.48 RCW.
 Bar association board of governors: RCW 2.48.030.
 Barber examining committee: RCW 18.15.051–18.15.056.
 Boarding home advisory council: RCW 18.20.080.
 Boiler rules, board of: RCW 70.79.010–70.79.030.
 Canal commission: Chapter 91.12 RCW.
 Canvassing board, state: RCW 29.62.100, 29.62.110.
 Capitol historical association: Chapter 27.36 RCW.
 Cemetery board: Chapter 68.05 RCW.
 Censors, board of: RCW 29.81.090.
 Child development research and development institute: RCW 28B-20.400, 28B.20.402.
 Children and youth council: RCW 72.05.180, 72.05.190.
 Chiropractic examiners, board of: RCW 18.25.015–18.25.017.
 Civil defense agency: RCW 38.52.030.
 Civil defense communications coordinating committee: RCW 38.52.030.
 Civil defense council: RCW 38.52.040.
 Coal mining examining board: RCW 78.40.100.
 College trustees, boards of: RCW 28B.40.100–28B.40.120.
 Commodity board: RCW 15.65.220–15.65.280.
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 Dispensing opticians' examining committee: RCW 18.34.050.
 Driving instructor's examination committee: RCW 46.82.140, 46.82.270.
 Eastern Washington historical society (board of curators): Chapter 27.32 RCW.
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 Elected county officials, state association of: RCW 36.28.170, 36.47-.030, 36.47.040, 36.47.060.
 Electrical advisory board: RCW 19.28.065.
 Electrical board of appeals: RCW 19.28.270, 19.28.300, 19.28.310.
 Eminent domain commissioners, board of: RCW 8.12.260–8.12.290.
 Employment security advisory council: RCW 50.12.200.
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 Engineers and land surveyors, board of registration: Chapter 18.43 RCW.
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 Fisheries department: Chapter 75.08 RCW.
 Forest products institute: Chapter 76.44 RCW.
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 Game department: Chapter 77.04 RCW.
 Handicapped children, division for: Chapter 28A.13 RCW.
 Highway commission: Chapter 47.01 RCW.
 Historical society, state: Chapter 27.28 RCW.
 Horse racing commission: Chapter 67.16 RCW.
 Horticultural inspectors: RCW 15.17.240–15.17.250.
 Horticultural pests and diseases inspection board: RCW 15.08.180, 15.08.190.
 Hours of labor in defense and war production, commission: RCW 49.28.070.
 Human rights commission: RCW 49.60.050, 49.60.051, Chapter 49.60 RCW.
 Industrial insurance appeals board: Chapter 51.52 RCW.
 Industrial welfare commission: RCW 49.12.030, 49.12.040.
 Information agency, uniform reciprocal enforcement of support act: RCW 26.21.106.
 Institutional industries commission: Chapter 72.60 RCW.
 Insurance commissioner: RCW 48.02.010.
 Irrigation districts, state association of: RCW 87.76.020.
 Judicial council: Chapter 2.52 RCW.
 Legal aid bureau: RCW 2.50.050–2.50.080.
 Legislative budget committee: Chapter 44.28 RCW.
 Legislative council: Chapter 44.24 RCW.
 Librarians' certification board: RCW 27.08.010, 27.08.045.
 Library commission: Chapter 27.04 RCW.
 Limited access facilities review board: RCW 47.52.150, 47.52.160, 47.52.190.
 Liquor control board: Chapter 66.08 RCW.
 Magistrates' association: Chapter 3.70 RCW.
 Maps and surveys, advisory board: RCW 58.24.020–58.24.040.
 Marine employee commission: Chapter 47.64 RCW.
 Medical disciplinary board: Chapter 18.72 RCW.
 Medical examiners, state board of: RCW 18.71.015.
 Mental retardation research, advisory committee on: RCW 28B.20.412.
 Militia advisory council: RCW 38.12.040, 38.12.050.
 Mines to market road commission: RCW 78.48.010.
 Nuclear energy, advisory council on: RCW 70.98.070.
 Nurse planning council: RCW 18.88.040.
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 Occupational and environmental research advisory committee: RCW 28B.20.456.
 Oil and gas conservation committee: Chapter 78.52 RCW.
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 Pacific marine fisheries commission, representatives appointed by governor: RCW 75.40.040.
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 Pilotage commissioners, state board of: Chapter 88.16 RCW.
 Practical nurse examiners, state board of: RCW 18.78.020–18.78.050.
 Prison terms and paroles, board of: Chapter 9.95 RCW.
 Professional nurse registration, board of: Chapter 18.88 RCW.
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 Public accountants' registration committee: RCW 18.04.230.
 Public pension commission: Chapter 41.52 RCW.
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 Real estate commission: RCW 18.85.071–18.85.100.
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 Reclamation commission: RCW 89.30.055–89.30.070.
 Records committee: RCW 40.14.050.
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 Sanitarians, board of: Chapter 18.90 RCW.
 School directors' association: RCW 28A.61.010–28A.61.060.
 School transportation commission, county: Chapter 28A.24 RCW.
 Securities advisory committee: RCW 21.20.550–21.20.590.
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Soil and water conservation committee: Chapter 89.08 RCW.
 State employees' retirement system board: Chapter 41.40 RCW.
 State-wide city employees' retirement system board of trustees: RCW 41.44.070, 41.44.080.
 Statistics, division of, industrial insurance: RCW 51.04.020.
 Statute law committee: Chapter 1.08 RCW.
 Superintendent of public instruction: Chapter 28A.03 RCW.
 Superior court judges, association of: Chapter 2.16 RCW.
 Superior students division, public instruction: Chapter 28A.16 RCW.
 Supreme court reports, commission on: RCW 2.32.160, 2.32.170.
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 Teachers' retirement system board of trustees: Chapter 41.32 RCW.
 Toll bridge authority: RCW 47.56.020.
 Toll facilities division: RCW 47.56.034.
 Toxicological laboratory, state: RCW 68.08.107.
 Unemployment compensation advisory council: RCW 50.12.200.
 University of Washington regents, board of: RCW 28B.20.100–28B.20.130.
 Urban area government, joint committee on: Chapter 44.36 RCW.
 Utilities and transportation commission: Chapter 80.01 RCW.
 Vehicle equipment safety, commission on: Chapter 46.38 RCW.
 Veterinary board of governors: RCW 18.92.021–18.92.040.
 Vital statistics bureau: State Constitution Art. 20 § 1.
 Vocational rehabilitation services: Chapter 28A.10 RCW.
 Volunteer firemen, state board: RCW 41.24.250–41.24.310.
 Voter's pamphlet committees: RCW 29.81.030–29.81.060.
 Voting machine committee: RCW 29.33.030.
 Washington State University regents, board of: RCW 28B.30.095.
 Wheat commission: Chapter 15.63 RCW.

Chapter 43.01

STATE OFFICERS—GENERAL PROVISIONS

Sections

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 43.01.020 Oath of office.
 43.01.030 Filing and printing of reports of state officers, etc.
 43.01.035 Reports—Periods to be covered.
 43.01.040 Vacations—Computation—Accrual—Transfer.
 43.01.041 Vacations—Payment upon severance of employment.
 43.01.042 Vacations—State institutions of higher learning.
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 43.01.072 Refund of fees or other payments collected by state.
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 43.01.100 Application forms—Employment—Licenses—Mention of race or religion prohibited.
 43.01.110 Penalty for violation of RCW 43.01.100.
 43.01.120 Accidental death and dismemberment coverage during aircraft flights for state officers, employees, and legislators.
 43.01.130 Truth in spending act of 1974—Legislative finding and intent.
 43.01.140 Truth in spending act of 1974—Operating expenditures report—Preparation—Distribution.
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 Accounts, falsifying: RCW 42.20.070.
 Actions against, defense by state: RCW 4.92.060, 4.92.070, 4.92.090–4.92.170.

Administrative procedure: Title 34 RCW.
 Age restriction on employment, state retirement system: RCW 41.40.125.
 Bribery: State Constitution Art. 2 § 30; Chapter 9.18 RCW.
 Campaign financing, disclosure: Chapter 42.17 RCW.
 Cashing checks for state officers and employees: RCW 43.08.180.
 Civil service law: Chapter 41.06 RCW.
 Civil service rights preserved when elective office assumed: RCW 41.04.120.
 Code of ethics: Chapter 42.22 RCW.
 Compensation not to be changed during term: State Constitution Art. 2 § 25, Art. 3 § 25, Art. 28 § 1.
 Continuity of government during emergency periods: State Constitution Art. 2 § 42; Chapter 42.14 RCW.
 Elections
 contested: State Constitution Art. 3 § 4.
 generally: Title 29 RCW.
 time of: State Constitution Art. 6 § 8.
 Eligibility: State Constitution Art. 3 § 25 (Amendment 31); RCW 42.04.020, 42.04.021.
 Embezzlement: RCW 9.54.010(3).
 Escheat property, duties of commissioner: RCW 11.08.220, 11.08.270.
 Expense accounts, falsifying: RCW 9.45.050.
 Expenses and per diem: RCW 43.03.050.
 False personation of public officer: RCW 9.34.020, 42.20.030.
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 Free transportation prohibited: State Constitution Art. 2 § 39, Art. 12 § 20.
 Garnishment: RCW 7.33.060–7.33.080.
 Graft, influencing: RCW 9.18.110.
 Grand jury inquiry as to misconduct: RCW 10.27.100.
 Hospitalization and medical aid for employees and dependents: RCW 41.04.180, 41.04.190.
 Impeachment, who liable to: State Constitution Art. 5 § 2.
 Information to be furnished to governor in writing: State Constitution Art. 3 § 5.
 Interchange of personnel between federal and state agencies: RCW 41.04.140–41.04.170.
 Interfering with public officer: RCW 9.18.090.
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 Meetings, open to public: Chapter 42.30 RCW, RCW 42.32.030.
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 Misappropriation of funds or property: RCW 40.16.020, 42.20.070, 42.20.090.
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 Office hours, state officers: RCW 42.04.060.
 Passes, acceptance and use prohibited: State Constitution Art. 2 § 29, Art. 12 § 20.
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 Privileged communications: RCW 5.60.060.
 Purchasing, acceptance of benefits or gifts by state officers prohibited: RCW 43.19.1937, 42.20.010(2).
 Qualifications: State Constitution Art. 3 § 25 (Amendment 31); RCW 42.04.020, 42.04.021.
 Quo warranto proceedings: Chapter 7.56 RCW.
 Recall of elective officers: State Constitution Art. 1 § 33 (Amendment 8).

Records and documents, destroying, falsifying, misappropriation: RCW 40.16.020, 42.20.040.

Records to be kept at seat of government: State Constitution Art. 3 § 24.

Refusing to pay over money received: RCW 42.20.070(4).

Residence requirement during term: State Constitution Art. 3 § 24.

Resignations, to whom made: RCW 42.12.020.

Retirement system, state employees: Chapter 41.40 RCW.

Salaries and expenses: Chapter 43.03 RCW.

Seal, refusing to surrender to successor: RCW 42.20.030.

Successor, refusing to surrender office to: RCW 42.20.030.

Supreme court jurisdiction as to state officers, writs: RCW 2.04.010.

Terms: State Constitution Art. 3 § 3.

Tort claims against state: Chapter 4.92 RCW.

Usurpation of office, quo warranto proceedings: Chapter 7.56 RCW.

Venue of actions against: RCW 4.12.020.

Wage deductions for charitable contributions: RCW 41.04.035, 41.04.036.

43.01.010 Terms of office. The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall hold office for the term of four years, and until their successors are elected and qualified; and the term shall commence on the Wednesday after the second Monday of January following their election. [1965 c 8 § 43.01.010. Prior: 1891 c 82 § 1; RRS § 10980.]

Term of person elected to fill vacancy: RCW 42.12.030.

Terms of office: State Constitution Art. 3 § 3.

Vacancies in office: Chapter 42.12.

43.01.020 Oath of office. The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation in substance as follows: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the state of Washington, and that I will faithfully discharge the duties of the office of (name of office) to the best of my ability.

The oath or affirmation shall be administered by one of the justices of the supreme court at the capitol. A certificate shall be affixed thereto by the person administering the oath, and the oath or affirmation so certified shall be filed in the office of the secretary of state before the officer shall be qualified to discharge any official duties: *Provided*, That the oath of the secretary of state shall be filed in the office of the state auditor. [1965 c 8 § 43.01.020. Prior: 1909 c 43 § 1; RRS § 10981.]

Attorney general, oath of office: RCW 43.10.010.

Bank examiners, oath of office: RCW 43.19.030.

Commissioner of deeds, oath required: RCW 42.28.130.

Commissioner of public lands, oaths of employees: RCW 79.01.056, 79.01.068.

Court commissioners, oath of office: RCW 2.24.020.

Election officials, oaths required: RCW 29.45.080–29.45.110.

Elections, registration officers, oath required: RCW 29.07.050.

Engineers and land surveyors' board of registration, oath required: RCW 18.43.030.

Game department employees, oath of office: RCW 77.04.070.

Horse racing commission, oath of office: RCW 67.16.012.

Judges of superior court, oath of office: State Constitution Art. 4 § 28; RCW 2.08.080, 2.08.180.

Judges of supreme court, oath of office: State Constitution Art. 4 § 28; RCW 2.04.080.

Liquor control board, oath of office: RCW 66.08.014.

Militia, oath of office: RCW 38.12.150, 38.12.160.

Notary public, oath of office: RCW 42.28.030.

Oaths, mode of administering: State Constitution Art. 1 § 6.

Perjury, oath defined: RCW 9.72.040.

State administrative officers, oath required: RCW 43.17.030.

State auditor, oath of office: RCW 43.09.010.

State treasurer, oath of office: RCW 43.08.020.

Subversive activities, oath required of public officers and employees: RCW 9.81.070.

University of Washington, board of regents, oath required: RCW 28B.10.520.

Utilities and transportation commission: RCW 80.01.020.

Washington State University, board of regents: RCW 28B.10.520.

43.01.030 Filing and printing of reports of state officers, etc. Reports required to be made by state officers, boards, commissions, regents, trustees, and institutions to the governor or the legislature, shall be typewritten, the original of which shall be filed with the governor, or with the legislature, as the law may require, and a duplicate copy thereof shall be filed with the director of budget.

The director shall determine which reports, or what portions of any report, with the approval of the governor, shall be printed as public documents.

The governor shall determine the number of such reports to be printed for distribution. [1965 c 8 § 43.01.030. Prior: 1929 c 161 § 1; RRS § 10973–1.]

Reports or statements, falsifying: RCW 42.20.040.

43.01.035 Reports—Periods to be covered. All biennial reports to the legislature and the governor shall cover the period comprising the first full fiscal year of the then current biennium and the last full fiscal year of the biennium immediately preceding. All annual reports to the governor shall cover the full fiscal year immediately preceding the date of said report. [1965 c 8 § 43.01.035. Prior: 1953 c 184 § 3.]

43.01.040 Vacations—Computation—Accrual—Transfer. Each subordinate officer and employee of the several offices, departments, and institutions of the state government shall be entitled under their contract of employment with the state government to not less than one working day of vacation leave with full pay for each month of employment if said employment is continuous for six months.

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than one additional working day of vacation with full pay each year for satisfactorily completing the first two, three and five continuous years of employment respectively.

Such part time officers or employees of the state government who are employed on a regular schedule of duration of not less than one year shall be entitled under their contract of employment to that fractional part of the vacation leave that the total number of hours of

such employment bears to the total number of hours of full time employment.

Each subordinate officer and employee of the several offices, departments and institutions of the state government shall be entitled under his contract of employment with the state government to accrue unused vacation leave not to exceed thirty working days. Officers and employees transferring within the several offices, departments and institutions of the state government shall be entitled to transfer such accrued vacation leave to each succeeding state office, department or institution. All vacation leave shall be taken at the time convenient to the employing office, department or institution: *Provided*, That if a subordinate officer's or employee's request for vacation leave is deferred by reason of the convenience of the employing office, department or institution, and a statement of the necessity therefor is filed by such employing office, department or institution with the appropriate personnel board or other state agency or officer, then the aforesaid maximum thirty working days of accrued unused vacation leave shall be extended for each month said leave is so deferred. [1965 ex.s. c 13 § 1; 1965 c 8 § 43.01.040. Prior: 1955 c 140 § 1; 1921 c 7 § 133; RRS § 10891.]

Military leaves of absence: RCW 38.40.060.

43.01.041 Vacations—Payment upon severance of employment. Officers and employees referred to in RCW 43.01.040 whose employment is terminated by their death; reduction in force; resignation; dismissal; or by retirement and who have accrued vacation leave as specified in RCW 43.01.040, shall be paid therefor under their contract of employment, or their estate if they are deceased, or if the employee in case of voluntary resignation has provided adequate notice of termination. [1965 c 8 § 43.01.041. Prior: 1955 c 140 § 2.]

43.01.042 Vacations—State institutions of higher learning. State institutions of higher learning may prescribe such rules and regulations as they may determine governing vacation leave for academic and professional personnel. [1965 c 8 § 43.01.042. Prior: 1955 c 140 § 3.]

43.01.043 Vacations—Rules and regulations. The several offices, departments and institutions of the state government may prescribe supplemental rules and regulations that are not inconsistent with the provisions of RCW 43.01.040 through 43.01.043 with respect to vacation leave of subordinate officers and employees thereof. [1965 c 8 § 43.01.043. Prior: 1955 c 140 § 4.]

43.01.050 Daily remittance of moneys to treasury—Undistributed receipts fund created, use. Each state officer or other person, other than county treasurer, who is authorized by law to collect or receive moneys which are required by statute to be deposited in the state treasury shall transmit to the state treasurer each day, all such moneys collected by him on the preceding day: *Provided*, That the state treasurer may in his discretion grant exceptions where such daily transfers would not be administratively practical or feasible. In the event that remittances are not accompanied by a

statement designating source and fund the state treasurer shall deposit these moneys in the state treasury in a fund hereby created to be known as the "undistributed receipts fund". These moneys shall be retained in said fund until such time as the transmitting agency provides a statement in duplicate of the source from which each item of money was derived and the fund into which it is to be transmitted. The *budget director in accordance with RCW 43.88.160 shall promulgate regulations designed to assure orderly and efficient administration of this fund. In the event moneys are deposited in this fund that constitute overpayments, refunds may be made by the remitting agency without virtue of a legislative appropriation. [1967 c 212 § 1; 1965 c 8 § 43.01.050. Prior: 1909 c 133 § 1, part; 1907 c 96 § 1, part; RRS § 5501, part.]

***Reviser's note:** Central budget agency abolished; powers and duties transferred to office of program planning and fiscal management: RCW 43.41.940; 43.41.050.

Commissioner of public lands, deposit of funds: RCW 43.85.130.

State depositaries: Chapter 43.85 RCW.

43.01.060 Daily remittance of moneys to treasury—Treasurer's duty on default. The state treasurer shall inform the governor of any failure on the part of any officer to comply with the provisions of RCW 43.01.050. [1965 c 8 § 43.01.060. Prior: 1907 c 96 § 2; RRS § 5502.]

43.01.070 Daily remittance of moneys to treasury—Liability of officers for noncompliance. If any officer fails to comply with the provisions of RCW 43.01.050, he shall be liable to the state upon his official bond in a sum equal to ten percent annual interest on the funds for such time as he retained them. [1965 c 8 § 43.01.070. Prior: 1907 c 96 § 3; RRS § 5503.]

43.01.072 Refund of fees or other payments collected by state. Whenever any law which provides for the collection of fees or other payments by a state agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the state agency which collected the fees or payments of all such amounts received by the state agency in consequence of error, either of fact or of law as to: (1) The proper amount of such fee or payments; (2) The necessity of making or securing a permit, filing, examination or inspection; (3) The sufficiency of the credentials of an applicant; (4) The eligibility of an applicant for any other reason; (5) The necessity for the payment. [1965 c 8 § 43.01.072. Prior: 1955 c 224 § 1.]

Refunds of fees or other payments, budget and accounting system: RCW 43.88.170.

43.01.073 Refund of fees or other payments collected by state—Voucher. Any state agency desiring to authorize such a refund shall file with the state treasurer a voucher naming the payee and giving full particulars as to the reason for the refund and the fund in the treasury to which it was credited. [1965 c 8 § 43.01.073. Prior: 1955 c 224 § 2.]

43.01.074 Refund of fees or other payments collected by state—Warrant. Payment of such refunds shall be by warrant issued by the state treasurer against the fund in the state treasury to which the erroneous or excessive payment was credited or from any other appropriation made for such refund. [1965 c 8 § 43.01.074. Prior: 1955 c 224 § 3.]

Appropriation, when not required for refunds: RCW 43.88.180.

43.01.075 Refund of fees or other payments collected by state—Limitation where amount is two dollars or less. No such refund shall be authorized by a state agency where the amount is two dollars or less unless demand for the refund is made within six months from the date the erroneous or excessive payment was made. [1965 c 8 § 43.01.075. Prior: 1955 c 224 § 4.]

43.01.090 Certain departments to pay housing costs. The director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of operating and maintaining such buildings, structures, or facilities and the repair, remodeling, or furnishing thereof and for the rendering of any service or the furnishing or providing of any supplies, equipment, or materials.

The director of general administration may recover the full costs including appropriate overhead charges of the foregoing by billing either quarterly or semiannually as determined by the director including but not limited to transfers upon accounts and advancements into the general administration facilities and services revolving fund. Rates shall be established by the director of general administration after consultation with the director of the office of program planning and fiscal management. The director of general administration may allot, provide, or furnish any of such facilities, structures, services, equipment, supplies, or materials to any other public service type occupant or user at such rates or charges as are equitable and reasonably reflect the actual costs of the services provided: *Provided, however,* That the legislature, its duly constituted committees, interim committees and other committees shall be exempted from the provisions of this section. Billings shall be adjusted at intervals of not to exceed six months to reflect any change in actual costs relative to whatever estimates may have been made for budget purposes.

Upon receipt of such bill, each entity, occupant, or user shall cause a warrant or check in the amount thereof to be drawn in favor of the department of general administration which shall be deposited in the state treasury to the credit of the general administration facilities and services revolving fund established in RCW 43.19.500 unless the director of the office of program planning and fiscal management has authorized another method for payment of costs. [1973 1st ex.s. c 82 § 1; 1971 ex.s. c 159 § 1; 1965 c 8 § 43.01.090. Prior: (i) 1951 c 131 § 1; 1941 c 228 § 1; Rem. Supp. 1941 § 10964–30. (ii) 1951 c 131 § 1; 1941 c 228 § 2; Rem. Supp. 1941 § 10964–31.]

Effective date—1973 1st ex.s. c 82: "This 1973 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, 1973." [1973 1st ex.s. c 82 § 2.]

General administration facilities and services revolving fund: RCW 43.19.500.

Housing for state offices, departments and institutions: Chapter 43.82 RCW.

43.01.100 Application forms—Employment—Licenses—Mention of race or religion prohibited. The inclusion of any question relative to an applicant's race or religion in any application blank or form for employment or license required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this state or the disclosure on any license of the race or religion of the licensee is hereby prohibited. [1965 c 8 § 43.01.100. Prior: 1955 c 87 § 1.]

Law against discrimination: Chapter 49.60 RCW.

Subversive activities, public officials and employees: Chapter 9.81 RCW.

43.01.110 Penalty for violation of RCW 43.01.100. Any person who shall violate RCW 43.01.100 shall be guilty of a misdemeanor. [1965 c 8 § 43.01.110. Prior: 1955 c 87 § 2.]

43.01.120 Accidental death and dismemberment coverage during aircraft flights for state officers, employees, and legislators. The departments of state government are authorized to procure at state expense accidental death and dismemberment coverage not to exceed one hundred thousand dollars per person for the benefit of state employees and state elected officials, including legislators, while they are, in the course of their employment, passengers on or crew members of any non-scheduled aircraft flight. [1967 ex.s. c 6 § 1; 1965 ex.s. c 68 § 1.]

43.01.130 Truth in spending act of 1974—Legislative finding and intent. The legislature finds that knowledge of the expenditures made by state government is of importance to the people of this state. It is the intent of the legislature that *this act require state agencies to prepare information to inform the people of the disposition of state revenues on a per capita basis. *This act shall be known and may be cited as "The Truth in Spending Act of 1974". [1974 1st ex.s. c 48 § 1.]

***Reviser's note:** "this act" [1974 1st ex.s. c 48] is codified as RCW 43.01.130 and 43.01.140.

43.01.140 Truth in spending act of 1974—Operating expenditures report—Preparation—Distribution. Within one hundred twenty days after the close of each fiscal biennium, the office of program planning and fiscal management shall prepare a report which indicates as accurately as possible the total operating expenditures of each commission, committee, agency or department on a per capita basis for the two immediately preceding fiscal biennia. The report shall be based on population figures prepared by the office of program

planning and fiscal management and shall be distributed to each member of the legislature and to at least one newspaper of general circulation in each county of this state. [1974 1st ex.s. c 48 § 2.]

**Chapter 43.03
SALARIES AND EXPENSES**

- Sections
- 43.03.010 Salaries of elective state officers.
- 43.03.015 Emoluments of office for appointees to office of state legislator.
- 43.03.020 Expenses of lieutenant governor acting as governor.
- 43.03.027 Salaries of public officials—State policy enunciated.
- 43.03.028 State committee on salaries—Members—Duties—Reports.
- 43.03.030 Increase or reduction of appointees' compensation.
- 43.03.040 Governor to fix salaries of certain appointees and statutory assistant directors—Maximum.
- 43.03.045 Governor to recommend salaries of state elective officials in budget—Recommendations carried forth in appropriations act constitute official salaries.
- 43.03.047 Governor to recommend salaries of state elective officials in budget—Salaries shown by appropriation bill shall be published in session laws and RCW.
- 43.03.050 Subsistence allowance for officials and employees.
- 43.03.060 Automobile mileage allowance.
- 43.03.080 Minimum salaries of full time state employees.
- 43.03.090 Minimum salaries of part time employees.
- 43.03.100 Exceptions.
- 43.03.110 Moving expenses of employees.
- 43.03.120 Moving expenses of new employees.
- 43.03.130 Travel expenses of prospective employees.
- 43.03.140 Budget director to prescribe procedures for reporting expenditures incurred under RCW 43.03.060, 43.03.110, 43.03.120 and 43.03.130.
- 43.03.150 Advance payment of travel expenses—Authorized.
- 43.03.160 Advance payment of travel expenses—"Department" defined.
- 43.03.170 Advance payment of travel expenses—Advance warrants—Issuance—Limitations.
- 43.03.180 Advance payment of travel expenses—Itemized travel expense voucher to be submitted—Repayment of unexpended portion of advance—Default.
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- 43.03.200 Advance payment of travel expenses—Advances construed.
- 43.03.210 Advance payment of travel expenses—Budget director to prescribe rules and regulations to carry out RCW 43.03.150 through 43.03.210.

Compensation for unofficial services permitted: RCW 42.04.070.
 Compensation not to be changed during term: State Constitution Art. 2 § 25, Art. 3 § 25, Art. 28 § 1.
 Free transportation prohibited: State Constitution Art. 2 § 39, Art. 12 § 20.
 Salaries of state officers, paid monthly: RCW 42.16.010.

43.03.010 Salaries of elective state officers. The annual salaries of the following named state elected officials shall be: Governor, thirty-four thousand three hundred dollars; lieutenant governor, ten thousand six hundred dollars; secretary of state, fifteen thousand eight hundred dollars; state treasurer, fifteen thousand eight hundred dollars; state auditor, seventeen thousand four hundred dollars; attorney general, twenty-four thousand three hundred dollars; superintendent of public instruction, twenty-three thousand seven hundred fifty dollars; commissioner of public lands, twenty-one

thousand one hundred dollars; state insurance commissioner, seventeen thousand four hundred dollars; members of the legislature shall receive for their service three thousand eight hundred dollars per annum; and in addition, ten cents per mile for travel to and from legislative sessions. [1974 1st ex.s. c 149 § 2 (Initiative Measure No. 282); 1967 ex.s. c 100 § 1; 1965 ex.s. c 127 § 4; 1965 c 8 § 43.03.010. Prior: 1965 c 1 § 2; 1961 c 5 § 1; 1959 c 316 § 1; 1949 c 48 § 1; Rem. Supp. 1949 § 10965-1; prior: 1947 c 79 § .02.04; 1945 c 116 § 1; 1939 c 226 § 1; 1925 ex.s. c 163 § 1; 1925 ex.s. c 90 § 1; 1919 c 124 §§ 1, 2; 1907 c 94 § 1.]

Severability—1974 1st ex.s. c 149 (Initiative Measure No. 282): "If any provision of this 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." [Initiative Measure No. 282 § 7.]

Salaries for Public Officials (As appears in Appropriation Law):
 "NEW SECTION. Sec. 110. GENERAL FUND APPROPRIATION TO THE GOVERNOR:

To be allocated by the governor in order to implement salary increases to enable the payment of salaries to the below described elective executive, judicial, and legislative officials according to the schedule of annual salaries prescribed in this section commencing January 1, 1974: *Provided*, That such increases for legislators shall not take effect until the first date permitted by the Constitution of this state \$ 1,359,059

Schedule of Annual Salaries	
Executive Officials	
Governor	\$ 47,300
Lieutenant Governor	\$ 22,000
Attorney General	\$ 37,950
Superintendent of Public Instruction	\$ 37,950
Commissioner of Public Lands	\$ 33,000
Auditor	\$ 29,700
Insurance Commissioner	\$ 29,700
Secretary of State	\$ 26,400
Treasurer	\$ 26,400
Judicial Officials	
Supreme Court	\$ 38,000
Court of Appeals	\$ 35,000
Superior Court	\$ 32,000
Full Time District Court Judges: <i>Provided</i> , That no funds shall be allocated from this appropriation to implement these salary increases	\$ 26,000
Legislative Officials	
Legislators	\$ 10,560"

[1973 1st ex.s. c 137 § 110.]

Salaries for Public Officials (As amended by 1974 1st ex.s. c 149 (Initiative Measure No. 282)):
 "Section 1. Section 110, chapter 137, Laws of 1973 1st ex. sess. is amended to read as follows:

GENERAL FUND APPROPRIATION TO THE GOVERNOR:
 To be allocated by the governor in order to implement salary increases to enable the payment of salaries to the below described elective executive, judicial, and legislative officials according to the schedule of annual salaries prescribed in this section commencing January 1, 1974: *Provided*, That such increases for legislators shall not take effect until the first date permitted by the Constitution of this state \$ 1,359,059

Schedule of Annual Salaries	
Executive Officials	
Governor	\$(47,300) 34,300
Lieutenant Governor	\$(22,000) 10,600
Attorney General	\$(37,950) 24,300
Superintendent of Public Instruction	\$(37,950) 23,750
Commissioner of Public Lands	\$(33,000) 21,100
Auditor	\$(29,700) 17,400
Insurance Commissioner	\$(29,700) 17,400
Secretary of State	\$(26,400) 15,800

Treasurer	\$(26,400)	15,800
Judicial Officials		
Supreme Court	\$(38,000)	34,825
Court of Appeals	\$(35,000)	31,650
Superior Court	\$(32,000)	28,500
Full Time District Court Judges: <i>Provided,</i> That no funds shall be allocated from this appropriation to implement these salary in- creases	\$(26,000)	23,250
Legislative Officials		
Legislators	\$(10,560)	3,800"
[1974 1st ex.s. c 149 § 1 (Initiative Measure No. 282).]		

43.03.015 Emoluments of office for appointees to office of state legislator. Any person appointed to fill a vacancy that may occur in either the senate or house of representatives of the state legislature, prior to his qualification at the next succeeding regular or special session of the legislature shall be entitled to the same emoluments of office as the duly elected member whom he succeeded. [1967 ex.s. c 100 § 2.]

43.03.020 Expenses of lieutenant governor acting as governor. Whenever by reason of the absence from the state or the disability of the governor, the lieutenant governor is called upon temporarily to perform the duties of the office of governor, he shall be paid upon his personal voucher therefor the sum of ten dollars per day for expenses. [1965 c 8 § 43.03.020. Prior: 1919 c 118 § 1; RRS § 10979.]

43.03.027 Salaries of public officials—State policy enunciated. It is hereby declared to be the public policy of this state to base the salaries of public officials on realistic standards in order that such officials may be paid according to the true value of their services and the best qualified citizens may be attracted to public service. It is the purpose of RCW 43.03.027, 43.03.028, 43.03.040, 43.03.045 and 43.03.047 to effectuate this policy by utilizing the expert knowledge of citizens having access to pertinent facts concerning proper salaries for public officials, thus removing and dispelling any thought of political consideration in fixing the appropriateness of the amount of such salaries. [1970 ex.s. c 43 § 1.]

Severability—1970 ex.s. c 43: "If any provision of this 1970 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, shall not be affected." [1970 ex.s. c 43 § 7.] Term "this 1970 amendatory act" refers to RCW 43.03.027, 43.03.028, 43.03.040, 43.03.045 and 43.03.047.

43.03.028 State committee on salaries—Members—Duties—Reports. There is hereby created a committee to be known as the state committee on salaries, to consist of seven members as follows: The president of the University of Puget Sound or his nominee; the president of Washington State University or his nominee; the chairman of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association, and the president of the Washington State Labor Council or his nominee. If

any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(1) The committee herein created shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, and to recommend to the governor the salaries to be fixed for each respective position. Such recommendations shall be submitted to the governor in writing at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of the legislature.

(2) The committee shall also make a study of the duties and salaries of all state elective officials, including members of the supreme, appellate, superior, and district courts and of the members of the legislature, and also a study of the duties and salaries of county elective officials, and report to the governor and the legislative council not later than sixty days prior to the convening of each regular session of the legislature and recommend the salaries to be established for each position. [1970 ex.s. c 43 § 2; 1967 c 19 § 1; 1965 c 8 § 43.03.028. Prior: 1961 c 307 § 1; 1955 c 340 § 1.]

Reviser's note: The position of director of the veterans' rehabilitation council was abolished in 1970 ex.s. c 18 which transferred certain powers and duties to a newly created department of social and health services; see RCW 43.61.020 wherein the position was originally created.

Severability—1970 ex.s. c 43: See note following RCW 43.03.027. *Aeronautics director, salary: RCW 14.04.040.* *Horse racing commission members, salaries: RCW 67.16.012.*

43.03.030 Increase or reduction of appointees' compensation. (1) Wherever the compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of compensation of other appointive state officers or employees; but this subsection shall not apply to the heads of state departments.

(2) Wherever the compensation of any state officer appointed by the governor, or of any employee in any office or department under the control of any such officer, is fixed by statute, such compensation may hereafter, from time to time, be changed by the governor, and he shall have power to fix such compensation at any amount not to exceed the amount fixed by statute. [1965 c 8 § 43.03.030. Prior: (i) 1921 c 49 § 1; RRS § 10896. (ii) 1933 c 47 § 1; RRS § 10976-1.]

43.03.040 Governor to fix salaries of certain appointees and statutory assistant directors—Maximum. The directors of the several departments and members of the several boards and commissions, who are subject to appointment by the governor, the director of game, the

director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor, in an amount not to exceed the recommendations of the committee on salaries created in RCW 43.03.028, upon the basis of official responsibility. [1970 ex.s. c 43 § 3; 1965 c 8 § 43.03.040. Prior: 1961 c 307 § 2; 1955 c 340 § 2; 1949 c 111 § 1; 1937 c 224 § 1; Rem. Supp. 1949 § 10776-1.]

Reviser's note: "director of the veterans' rehabilitation council", see note following RCW 43.03.028.

Severability—1970 ex.s. c 43: See note following RCW 43.03.027. *Aeronautics director, salary:* RCW 14.04.040. *Horse racing commission members, salaries:* RCW 67.16.012.

43.03.045 Governor to recommend salaries of state elective officials in budget—Recommendations carried forth in appropriations act constitute official salaries. (1) The governor shall include, in the budget next transmitted by him to the legislature after the date of the submission of the report and recommendations of the committee under RCW 43.03.028, his recommendations with respect to the exact annual salaries which he deems advisable for all state elective officials within the purview of RCW 43.03.028. As used in this subsection, the term "budget" means the budget referred to in RCW 43.88.020(1).

(2) The recommendation of the governor transmitted to the legislature in the budget as to such positions shall be carried forth and included in the appropriation act of the state.

The amount of the salaries for which positions as enacted by the legislature, in the appropriation bill, shall be the salary that each respective official shall receive.

In the event the governor makes no recommendation, the salary that each such respective official shall receive shall remain the same. [1970 ex.s. c 43 § 4.]

Severability—1970 ex.s. c 43: See note following RCW 43.03.027.

43.03.047 Governor to recommend salaries of state elective officials in budget—Salaries shown by appropriation bill shall be published in session laws and RCW. The salaries of public officials as shown by the appropriation bill shall be printed in the session laws and the Revised Code of Washington under the section caption of "Salaries for Public Officials". [1970 ex.s. c 43 § 6.]

Severability—1970 ex.s. c 43: See note following RCW 43.03.027.

43.03.050 Subsistence allowance for officials and employees. The director of the office of program planning and fiscal management shall prescribe for all state agencies per diem rates of allowance, not exceeding twenty-five dollars in lieu of subsistence and lodging to elective and appointive officials and state employees while engaged on official business away from their designated posts of duty, but within the state of Washington, and not exceeding thirty-five dollars per day while engaged on official business elsewhere. The

director of the office of program planning and fiscal management may within the limits established herein prescribe and regulate the per diem rates to be allowed in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. [1970 ex.s. c 34 § 1; 1965 ex.s. c 77 § 1; 1965 c 8 § 43.03.050. Prior: 1961 c 220 § 1; 1959 c 194 § 1; 1953 c 259 § 1; 1949 c 17 § 1; 1943 c 86 § 1; Rem. Supp. 1949 § 10981-1.]

43.03.060 Automobile mileage allowance. Whenever it becomes necessary for an elective or appointive official or employee of the state to travel away from his designated post of duty while engaged on official business, and it is found to be more advantageous and economical to the state that he travel by a privately owned automobile rather than a common carrier or a state-owned or operated vehicle, he shall be allowed a mileage rate not to exceed thirteen cents a mile. [1974 1st ex.s. c 157 § 1; 1967 ex.s. c 16 § 4; 1965 c 8 § 43.03.060. Prior: 1949 c 17 § 2; 1943 c 86 § 2; Rem. Supp. 1949 § 10981-2.]

43.03.080 Minimum salaries of full time state employees. Each full time employee of the state or of any office, department, or institution thereof, who has been actually employed on a full time basis for not less than six months shall receive for his services such compensation as may be prescribed by the head of the employing office, department, or institution; but such compensation, however computed, shall be not less than one hundred seventy-five dollars a month.

Any such employee whose compensation includes subsistence and lodging shall receive, in addition to such maintenance, however computed, not less than one hundred and fourteen dollars per month. [1965 c 8 § 43.03.080. Prior: 1951 c 99 § 1; 1937 c 139 § 1; RRS § 10890-1.]

43.03.090 Minimum salaries of part time employees. Each person employed by the state or any office, department, or institution thereof on a part time basis for such period shall receive for his services such compensation as may be prescribed by the head of the employing office, department, or institution, which shall be determined on such proportional basis as will compensate the employee for time actually spent in the performance of his duties at a rate of not less than one hundred dollars a month for full time employment. [1965 c 8 § 43.03.090. Prior: 1937 c 139 § 2; RRS § 10890-2.]

43.03.100 Exceptions. RCW 43.03.080 and 43.03.090 shall not apply to teaching fellows, student employees, and student instructors in the state institutions of higher learning, or to student nurses, student attendants, household maids, or common farm labor in the state's educational, charitable, eleemosynary, penal, and reform institutions, or to the state military department. [1965 c 8 § 43.03.100. Prior: 1937 c 139 § 3; RRS § 10890-3.]

43.03.110 Moving expenses of employees. Whenever it is reasonably necessary to the successful performance of the required duty of a state office, commission, department or institution to transfer a deputy or other employee from one station to another within the state, thereby necessitating a change of such deputy's or employee's domicile, it shall be lawful for such office, commission, department or institution to move such deputy's or employee's household goods and effects to the new station at the expense of the state, or to defray the actual cost of such removal by common carrier, or otherwise, at the expense of the state, in which latter event reimbursement to the deputy or employee shall be upon voucher submitted by him and approved by the department head. [1967 ex.s. c 16 § 1; 1965 c 8 § 43.03-.110. Prior: 1943 c 128 § 1; Rem. Supp. 1943 § 9948-1.]

43.03.120 Moving expenses of new employees. Any state office, commission, department or institution may also pay the moving expenses of a new employee, necessitated by his acceptance of state employment, pursuant to mutual agreement with such employee in advance of his employment: *Provided*, That if such employee is in the classified service as defined in chapter 41.06 RCW, that said employee has been duly certified from an eligible register. No such offer or agreement for such payment shall be made to a prospective member of the classified service, prior to such certification, except through appropriate public announcement by the department of personnel, or other corresponding personnel agency as provided by chapter 41.06 RCW. Payment for all expenses authorized by RCW 43.03.060, 43.03.110 through 43.03.210 including moving expenses of new employees, exempt or classified, and others, shall be subject to reasonable regulations promulgated by the budget director, including regulations defining allowable moving costs: *Provided*, That, if the new employee terminates or causes termination of his employment with the state within one year of the date of employment, the state shall be entitled to reimbursement for the moving costs which have been paid and may withhold such sum as necessary therefor from any amounts due the employee. [1967 ex.s. c 16 § 2.]

43.03.130 Travel expenses of prospective employees. Any state office, commission, department or institution may agree to pay the necessary travel expenses of a prospective employee as an inducement for such applicant to travel to a designated place to be interviewed by and for the convenience of such agency: *Provided*, That if such employment is to be in the classified service, such offer may be made only on the express authorization of the state department of personnel, or other corresponding personnel agency as provided by chapter 41.06 RCW, to applicants reporting for a merit system examination or to applicants from an eligible register reporting for a pre-employment interview. Travel expenses authorized for prospective employees called for interviews shall be payable at the rates prescribed by law for state employees. When an applicant is called to be interviewed by or on behalf of more than one agency, the authorized travel expenses may be paid directly

by the authorizing personnel department or agency, subject to reimbursement from the interviewing agencies on a pro rata basis.

In the case of both classified and exempt positions, such travel expenses will be paid only for applicants being considered for the positions of director, deputy director, assistant director, or supervisor of state departments, boards or commissions; or equivalent or higher positions; or engineers, or other personnel having both executive and professional status. In the case of institutions of higher education, such travel expenses will be paid only for applicants being considered for academic positions above the rank of instructor or professional or administrative employees in supervisory positions. [1967 ex.s. c 16 § 3.]

43.03.140 Budget director to prescribe procedures for reporting expenditures incurred under RCW 43.03.060, 43.03.110, 43.03.120 and 43.03.130. The budget director shall prescribe procedures for reporting of expenditures incurred by any state office, board, commission, department, or institution under the provisions of RCW 43.03.060, 43.03.110, 43.03.120 and 43.03.130, and shall report the aggregate expenditures for such purposes to the forty-first session of the legislature when it convenes in January, 1969. [1967 ex.s. c 16 § 5.]

43.03.150 Advance payment of travel expenses—Authorized. Whenever it becomes necessary for an elective or appointive official or employee of the state to travel and to incur expenses for which reimbursement may be made, it shall be the policy of the state to make reasonable allowances to such officers and employees in advance of expenditure, on request of such officer or employee, under appropriate rules and regulations prescribed by the budget director. [1967 ex.s. c 16 § 6.]

43.03.160 Advance payment of travel expenses—"Department" defined. "Department", as used herein, shall mean every department, office, agency or institution of state government. [1967 ex.s. c 16 § 7.]

43.03.170 Advance payment of travel expenses—Advance warrants—Issuance—Limitations. The head of any state department may issue an advance warrant on the request of any officer or employee for the purpose of defraying his anticipated reimbursable expenses while traveling on business of such state department away from his designated post of duty, except expenses in connection with the use of a personal automobile. The amount of such advance shall not exceed the amount of such reasonably anticipated expenses of the officer or employee to be necessarily incurred in the course of such business of the state for a period of not to exceed thirty days. Department heads shall establish written policies prescribing a reasonable amount for which such warrants may be written. [1967 ex.s. c 16 § 8.]

43.03.180 Advance payment of travel expenses—Itemized travel expense voucher to be submitted—Repayment of unexpended portion of advance—Default. On or before the tenth day following each month in which such advance was furnished to the officer or employee, he shall submit to the head of his department a fully itemized travel expense voucher fully justifying the expenditure of such advance or whatever part thereof has been expended, for legally reimbursable items on behalf of the state. Any unexpended portion of such advance shall be returned to the agency at the close of the authorized travel period. Payment shall accompany such itemized voucher at the close of the travel period; and may be made by check or similar instrument payable to the department. Any default in accounting for or repaying an advance shall render the full amount which is unpaid immediately due and payable with interest at the rate of ten percent per annum from the date of default until paid. [1967 ex.s. c 16 § 9.]

43.03.190 Advance payment of travel expenses—Lien against and right to withhold funds payable until proper accounting or repaying of advance made. To protect the state from any losses on account of advances made as provided in RCW 43.03.150 through 43.03.210, the state shall have a prior lien against and a right to withhold any and all funds payable or to become payable by the state to such officer or employee to whom such advance has been given as provided in RCW 43.03.150 through 43.03.210, up to the amount of such advance and interest at the rate of ten percent per annum, until such time as repayment or justification has been made. No advance of any kind may be made to any officer or employee under RCW 43.03.150 through 43.03.210, at any time when he is delinquent in accounting for or repaying a prior advance under RCW 43.03.150 through 43.03.210. [1967 ex.s. c 16 § 10.]

43.03.200 Advance payment of travel expenses—Advances construed. An advance made under RCW 43.03.150 through 43.03.210 shall be considered as having been made to such officer or employee to be expended by him as an agent of the state for state purposes only, and specifically to defray necessary costs while performing his official duties. No such advance shall be considered for any purpose as a loan to such officer or employee, and any unauthorized expenditure of such funds shall be considered a misappropriation of state funds by a custodian of such funds. [1967 ex.s. c 16 § 11.]

43.03.210 Advance payment of travel expenses—Budget director to prescribe rules and regulations to carry out RCW 43.03.150 through 43.03.210. The budget director may prescribe rules and regulations to assist in carrying out the purposes of RCW 43.03.150 through 43.03.210 including regulation of travel by officers and employees and the conditions under which per diem and mileage shall be paid, so as to improve efficiency

and conserve funds and to insure proper use and accountability of travel advances strictly in the public interest and for public purposes only. [1967 ex.s. c 16 § 12.]

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in legislature, duties: State Constitution Art. 2 § 15 (Amendment 52).

in superior court: State Constitution Art. 4 § 5.

in supreme court: State Constitution Art. 4 § 3.

Vacancy in office of governor

election to fill: State Constitution Art. 3 § 10 (Amendment 6).

succession to: State Constitution Art. 3 § 10 (Amendment 6).

Veto

enactment of laws, veto of bill and passage over: State Constitution Art. 3 § 12.

initiatives and referendums, power does not extend to: State Constitution Art. 2 § 1 (Amendment 7 (d)).

power of: State Constitution Art. 3 § 12.

two-thirds vote necessary to pass bill over: State Constitution Art. 3 § 12.

veto and return of bill with objections: State Constitution Art. 3 § 12.

Water pollution control, powers and duties pertaining to: RCW 90.48.260, 90.48.262.

43.06.010 General powers and duties. In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) He shall supervise the conduct of all executive and ministerial offices;

(2) He shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) He shall make the appointments and supply the vacancies mentioned in this title;

(4) He is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim

against the state, he may direct the attorney general to appear on behalf of the state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;

(6) He may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to him, or to any grand jury designated by him, or to the legislature when next in session;

(7) He may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) He may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for the apprehension of any person convicted of a felony who has escaped from the state prison or of any person who has committed or is charged with the commission of a felony;

(9) He shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) He shall issue and transmit election proclamations as prescribed by law;

(11) He may require any officer or board to make, upon demand, special reports to him, in writing;

(12) He may, after finding that a public disorder, disaster or riot exists within this state or any part thereof which affects life, health, property or the public peace, proclaim a state of emergency in the area affected and the powers granted him during a state of emergency shall be effective only within the area described in the proclamation. [1969 ex.s. c 186 § 8; 1965 c 8 § 43.06-.010. Prior: 1890 p 627 § 1; RRS § 10982.]

Department of social and health services, divisions of, plan for to be approved by governor: RCW 43.20A.060.

Extradition proceedings: RCW 10.34.030, Chapter 10.88 RCW.

General election proclamation: RCW 29.27.045.

Rewards, duties in relation to offer of: RCW 10.85.020.

43.06.015 Interstate oil compact commission— Governor may join. The governor is authorized, on behalf of the state of Washington, to join the interstate oil compact commission as an associate member and to become an active member thereof if and when oil and gas are produced in Washington in commercial quantities and to attend meetings and participate in the activities carried on by said commission either in person or by a duly authorized representative. [1965 c 8 § 43.06-.015. Prior: 1953 c 47 § 1.]

Interstate compact to conserve oil and gas: 65 Stat. 199 (P. L. 128, ch. 350) Aug. 28, 1951. Associate membership authorized by Art. 9 § 2 of the commission's bylaws.

43.06.020 Records to be kept. The governor must cause to be kept the following records:

First, a register of all pardons, commutations, executive paroles, final discharges, and restorations of citizenship made by him;

Second, an account of all his disbursements of state moneys, and of all rewards offered by him for the apprehension of criminals and persons charged with crime;

Third, a register of all appointments made by him with date of commission, name of appointee and name of predecessor, if any. [1965 c 8 § 43.06.020. Prior: 1921 c 28 § 1; 1890 p 628 § 2; RRS § 10983.]

43.06.030 Appointments to senate for confirmation. On or before the last five days of each biennial session of the legislature, the governor must transmit to the senate a list of all appointments made by him, and not before communicated to the senate for confirmation. [1965 c 8 § 43.06.030. Prior: 1890 p 629 § 3; RRS § 10984.]

43.06.040 Lieutenant governor acts in governor's absence. If the governor absents himself from the state, he shall, prior to his departure, notify the lieutenant governor of his proposed absence, and during such absence the lieutenant governor shall perform all the duties of the governor. [1965 c 8 § 43.06.040. Prior: 1890 p 629 § 6; RRS § 10985.]

Duties of lieutenant governor: State Constitution Art. 3 § 16.

43.06.050 Powers and duties of acting governor. Every provision of law in relation to the powers and duties of the governor, and in relation to acts and duties to be performed by others towards him, extends to the person performing for the time being the duties of governor. [1965 c 8 § 43.06.050. Prior: 1890 p 629 § 4; RRS § 10986.]

43.06.055 Governor-elect—Appropriation to provide office and staff. The legislature preceding the gubernatorial election shall make an appropriation which may only be expended by a newly elected governor other than the incumbent for the purpose of providing office and staff for the governor-elect preparatory to his assumption of duties as governor. The funds for the appropriation shall be made available to him not later than thirty days prior to the date when the legislature will convene. [1969 ex.s. c 88 § 1.]

43.06.060 Expense of publishing proclamations. When the governor is authorized or required by law to issue a proclamation, payment for publishing it shall be made out of the state treasury. [1965 c 8 § 43.06.060. Prior: 1881 p 45 §§ 1–3; Code 1881 § 2367; RRS § 10988.]

43.06.070 Removal of appointive officers. The governor may remove from office any state officer appointed by him not liable to impeachment, for incompetency, misconduct, or malfeasance in office. [1965 c 8 § 43.06.070. Prior: 1893 c 101 § 1; RRS § 10988.]

43.06.080 Removal of appointive officers—Statement of reasons to be filed. Whenever the governor is satisfied that any officer not liable to impeachment has been guilty of misconduct, or malfeasance in office, or is incompetent, he shall file with the secretary of state a statement showing his reasons, with his order of removal, and the secretary of state shall forthwith send a certified copy of such order of removal and statement of

causes by registered mail to the last known post office address of the officer in question. [1965 c 8 § 43.06.080. Prior: 1893 c 101 § 2; RRS § 10989.]

43.06.090 Removal of appointive officers—Filling of vacancy. At the time of making any removal from office, the governor shall appoint some proper person to fill the office, who shall forthwith demand and receive from the officer removed the papers, records, and property of the state pertaining to the office, and shall perform the duties of the office and receive the compensation thereof until his successor is appointed. [1965 c 8 § 43.06.090. Prior: 1893 c 101 § 3; RRS § 10990.]

43.06.100 May sign notarial papers by proxy. The governor may designate an executive assistant on his staff who shall have authority to affix the governor's signature to the commission issued to any notary public or any other notarial paper requiring his signature. In affixing the governor's signature, the person designated may sign the governor's name either personally in writing or by facsimile reproduction, followed by the word "by" and the original signature of the person so designated. The governor's signature so affixed shall be valid for all purposes. [1965 c 8 § 43.06.100. Prior: 1949 c 10 § 1; Rem. Supp. 1949 § 10982–1.]

43.06.110 Economic opportunity act programs—State participation—Authority of governor. The governor, or his designee, is hereby authorized and empowered to undertake such programs as will, in the judgment of the governor, or his designee, enable families and individuals of all ages, in rural and urban areas, in need of the skills, knowledge, motivations, and opportunities to become economically self-sufficient to obtain and secure such skills, knowledge, motivations, and opportunities. Such programs may be engaged in as solely state operations, or in conjunction or cooperation with any appropriate agency of the federal government, any branch or agency of the government of this state, any city or town, county, municipal corporation, metropolitan municipal corporation or other political subdivision of the state, or any private corporation. Where compliance with the provisions of federal law or rules or regulations promulgated thereunder is a necessary condition to the receipt of federal funds by the state, the governor or his designee, is hereby authorized to comply with such laws, rules or regulations to the extent necessary for the state to cooperate most fully with the federal government in furtherance of the programs herein authorized. [1971 ex.s. c 177 § 2; 1965 c 14 § 2.]

County participation in Economic Opportunity Act programs: RCW 36.32.410.

43.06.120 Federal funds and programs—Acceptance of funds by governor authorized—Administration and disbursement. The governor is authorized to accept on behalf of the state of Washington funds provided by any act of congress for the benefit of the state or its political subdivisions. He is further authorized to administer and disburse such funds, or to designate an

agency to administer and disburse them, until the legislature otherwise directs. [1967 ex.s. c 41 § 1.]

43.06.130 Federal funds and programs—Payment of expenses of committees, councils or other bodies. Members of advisory committees, councils, or other bodies established to meet requirements of acts of congress may be paid actual expenses incurred for travel, subsistence, and lodging pursuant to RCW 43.03.050 and 43.03.060 as now or hereafter amended from such funds as may be available by legislative appropriation or as may otherwise be available as provided by law. [1973 2nd ex.s. c 17 § 1; 1967 ex.s. c 41 § 2.]

43.06.140 Federal funds and programs—Reports to legislature. Not later than the first day of any regular legislative session, the governor shall submit to the legislature a report listing federal programs, including those programs in which funds have been received directly by any state agency, in which the state has begun participation since the end of the last previous regular legislative session. [1973 2nd ex.s. c 17 § 2; 1967 ex.s. c 41 § 3.]

43.06.150 Federal funds and programs—Participating agencies to notify director of program planning and fiscal management, legislative budget committee and legislative council—Progress reports. See RCW 43.88.205.

43.06.200 Definitions. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 43.06.010, and 43.06.200 through 43.06.270 shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to RCW 43.06.010.

"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony. [1969 ex.s. c 186 § 1.]

Provisions cumulative—1969 ex.s. c 186: "The provisions of this act shall be cumulative to and shall not operate to repeal any other laws, or local ordinances, except those specifically mentioned in this act." [1969 ex.s. c 186 § 10.]

Severability—1969 ex.s. c 186: "If any provision of this 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." [1969 ex.s. c 186 § 11.]

The foregoing annotations apply to the 1969 amendment to RCW 43.06.010 and to RCW 43.06.200–43.06.270.

43.06.210 Proclamation of state of emergency—Termination. The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 shall be in writing and shall be signed by the

governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: *Provided*, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected. [1969 ex.s. c 186 § 2.]

43.06.220 Powers of governor pursuant to proclamation. The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(1) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(2) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(3) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(4) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(5) The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;

(6) The sale, purchase or dispensing of alcoholic beverages;

(7) The sale, purchase or dispensing of other commodities or goods, as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(8) The use of certain streets, highways or public ways by the public; and

(9) Such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he from time to time deems necessary.

Any person wilfully violating any provision of an order issued by the governor under this section shall be guilty of a gross misdemeanor. [1969 ex.s. c 186 § 3.]

43.06.230 Destroying or damaging property or causing personal injury after emergency proclaimed—Penalty. After the proclamation of a state of emergency as

provided in RCW 43.06.010, any person who maliciously destroys or damages any real or personal property or maliciously injures another shall be guilty of a felony and upon conviction thereof shall be imprisoned in the state penitentiary for not less than two years nor more than ten years. [1969 ex.s. c 186 § 4.]

43.06.240 Disorderly conduct after emergency proclaimed—Penalty. After the proclamation of a state of emergency pursuant to RCW 43.06.010, every person who:

(1) Wilfully causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:

(a) engaging in fighting or in violent, tumultuous, or threatening behavior; or

(b) making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present; or

(c) dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority; or

(d) creating a hazardous or physically offensive condition which serves no legitimate purpose; or

(2) Engages with at least one other person in a course of conduct as defined in subsection (1) of this section which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer shall be guilty of disorderly conduct and be punished by imprisonment in the county jail for not more than one year or fined not more than one thousand dollars or by both fine and imprisonment. [1969 ex.s. c 186 § 5]

43.06.250 Refusing to leave public way or property when ordered—Penalty. Any person upon any public way or any public property, within the area described in the state of emergency, who is directed by a public official to leave the public way or public property and refuses to do so shall be guilty of a misdemeanor. [1969 ex.s. c 186 § 6.]

43.06.260 Prosecution of persons sixteen years or over as adults. After the proclamation of a state of emergency as provided in RCW 43.06.010 any person sixteen years of age or over who violates any provision of RCW 43.06.010, and 43.06.200 through 43.06.270 shall be prosecuted as an adult. [1969 ex.s. c 186 § 7.]

43.06.270 State militia or state patrol—Use in restoring order. The governor may in his discretion order the state militia pursuant to chapter 38.08 RCW or the state patrol to assist local officials to restore order in the area described in the proclamation of a state of emergency. [1969 ex.s. c 186 § 9.]

43.06.280 Electric power use—Emergency curtailment, allocation. See chapter 43.21D RCW.

Chapter 43.07 SECRETARY OF STATE

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Absentee service voter, forms provided by: RCW 29.39.150.

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Bonds deposited with

state auditor: RCW 43.09.010.

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Candidates' pamphlet, rules and regulations promulgated by: RCW 29.80.070.

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Duties: State Constitution Art. 3 § 17.

Eastern Washington historical society board of curators, member of: RCW 27.32.030.

Election of: State Constitution Art. 3 § 1.

Elections

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administration of chapter relating to: RCW 29.39.190.

forms provided by: RCW 29.39.150.

ballot titles and explanatory statement

certification: RCW 29.27.060.

notice of contents to person proposing measure: RCW 29.27.065.

candidates' pamphlets, rules and regulations by secretary of state: RCW 29.80.070.

certificates of election, issuance by: RCW 29.27.110.

chief election officer: RCW 29.04.070.

city and town elections, rules and regulations for: RCW 29.04.080.

list of candidates for county offices, transmittal to county auditors: RCW 29.27.020.

nominees for state or district offices, certified to county auditors: RCW 29.27.050.

publication of election laws by: RCW 29.04.060.

recount procedure, rules and regulations by secretary of state: RCW 29.64.070.

returns, certifying of: RCW 43.07.030(6).

rules and regulations made by for state, city and town elections: RCW 29.04.080.

voters' pamphlets, rules and regulations: RCW 29.81.070.

voting machine committee member: RCW 29.33.030.

Filing with

aeronautics commission rules and regulations: RCW 14.04.210.
 banks: Chapter 30.08 RCW.
 chattel mortgages: RCW 62A.9-301—62A.9-318, 62A.9-401—62A.9-409.
 copyright pooling or combination: RCW 19.24.040.
 corporations: Title 23A RCW.
 credit unions: RCW 31.12.050.
 domestic insurers: RCW 48.06.200.
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 industrial loan company articles of incorporation: RCW 31.04.050.
 initiatives and referendums: State Constitution Art. 2 § 1 (Amendment 7 (a), (d)); RCW 29.79.010, 29.79.150.
 mine inspectors, filing of examinations and papers as public documents: RCW 43.22.140.
 mutual savings banks: RCW 32.08.061, 32.08.070.
 notary public's certificate of appointment: RCW 42.28.100.
 railroad companies
 branch lines into state: RCW 81.36.070.
 consolidation with other companies: RCW 81.36.070.
 purchase of property of other companies: RCW 81.36.070.
 sale of property to other companies: RCW 81.36.070.
 savings and loan associations: RCW 33.08.080.
 standard uniforms for sheriffs: RCW 36.28.170.
 statute law committee code correction orders: RCW 1.08.016.
 trust companies: Chapter 30.08 RCW.

Foreign corporations, duties: Chapter 23A.32 RCW.

Initiatives and referendums

acceptance or rejection of petitions for filing: RCW 29.79.150.
 filing of proposals and petitions with: State Constitution Art. 2 § 1 (Amendment 7 (a), (d)); RCW 29.79.010.
 numbering of initiative and referendum measures: RCW 29.79.030.
 transmittal of copies to attorney general: RCW 29.79.040.

Joint county jail districts, numbering: RCW 36.63.340.

Legislative journals, custodian of: RCW 43.07.040(2).

Massachusetts trusts, power to prescribe rules and regulations as to: RCW 23.90.040(5).

Notary public, certificate of appointment made by, filing: RCW 42.28.100.

Oath of office: RCW 43.01.020.

Official bond: RCW 43.07.010.

Process deposited with

copyright violators, service of process upon: RCW 19.24.100.
 domestic corporation without officer in state upon whom process can be served: RCW 4.28.090.
 foreign corporation failing to maintain agent in state: RCW 23A.28.130.
 nonadmitted foreign corporations having powers as to notes secured by real estate mortgages: RCW 23A.36.040-23A.36.050.
 nonresident or former resident motorists: RCW 46.64.040.
 trademark registration actions: RCW 19.77.090.

Records, custodian of: State Constitution Art. 3 § 24; RCW 43.07.040.

Registry of governor's acts kept by: RCW 43.07.030(1).

Residence to be maintained at seat of government: State Constitution Art. 3 § 24.

Salary, amount of: State Constitution Art. 3 § 17 (Amendment 20); RCW 43.03.010.

Sale of unneeded toll facility property, secretary to attest deed and deliver: RCW 47.56.252, 47.56.255.

Session laws

custodian of: RCW 43.07.040(1).
 engrossed bill filed with: RCW 44.20.010.
 numbering of: RCW 44.20.020.

State canvassing board member: RCW 29.62.100.

State capitol historical association board of trustees, member of: RCW 27.36.040.

State historical society board of curators, member of: RCW 27.28.030.

Statute law committee code correction orders filed with: RCW 1.08.016.

Succession to office of governor: State Constitution Art. 3 § 10 (Amendment 6).

Term of office: State Constitution Art. 3 § 3; RCW 43.01.010.

Trademarks and trade names

filing fee: RCW 43.07.120(3).

registration of, duties: Chapter 19.77 RCW.

Voters' pamphlets, rules and regulations promulgated by: RCW 29.81.070.

43.07.010 Official bond. The secretary of state must execute an official bond to the state in the sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, and shall receive no pay until such bond, approved by the governor, is filed with the state auditor. [1965 c 8 § 43.07.010. Prior: 1890 p 633 § 10; RRS § 10994.]

43.07.020 Assistant and deputy secretary of state. The secretary of state may have one assistant secretary of state and one deputy secretary of state each of whom shall be appointed by him in writing, and continue during his pleasure. The assistant secretary of state and deputy secretary of state shall have the power to perform any act or duty relating to the secretary of state's office, that the secretary of state has, and the secretary of state shall be responsible for the acts of said assistant and deputy. [1965 c 8 § 43.07.020. Prior: 1947 c 107 § 1; 1903 c 75 § 1; 1890 p 633 § 12; RRS § 10995.]

43.07.030 General duties. The secretary of state shall:

(1) Keep a register of and attest the official acts of the governor;

(2) Affix the state seal, with his attestation, to commissions, pardons, and other public instruments to which the signature of the governor is required, and also attestations and authentications of certificates and other documents properly issued by the secretary;

(3) Record all articles of incorporation, letters patent, deeds, certified copies of franchises, or other papers filed in his office;

(4) Receive and file all the official bonds of officers required to be filed with him;

(5) Take and file in his office receipts for all books distributed by him;

(6) Certify to the legislature the election returns for all officers required by the Constitution to be so certified, and certify to the governor the names of all other persons who have received at any election the highest number of votes for any office the incumbent of which is to be commissioned by the governor;

(7) Furnish, on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in his office;

(8) Present to the speaker of the house of representatives, at the beginning of each regular session of the legislature, a full account of all purchases made and expenses incurred by him on account of the state;

(9) File in his office an impression of each and every seal in use by any state officer, and furnish state officers with new seals when necessary;

(10) Keep a fee book, in which must be entered all fees charged or received by him, with the date, name of the payor, paid or unpaid, and the nature of the services in each case, which must be verified annually by his

affidavit entered therein. [1969 ex.s. c 53 § 3; 1965 c 8 § 43.07.030. Prior: 1890 p 630 § 2; RRS § 10992.]

43.07.040 Custodian of state records. The secretary of state is charged with the custody:

(1) Of all acts and resolutions passed by the legislature;

(2) Of the journals of the legislature;

(3) Of the seal of the state;

(4) Of all books, records, deeds, parchments, maps, and papers required to be kept on deposit in his office pursuant to law;

(5) Of the enrolled copy of the Constitution. [1965 c 8 § 43.07.040. Prior: 1903 c 107 § 1; 1890 p 629 § 1; RRS § 10991.]

43.07.050 Bureau of statistics—Secretary ex officio commissioner. The secretary of state shall be ex officio commissioner of statistics. He shall establish within his office, and under his immediate supervision, a bureau to be known as the bureau of statistics, agriculture and immigration. [1965 c 8 § 43.07.050. Prior: 1895 c 85 § 1; RRS § 10933.]

43.07.060 Bureau of statistics—Duties of commissioner. The commissioner shall collect, assort, systematize and present in biennial reports to the legislature, statistical details classified as follows:

(1) Agriculture;

(2) Immigration;

(3) Mechanical and manufacturing industries;

(4) Mining;

(5) Transportation on land and water;

(6) The amount of cash capital invested in lands, buildings, machinery, materials, and means of production generally. [1965 c 8 § 43.07.060. Prior: 1895 c 85 § 2; RRS § 10934.]

43.07.070 Bureau of statistics—Officers to furnish data—Distribution of reports. All state officers and the assessors of the various counties of the state shall furnish, upon the written request of the commissioner, all the information possible and necessary to assist in carrying out the purposes of the bureau.

All printing required by the bureau in the discharge of its duty shall be performed by the state printer at public expense, and at least three thousand copies of the printed biennial report shall be furnished the commissioner for free distribution to the public. [1965 c 8 § 43.07.070. Prior: 1895 c 85 § 3; RRS § 10935.]

43.07.080 Bureau of statistics—Preparation of report. The commissioner of statistics shall prepare for publication, from the reports of the county assessors, chambers of commerce, boards of trade and other authentic sources, a comprehensive report, setting forth the geography, topography, climate, natural and artificial resources of Washington, its inland waters and adjacent seas, a knowledge of which would tend to invite industrious, enterprising, intelligent people to remove hither. It shall be the duty at all times of the bureau to promptly answer all proper inquiries relative to the state

of Washington received by mail or otherwise from intending immigrants. [1965 c 8 § 43.07.080. Prior: 1895 c 85 § 4; RRS § 10936.]

43.07.090 Bureau of statistics—Power to obtain statistics—Penalty. The commissioner shall have the power to send for persons and papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in his office. He shall have free access to all places and works of labor, and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, warehouse, manufacturing or mercantile establishment, or any agent or employee of any such principal, owner, operator, manager, or lessee, who shall refuse to the commissioner or his duly authorized representative admission therein, or who shall, when requested by him, wilfully neglect or refuse to furnish him any statistics or information pertaining to his lawful duties which may be in the possession or under the control of said principal, owner, operator, lessee, manager, or agent thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars. [1965 c 8 § 43.07.090. Prior: 1895 c 85 § 5; RRS § 10937.]

43.07.100 Bureau of statistics—Information confidential—Penalty. No use shall be made in the report of the bureau of the names of individuals, firms, or corporations supplying the information called for by these sections, such information being deemed confidential and not for the purpose of disclosing any person's affairs; and any agent or employee of said bureau violating this provision shall upon conviction thereof be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not to exceed six months. [1965 c 8 § 43.07.100. Prior: 1895 c 85 § 6; RRS § 10938.]

43.07.110 Bureau of statistics—Deputy commissioner. The commissioner shall appoint a deputy commissioner, who shall act in his absence, and the deputy shall receive the sum of twelve hundred dollars per annum to be paid by the state treasurer in the same manner as other state officers are paid; the sum allowed for deputy and other incidental expenses of the bureau shall not exceed the sum of three thousand dollars any one year. The commissioner shall have authority to employ one person to act as immigration agent, which agent shall reside in such city as said commissioner may designate, and he shall be provided with such literature and incidental accessories as in his judgment may be necessary. [1965 c 8 § 43.07.110. Prior: 1895 c 85 § 7; RRS § 10939.]

43.07.120 Fees. The secretary of state shall collect the fees herein prescribed for his official services:

(1) For a copy of any law, resolution, record, or other document or paper on file in his office, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page;

(2) For any certificate under seal, two dollars;
 (3) For filing and recording trademark, ten dollars;
 (4) For each deed or patent of land issued by the governor, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar;

(5) For recording miscellaneous records, papers, or other documents, five dollars for filing each case.

No member of the legislature, state officer, justice of the supreme court, judge of the court of appeals, or judge of the superior court shall be charged for any search relative to matters pertaining to the duties of his office; nor may he be charged for a certified copy of any law or resolution passed by the legislature relative to his official duties, if such law has not been published as a state law.

All fees herein enumerated must be collected in advance. [1971 c 81 § 107; 1965 c 8 § 43.07.120. Prior: 1959 c 263 § 5; 1907 c 56 § 1; 1903 c 151 § 1; 1893 c 130 § 1; RRS § 10993.]

43.07.130 Secretary of state's revolving fund—Publication fees authorized, disposition. There is created within the state treasury a revolving fund, to be known as the "secretary of state's revolving fund," which shall be used by the office of the secretary of state to defray the costs of printing, reprinting, or distributing printed matter authorized by law to be issued by the office of secretary of state. The secretary of state is hereby authorized to charge a fee for such publications in an amount which will compensate for the costs of printing, reprinting, and distributing such printed matter. Fees recovered shall be placed in the secretary of state's revolving fund. [1973 1st ex.s. c 85 § 1; 1971 ex.s. c 122 § 1.]

43.07.140 Materials specifically authorized to be printed and distributed. The secretary of state is hereby specifically authorized to print, reprint, and distribute the following materials:

- (1) Lists of active corporations;
- (2) The provisions of Title 23 RCW;
- (3) The provisions of Title 23A RCW;
- (4) The provisions of Title 24 RCW;
- (5) The provisions of Title 29 RCW;
- (6) The provisions of Title 62A RCW;
- (7) The provisions of chapter 18.100 RCW;
- (8) The provisions of chapter 19.77 RCW;
- (9) The provisions of chapter 43.07 RCW;
- (10) The provisions of the Washington state Constitution;
- (11) The provisions of Initiative Measure 276 and rules and regulations adopted by the public disclosure commission; and
- (12) Rules and regulations related to the statutory provisions set forth above. [1973 1st ex.s. c 85 § 2.]

Chapter 43.08 STATE TREASURER

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43.08.010 General duties.

The state treasurer shall:

- (1) Receive and keep all moneys of the state in the manner provided in RCW 43.88.160, as now or hereafter amended;
- (2) Disburse the public moneys only upon warrants or checks drawn upon the treasurer in the manner provided by law;
- (3) Account for moneys in the manner provided by law;
- (4) Render accounts in the manner provided by law;
- (5) Indorse on each warrant when required by law, the date of payment, the amount of the principal, and the interest due on that date;
- (6) Report to each house of the legislature, within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury, and of its operations for the preceding fiscal year;
- (7) Give information, in writing, to either house of the legislature, whenever required, upon any subject connected with the treasury, or touching any duty of his office;
- (8) Account for and pay over all moneys on hand to his successor in office, and deliver all books, vouchers, and effects of office to him, who shall receipt therefor;
- (9) Upon payment of any warrant, or check, take upon the back thereof the indorsement of the person to whom it is paid. [1965 c 8 § 43.08.010. Prior: 1890 p 642 § 1; RRS § 11019; prior: 1886 p 134 § 2; 1871 p 77 § 2; 1864 p 52 § 3; 1854 p 413 § 3.]

Budget and accounting system, powers and duties: RCW 43.88.160(2).

43.08.020 Residence—Bond—Oath. The state treasurer shall reside and keep his office at the seat of government. Before entering upon his duties, he shall execute and deliver to the secretary of state a bond to the state in a sum of not less than five hundred thousand dollars, to be approved by the secretary of state and one of the justices of the supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law. He shall take an oath of office, to be indorsed on his commission, and file a copy thereof, together with the bond, in the office of the secretary of state. [1972 ex.s. c 12 § 1. Prior: 1971 c 81 § 108; 1971 c 14 § 1; 1965 c 8 § 43.08.020; prior: 1890 p 642 § 2; RRS § 11022; prior: 1886 p 133 § 1; 1881 p 18 § 1; 1871 p 76 § 1; 1864 p 51 § 2; 1854 p 413 § 2.]

43.08.030 Seal. The treasurer shall keep a seal of office for the authentication of all papers, writings, and documents required to be certified by him. [1965 c 8 § 43.08.030. Prior: 1890 p 643 § 6; RRS § 11025; prior:

1886 p 135 § 6; 1871 p 78 § 6; 1864 p 53 § 7; 1854 p 414 § 7.]

43.08.040 Administration of oaths. The treasurer may administer all oaths required by law in matters pertaining to the duties of his office. [1965 c 8 § 43.08.040. Prior: 1890 p 643 § 5; RRS § 11024; prior: 1886 p 135 § 5; 1871 p 78 § 5; 1864 p 53 § 6; 1854 p 414 § 6.]

43.08.050 Records and accounts—Public inspection. All the books, papers, letters, and transactions pertaining to the office of treasurer shall be open for the inspection of a committee of the legislature to examine or settle all accounts, and to count all money; and to the inspection of the public generally during office hours; and when the successor of any treasurer is elected and qualified, the state auditor shall examine and settle all the accounts of the treasurer remaining unsettled, and give him a certified statement showing the balance of moneys, securities, and effects for which he is accountable, which have been delivered to his successor, and report the same to the legislature. [1965 c 8 § 43.08.050. Prior: 1890 p 643 § 3; RRS § 11023; prior: 1886 p 134 § 3; 1864 p 53 § 4; 1854 p 414 § 4.]

Public records, budget and accounting system: RCW 43.88.200.

43.08.060 Duplicate receipts. All persons required by law to pay any moneys into the state treasury, or to transmit any public funds to the state treasurer on state accounts, shall, at the time of making such payments or transmissions, notify the budget director thereof, specifying the amount and date of such payment, and for what particular fund or account.

For all sums of money so paid the state treasurer shall forthwith give duplicate receipts under his seal of office, one of which he shall deposit with the budget director; who shall credit the payor accordingly, and charge the treasurer with the amount. The other receipt the treasurer shall transmit to the payor. [1965 c 8 § 43.08.060. Prior: 1890 p 643 § 4; RRS § 5504; prior: 1886 p 134 § 4; 1871 p 78 § 4; 1864 p 53 § 5; 1854 p 414 § 5.]

43.08.062 Warrants—Presentation—Cancellation. All warrants drawn on the state treasury shall be presented for payment within five years after the date of the issue thereof.

Should the payee or legal holder of any warrant fail to present it for payment within the time specified, the state treasurer shall enter the same as canceled on the books of his office.

Should the payee or legal owner of any canceled warrant present it for payment after the lapse of five years from the date of issue, the state treasurer may, upon proper showing by affidavit and the delivery of the canceled warrant into his possession, issue a new warrant in lieu thereof, and the state treasurer is authorized to pay the new warrant. [1965 c 8 § 43.08.062. Prior: 1890 p 638 § 13; RRS § 11008; prior: 1883 p 61 § 1. Formerly RCW 43.09.100.]

43.08.064 Lost or destroyed warrants, instruments, or other evidence of indebtedness—Issuing officer to issue duplicate. In case of the loss or destruction of a state warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by any state officer, or agency, such officer, or such agency through its appropriate officer may issue or cause to be issued a duplicate in lieu thereof, bearing the same number, class, or designation in all respects and for the same amount as the original, except that the word duplicate shall plainly appear upon the face of the new instrument in such a manner as to clearly identify it as a duplicate instrument. The duplicate instrument so issued shall be subject in all other respects to the same provisions of law as the original instrument. [1965 ex.s. c 61 § 1; 1965 c 8 § 43.08.064. Prior: 1890 p 639 § 15; RRS § 11010; prior: 1888 p 236 § 1. Formerly RCW 43.09.110.]

Lost or destroyed evidence of indebtedness issued by local governments: Chapter 39.72 RCW.

43.08.066 Lost or destroyed warrants, instruments, or other evidence of indebtedness—Conditions on issuance. Before a duplicate instrument is issued, the state treasurer or other issuing officer shall require the person making application for its issue:

(1) To file in his office a written affidavit specifically alleging on oath that he is the proper owner, payee, or legal representative of such owner or payee of the original instrument, giving the date of issue, the number, amount, and for what services or claim or purpose the original instrument or series of instruments of which it is a part was issued, and that the same has been lost or destroyed, and has not been paid, or has not been received by him;

(2) To give a bond, in twice the face amount of the original instrument, with one or more sufficient sureties, conditioned to save harmless the state, its paying agent or any trustee under the terms of the instrument from the payment of the original instrument, and the payment of all costs and charges on account thereof: *Provided*, That the proper owner, payee, or legal representative thereof and sureties shall not be liable where the payment of the original warrant resulted from forgery or fraud by others, not aided or abetted by such proper owner, payee or legal representative thereof or sureties, or occurred as a result of their negligence: *Provided further*, That this subsection shall not apply to instruments received by virtue of or under the public assistance laws or employment security laws: *Provided further*, That in the event that an original and its duplicate instrument issued without bond under this proviso are both presented for payment as a result of forgery or fraud, the department of social and health services or the department of employment security, as the case may be, shall be the state agency responsible for endeavoring to recover any losses suffered by the state. [1972 ex.s. c 74 § 1; 1971 ex.s. c 54 § 1; 1965 ex.s. c 61 § 2; 1965 c 8 § 43.08.066. Prior: 1890 p 639 § 16; RRS § 11011; prior: 1888 p 236 § 2. Formerly RCW 43.09.120.]

43.08.068 Lost or destroyed warrants, instruments, or other evidence of indebtedness—Records to be kept—Cancellation of originals—Notice. The state treasurer or other issuing officer shall keep a full and complete record of all warrants, bonds or other instruments alleged to have been lost or destroyed, which were issued by such agency, and of the issue of any duplicate therefor; and upon the issuance of any duplicate, the officer shall enter upon his books the cancellation of the original instrument and immediately notify the state treasurer, the state auditor, and all trustees and paying agents authorized to redeem such instruments on behalf of the state of Washington, of such cancellation. The treasurer shall keep a similar list of all warrants, bonds or other instruments so canceled. [1965 ex.s. c 61 § 3; 1965 c 8 § 43.08.068. Prior: 1890 p 640 § 17; RRS § 11012; prior: 1888 p 236 § 3. Formerly RCW 43.09.130.]

43.08.070 Warrants—Indorsement—Interest—Issuance of new warrants. Upon the presentation of any state warrant to the state treasurer, if there is not sufficient money then available in the appropriate fund with which to redeem all warrants drawn against such fund which the treasurer anticipates will be presented for payment during the current business day, he may endorse on the warrant, "Not paid for want of funds," with the day and date of presentation, and the warrant shall draw legal interest from and including that date until five days from and after being called for payment in accordance with RCW 43.08.080, or until paid, whichever occurs first; or, in the alternative, the treasurer may prepare and register a single new warrant, drawn against the appropriate fund, and exchange such new warrant for one or more warrants not paid for want of funds when presented for payment totaling a like amount but not exceeding one million dollars, which new warrant shall then draw legal interest from and including its date of issuance until five days from and after being called for payment in accordance with RCW 43.08.080, or until paid, whichever occurs first. [1971 ex.s. c 88 § 2; 1965 c 8 § 43.08.070. Prior: 1869 p 408 § 2; RRS § 5516.]

Severability—1971 ex.s. c 88: See note following RCW 39.56.010.

43.08.080 Call of warrants. When the state treasurer deems that there is sufficient money in a fund to pay all or part of the registered warrants of such fund, and the warrants are not presented for payment, he may advertise at least once in some newspaper published at the seat of government, stating the serial number of the warrants he is calling and prepared to pay; and if such warrants are not presented for payment within five days from and after the date of publication of the notice, the warrants shall not then draw any further interest: *Provided*, That when said fund has a balance in excess of three percent of the preceding monthly warrant issue of said fund, or at any time that the money in the fund exceeds the warrants outstanding, the state treasurer shall similarly advertise a call for all those registered warrants which can be fully paid out of said fund in accordance with their registration sequence. [1971 ex.s.

c 88 § 3; 1965 c 8 § 43.08.080. Prior: 1890 p 644 § 8; RRS § 5517; prior: 1886 p 135 § 9; 1871 p 79 § 9.]

Severability—1971 ex.s. c 88: See note following RCW 39.56.010.

43.08.090 Fiscal agent for state. The state treasurer shall be ex officio the fiscal agent of the state. [1965 c 8 § 43.08.090. Prior: 1891 c 138 § 1; RRS § 5484.]

Fiscal agencies: Chapter 43.80 RCW.

43.08.100 Fiscal agent for state—Duties of fiscal agent. The fiscal agent of the state shall receive all moneys due the state from any other state or from the federal government, take all necessary steps for the collection thereof, and apply the same to the funds to which they belong. He shall collect from time to time all moneys that may accrue to the state by virtue of section 13 of the enabling act, or from any other source not otherwise provided for by law. [1965 c 8 § 43.08.100. Prior: (i) 1891 c 138 § 2; RRS § 5485. (ii) 1891 c 138 § 4; RRS § 5487.]

43.08.110 Fiscal agent for state—Fiscal agent's receipts. The fiscal agent shall issue the necessary receipts for all moneys collected, and such receipts shall show the date when paid, the amount, from whom received, and on what account the money was collected.

One or more copies of such receipt shall be given to the persons from whom the money was received, and one copy shall be given to the budget director. [1965 c 8 § 43.08.110. Prior: 1891 c 138 § 3; RRS § 5486.]

43.08.120 Assistant—Deputies—Responsibility for acts. The state treasurer may appoint an assistant state treasurer, who shall have the power to perform any act or duty which may be performed by the state treasurer, and in case of a vacancy in the office of state treasurer, perform the duties of the office until the vacancy is filled as provided by law.

The state treasurer may appoint no more than three deputy state treasurers, who shall have the power to perform any act or duty which may be performed by the state treasurer.

The assistant state treasurer and the deputy state treasurers shall be exempt from the provisions of chapter 41.06 RCW and shall hold office at the pleasure of the state treasurer; they shall, before entering upon the duties of their office, take and subscribe, and file with the secretary of state, the oath of office provided by law for other state officers.

The state treasurer shall be responsible on his official bond for all official acts of the assistant state treasurer and the deputy state treasurers. [1973 c 10 § 1; 1971 c 15 § 1; 1965 c 8 § 43.08.120. Prior: 1921 c 36 § 1; RRS § 11020.]

43.08.130 Wilful refusal to pay warrants—Exceptions—Recovery. If the state treasurer wilfully refuses to pay except in accordance with the provisions of RCW 43.08.070 or by cash or check any warrant designated as payable in the state treasurer's office which is lawfully drawn upon the state treasury, or knowingly pays any warrant otherwise than as provided by law,

then any person injured thereby may recover by action against the treasurer and the sureties on his official bond. [1972 ex.s. c 145 § 2; 1965 c 8 § 43.08.130. Prior: 1890 p 644 § 7; RRS § 11026; prior: 1886 p 135 § 8; 1871 p 78 § 8; 1864 p 53 § 8; 1854 p 414 § 8.]

43.08.135 Cash or demand deposits—Duty to maintain—RCW 9.54.050 not deemed violated, when. The state treasurer shall maintain at all times cash, or demand deposits in qualified public depositaries in an amount needed to meet the operational needs of state government: *Provided*, That the state treasurer shall not be considered in violation of RCW 9.54.050 if he maintains demand accounts in public depositaries in an amount less than all treasury warrants issued and outstanding. [1972 ex.s. c 145 § 3.]

43.08.140 Embezzlement—Penalty. If any person holding the office of state treasurer fails to account for and pay over all moneys in his hands in accordance with law, or unlawfully converts to his own use in any way whatever, or uses by way of investment in any kind of property, or loans without authority of law, any portion of the public money intrusted to him for safekeeping, transfer, or disbursement, or unlawfully converts to his own use any money that comes into his hands by virtue of his office, he shall be guilty of embezzlement, and upon conviction thereof, shall be imprisoned in the penitentiary not exceeding fourteen years, and fined a sum equal to the amount embezzled. [1965 c 8 § 43.08.140. Prior: 1890 p 644 § 10; RRS § 11027; prior: 1886 p 105 § 11.]

Embezzlement: RCW 9.54.010.

Misappropriation of funds: RCW 42.20.070, 42.20.090.

Using funds for private gain: RCW 42.20.010.

43.08.150 Monthly financial report. On or before the tenth day after the close of each calendar month, the state treasurer shall prepare three hundred printed copies of a report as to the state of the general fund and separately as to each and every other fund under his control itemized as to:

- (1) The amount in the fund at the close of business at the end of the preceding month;
- (2) The amount of revenue deposited or transferred to the credit of each fund during the current month;
- (3) The amount of withdrawals or transfers from each fund during the current month; and
- (4) The amount on hand in each fund at the close of business at the end of the current month.

One copy of each report shall be mailed on or before the fifteenth day of the reporting month to each member of the state legislature and to each elected state officer. The remaining copies shall be distributed to those requesting them so long as the supply lasts. [1965 c 8 § 43.08.150. Prior: 1947 c 32 § 1; Rem. Supp. 1947 § 11019-1.]

Biennial reports, periods: RCW 43.01.035.

Investment of surplus funds, rules and allocations to be published in report: RCW 43.86.050.

Reports, budget and accounting system: RCW 43.88.160(1).

43.08.160 Monthly financial report—Report to be printed. The state treasurer shall cause all such reports to be printed as other public documents are printed and the approval of no other officer of the state shall be necessary in carrying out the purposes of RCW 43.08.150. [1965 c 8 § 43.08.160. Prior: 1947 c 32 § 2; Rem. Supp. 1947 § 11019-2.]

43.08.180 Cashing checks for state officers and employees—Discretionary—Conditions—Procedure upon dishonor. The state treasurer is hereby authorized, in his discretion and as a service to state officers and employees, to accept in exchange for cash such checks drawn or endorsed by such state officers and employees and presented to his office as meet each of the following conditions:

- (1) The check must be drawn to the order of cash or bearer and be immediately payable by a drawee bank located within the state of Washington;
- (2) The amount of the check shall not exceed two hundred and fifty dollars; and
- (3) The drawer presenting the check to the treasurer must produce such identification as the treasurer may require.

In the event that any check cashed by the state treasurer under this section is dishonored by the drawee bank when presented for payment, the treasurer is authorized, after notice to the drawer or endorser of the dishonor, to withhold from the drawer's or endorser's next state salary warrant the full amount of the dishonored check. [1971 c 5 § 1.]

43.08.190 State treasurer's service fund—Creation—Purpose. There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office. [1973 c 27 § 2.]

Distribution of interest credited to deposit interest fund: RCW 43.85.241.

43.08.200 State treasurer's service fund—Expenditure limitation. All moneys deposited in the state treasurer's service fund shall be expended only pursuant to legislative appropriation and for the purposes set forth in RCW 43.08.190, 43.08.200, and 43.85.241. [1973 c 27 § 3.]

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GENERALLY

43.09.010 Residence—Office—Bond—Oath.

The state auditor shall reside and keep his office at the seat of government. Before entering upon his duties he shall execute and deliver to the secretary of state a

bond to the state in the sum of fifty thousand dollars, to be approved by the governor, conditioned for the faithful performance of all duties required of him by law. He shall take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with his bond, in the office of the secretary of state. [1965 c 8 § 43.09.010. Prior: 1890 p 634 § 1; RRS § 10996; prior: Code 1881 § 2566; 1871 p 96 § 1; 1854 p 409 § 2.]

43.09.020 Auditor of public accounts—Books and records open to public. The auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law.

All books, papers, letters, and transactions pertaining to the office of state auditor shall be open to the inspection of the public generally during office hours. [1965 c 8 § 43.09.020. Prior: 1890 p 635 § 2; RRS § 10997; prior: Code 1881 § 2567; 1871 p 97 § 4; 1854 p 409 § 3.]

Budget and accounting system, powers and duties: RCW 43.88.160(3).

Fiscal records open to public: RCW 43.88.200.

43.09.030 Assistant—Powers—Bond—Oath. The state auditor may appoint an assistant state auditor, who may perform any act or duty of the state auditor, and in case of a vacancy in the office of state auditor, he shall perform the duties of the office until the vacancy is filled as provided by law.

The assistant state auditor shall subscribe to and file the oath of office provided by law for other state officers before entering upon the performance of his duties.

The state auditor shall be liable under his official bond for all the official acts of the assistant state auditor, and may revoke such appointment at his pleasure, and may require such assistant to furnish a bond in such sum as the auditor may determine, which shall be made, approved and filed as other state officials' bonds. The assistant state auditor shall be liable on such bond for any malfeasance or misfeasance in his office.

In case action is brought against the state auditor for the official acts of the assistant state auditor, the auditor shall be subrogated to the rights of the state on the bond of the assistant state auditor, and may maintain action thereon. [1965 c 8 § 43.09.030. Prior: 1909 ex.s. c 22 § 1; RRS § 10998.]

43.09.040 Deputy—Oath. The state auditor may appoint such deputies as he shall deem necessary, who, before entering upon their duties, shall take and subscribe an oath faithfully to perform the duties of such office, which oath shall be endorsed on the appointment and filed in the office of the secretary of state. The appointment may be revoked at the pleasure of the state auditor. The state auditor shall be liable on his official bond for all official acts of his deputies. Deputies shall be paid such salaries as the state auditor may determine. [1965 c 8 § 43.09.040. Prior: 1949 c 62 § 1; 1890 p 635 § 3; Rem. Supp. 1949 § 10999; prior: Code 1881 § 2568.]

43.09.050 General duties of auditor. The auditor shall:

(1) Audit, adjust, and settle all claims against the state, payable out of the treasury, except such as are expressly required by law to be audited and settled by other persons;

(2) Except as otherwise specifically provided by law, audit, settle, and adjust the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

(3) In his discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

(4) Direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

(5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his office;

(6) Require all persons who have received any moneys belonging to the state, and have not accounted therefor, to settle their accounts and make payment thereof;

(7) In his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it;

(8) Authenticate with his official seal papers issued from his office;

(9) Make his official report biennially, on or before the 31st of December, in each year, preceding the meeting of the legislature. [1971 ex.s. c 170 § 1; 1965 c 8 § 43.09.050. Prior: 1890 p 636 § 5; RRS § 11001; prior: Code 1881 § 2570; 1854 p 410 § 5.]

Severability—1971 ex.s. c 170: "If any provision of this 1971 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." [1971 ex.s. c 170 § 5.] This applies to the 1971 amendments to RCW 43.09.050, 43.09.310, 43.88.160 and to RCW 44.28.085.

Advances: Chapter 42.26 RCW.

Information to legislature: RCW 43.88.160(3).

Post-audit duties: RCW 43.88.160(3).

Powers and duties, budget and accounting system: RCW 43.88.160(3).

Report of irregularities to attorney general: RCW 43.88.160(3).

Report to legislature: RCW 43.88.160(3).

43.09.160 Claims against state—Time for presenting—Setoff in actions by state. All persons having claims against the state shall exhibit the same, with the evidence in support thereof, to the auditor, to be audited, settled, and allowed, within two years after the claims accrued, and not afterwards. In all actions brought in behalf of the state, no debt or claim shall be allowed against the state as a setoff, but such as has been exhibited to the auditor, and by him allowed or disallowed, except only in cases where it is proved to the satisfaction of the court that the defendant at the time of trial is in possession of vouchers which he could

not produce to the auditor, or that he was prevented from exhibiting the claim to the auditor by absence from the state, sickness, or unavoidable accident. [1965 c 8 § 43.09.160. Prior: 1890 p 638 § 12; RRS § 11007; prior: Code 1881 § 2578; 1854 p 411 § 8.]

Claims against state made to legislature, filing: RCW 44.18.010.

Tort claims against state, filing: RCW 4.92.100.

43.09.170 May administer oaths. The auditor may administer all oaths required by law in matters pertaining to the duties of his office. [1965 c 8 § 43.09.170. Prior: 1890 p 641 § 23; RRS § 11017; prior: Code 1881 § 2586.]

43.09.180 Seal—Copies of documents as evidence. The auditor shall keep a seal of office for the identification of all papers, writings, and documents required by law to be certified by him, and copies authenticated and certified of all papers and documents lawfully deposited in his office shall be received in evidence with the same effect as the originals. [1965 c 8 § 43.09.180. Prior: 1890 p 641 § 24; RRS § 11018; prior: Code 1881 § 2587.]

MUNICIPAL CORPORATIONS

43.09.190 Division of municipal corporations. There shall be in the office of the state auditor a division to be known as the division of municipal corporations, the principal officer of which shall be the state auditor. He may appoint and deputize an assistant to be known as chief examiner to have charge of the division, subject to the supervision and control of the state auditor. [1965 c 8 § 43.09.190. Prior: (i) 1921 c 7 § 49; RRS § 10807. (ii) 1921 c 7 § 52; RRS § 10810. (iii) 1921 c 7 § 55; RRS § 10813. (iv) 1927 c 280 § 11; 1925 c 18 § 11; RRS § 11101.]

43.09.200 Division of municipal corporations—Uniform system of accounting. The state auditor, through such division, shall formulate, prescribe, and install a system of accounting and reporting, which shall be uniform for every public institution, and every public office, and every public account of the same class.

The system shall exhibit true accounts and detailed statements of funds collected, received, and expended for account of the public for any purpose whatever, and by all public officers, employees, or other persons.

The accounts shall show the receipt, use, and disposition of all public property, and the income, if any, derived therefrom; all sources of public income, and the amounts due and received from each source; all receipts, vouchers, and other documents kept, or required to be kept, necessary to isolate and prove the validity of every transaction; all statements and reports made or required to be made, for the internal administration of the office to which they pertain; and all reports published or required to be published, for the information of the people regarding any and all details of the financial administration of public affairs. [1965 c 8 § 43.09.200. Prior: 1909 c 76 § 2; RRS § 9952.]

43.09.210 Division of municipal corporations—Separate accounts for each fund or activity. Separate accounts shall be kept for every appropriation or fund of a taxing or legislative body showing date and manner of each payment made therefrom, the name, address, and vocation of each person, organization, corporation, or association to whom paid, and for what purpose paid.

Separate accounts shall be kept for each department, public improvement, undertaking, institution, and public service industry under the jurisdiction of every taxing body.

All service rendered by, or property transferred from, one department, public improvement, undertaking, institution, or public service industry to another, shall be paid for at its true and full value by the department, public improvement, undertaking, institution, or public service industry receiving the same, and no department, public improvement, undertaking, institution, or public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of another.

All unexpended balances of appropriations shall be transferred to the fund from which appropriated, whenever the account with an appropriation is closed. [1965 c 8 § 43.09.210. Prior: 1909 c 76 § 3; RRS § 9953.]

43.09.220 Division of municipal corporations—Separate accounts for public service industries. Separate accounts shall be kept for every public service industry, which shall show the true and entire cost of the ownership and operation thereof, the amount collected annually by general or special taxation for service rendered to the public, and the amount and character of the service rendered therefor, and the amount collected annually from private users for service rendered to them, and the amount and character of the service rendered therefor. [1965 c 8 § 43.09.220. Prior: 1909 c 76 § 4; RRS § 9954.]

43.09.230 Division of municipal corporations—Annual reports—Comparative statistics. The state auditor shall require from every taxing district, and public institution, financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by him, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the division within thirty days after the close of each fiscal year, by the auditing department of the taxing district or public institution.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (1) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a municipality; (2) a statement of the entire public debt of every taxing district, to which power has been delegated by the state to create a public debt, showing

the purpose for which each item of the debt was created, and the provisions made for the payment thereof; (3) a classified statement of all receipts and expenditures by any public institution; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, his deputies, or other person legally authorized to make such certificate.

Their substance shall be published in an annual volume of comparative statistics, which shall be issued for each class of accounts, at the expense of the state, as a public document, and shall be submitted by the state auditor to the governor for transmittal to the legislature at the next regular session, or at a special session when required. [1965 c 8 § 43.09.230. Prior: 1909 c 76 § 5; RRS § 9955.]

43.09.240 Division of municipal corporations—Public officers and employees—Duty to account and report—Removal from office—Deposit of collections. Every public officer and employee shall keep all accounts of his office in the form prescribed and make all reports required by the state auditor. Any public officer or employee who refuses or wilfully neglects to perform such duties shall be subject to removal from office in an appropriate proceeding for that purpose brought by the attorney general or by any prosecuting attorney.

Every public officer and employee, whose duty it is to collect or receive payments due or for the use of the public shall deposit such moneys collected or received by him with the treasurer of the taxing district once every twenty-four consecutive hours.

In case a public officer or employee collects or receives funds for the account of a taxing district of which he is an officer or employee, he shall, on Saturday of each week, pay to the proper officer of the taxing district for the account of which the collection was made or payment received, the full amount collected or received during the current week for the account of the district. [1965 c 8 § 43.09.240. Prior: 1963 c 209 § 2; 1911 c 30 § 1; 1909 c 76 § 6; RRS § 9956; prior: 1890 p 638 § 11; Code 1881 § 2577; 1854 p 411 § 7.]

43.09.250 Division of municipal corporations—Appointment of examiners. After the auditor has formulated and installed the system of uniform accounting in any or all classes of public offices, he may appoint additional assistants as required, who shall be known as state examiners. [1965 c 8 § 43.09.250. Prior: 1963 c 209 § 3; 1919 c 119 § 1; 1911 c 30 § 1; 1909 c 76 § 7; RRS § 9957.]

43.09.260 Division of municipal corporations—Examination of taxing districts—Reports—Action by attorney general. The state auditor, the chief examiner, and every state examiner shall have power by himself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.

The examination of the financial affairs of townships, cities and towns, and school districts shall be made at

least once in every two years; all other examinations shall be made at least once a year.

On every such examination, inquiry shall be made as to the financial condition and resources of the taxing district; whether the Constitution and laws of the state, the ordinances and orders of the taxing district, and the requirements of the division of municipal corporations have been properly complied with; and into the methods and accuracy of the accounts and reports.

The state auditor, his deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.

A report of such examination shall be made in triplicate, one copy to be filed in the office of the state auditor, one in the auditing department of the taxing district reported upon, and one in the office of the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for the county commissioners or any board or officer to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor. [1965 c 8 § 43.09.260. Prior: 1909 c 76 § 8; RRS § 9958.]

43.09.270 Division of municipal corporations—Expense of division, how paid. The expense of maintaining and operating the division shall be paid out of the state general fund: *Provided*, That those expenses directly related to the prescribing of accounting systems, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280, and shall be prorated for that purpose

equally among all entities directly affected by such service. [1965 c 8 § 43.09.270. Prior: 1963 c 209 § 4; 1911 c 30 § 1; 1909 c 76 § 10; RRS § 9960.]

43.09.280 Division of municipal corporations—Expense of examination, how paid. The expense of auditing public accounts shall be borne by each entity subject to such audit for the auditing of all counts under its jurisdiction and the state auditor shall certify the expense of such audit to the fiscal or warrant-issuing officer of such entity, who shall immediately make payment to the division of municipal corporations: *Provided*, That no expense of classification "Auditor I" may be so certified. If the expense as certified is not paid by any taxing district within thirty days from the date of certification, the state auditor may certify the expense to the auditor of the county in which the taxing district is situated, who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, which fund, except as to auditing the financial affairs and making inspection and examination of the county, shall be reimbursed by the county auditor out of the money due said taxing district at the next monthly settlement of the collection of taxes and shall be transferred to the current expense fund. [1965 c 8 § 43.09.280. Prior: 1963 c 209 § 5; 1911 c 30 § 1; 1909 c 76 § 11; RRS § 9961.]

43.09.282 Division of municipal corporations—Municipal revolving fund. To facilitate the collection and expenditure of funds for auditing municipal corporations there is hereby created a fund entitled the municipal revolving fund. The state treasurer shall be custodian of the fund. All moneys received by the division of municipal corporations or by any officer or employee thereof shall be deposited with the state treasurer, to be credited to the municipal revolving fund. Such fund shall be administered by the division of municipal corporations and shall be used for payment of the expenses of auditing public accounts. [1965 c 8 § 43.09.282. Prior: 1963 c 209 § 6.]

43.09.285 Joint operations by municipal corporations or political subdivisions—Deposit and control of funds. Whenever by law, two or more municipal corporations or political subdivisions of the state are permitted by law to engage in a joint operation, the funds of such joint operation shall be deposited in the public treasury of the municipal corporation or political subdivision embracing the largest population or the public treasury of any other as so agreed upon by the parties; and such deposit shall be subject to the same audit and fiscal controls as the public treasury where the funds are so deposited: *Provided*, That whenever the laws applicable to any particular joint operation specifically state a contrary rule for deposits, the specific rule shall apply in lieu of the provisions of this section: *Provided, further*, That nothing contained herein shall be construed as limiting the power or authority of the disbursing officer of such joint operation from making disbursements in accordance with the provisions of any contract or

agreement entered into between the parties to the joint operation. [1967 c 41 § 1.]

DEPARTMENTAL AUDITS

43.09.290 Post-audit of state departments—Definitions. For the purposes of RCW 43.09.290 through 43.09.340 post-audit means an annual audit of the books, records, funds, and financial transactions of a state department for a complete fiscal period; pre-audit means all other audits and examinations; state department means elective officers and offices, and every other office, officer, department, board, council, committee, commission, authority, or agency of the state government now existing or hereafter created, supported, wholly or in part, by appropriations from the state treasury or funds under its control, or by the levy, assessment, collection, or receipt of fines, penalties, fees, licenses, sales of commodities, service charges, rentals, grants-in-aid, or other income provided by law, and all state educational, penal, reformatory, charitable, eleemosynary, or other institutions, supported, wholly or in part, by appropriations from the state treasury or funds under its control. [1965 c 8 § 43.09.290. Prior: 1941 c 196 § 1; Rem. Supp. 1941 § 11018-1.]

Post-audit duties, budget and accounting system: RCW 43.88.160(3).

43.09.300 Post-audit of state departments—Division of departmental audits—Chief examiner. There shall be in the office of the state auditor a division to be known as the division of departmental audits. The state auditor may appoint and deputize an assistant to be known as chief examiner, who shall have charge and supervision of the division and who may, with the approval of the state auditor, appoint and employ such state examiners and clerical assistants as may be necessary to carry out the duties of the division. [1965 c 8 § 43.09.300. Prior: 1941 c 196 § 2; Rem. Supp. 1941 § 11018-2.]

43.09.310 Post-audit of state departments—Periodic audits—Reports—Filing. The state auditor, through the division of departmental audits, shall make a post-audit of every state department at such reasonable periodic intervals as he shall determine but in each case an audit shall be conducted every two years. A report of each post-audit upon completion thereof, shall be made in sextuplet, and one copy shall be transmitted to the governor, one to the director of the office of program planning and fiscal management, one to the attorney general, one to the state department audited, one to the legislative budget committee, and one shall be kept on file in the office of the state auditor. [1971 ex.s. c 170 § 2; 1965 c 8 § 43.09.310. Prior: 1947 c 114 § 1; 1941 c 196 § 3; Rem. Supp. 1947 § 11018-3.]

Severability—1971 ex.s. c 170: See note following RCW 43.09.050.

Reports of post-audits: RCW 43.88.160(3).

43.09.320 Post-audit of state departments—Expense, how paid. The expenses incurred in making post-audits shall be paid from an appropriation from the general fund provided by law for that purpose. [1965 c 8 § 43.09.320. Prior: 1941 c 196 § 4; Rem. Supp. 1941 § 11018-4.]

43.09.330 Post-audit of state departments—Authority of officials in making audits—Action by attorney general. The state auditor, the chief examiner, and every state examiner of the division of departmental audits, for the purpose of making post-audits, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff to compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.

If any person summoned neglects or refuses to appear, or neglects or refuses to answer any question that may be put to him touching any matter under audit, or to produce any books or papers required, the person making such audit shall apply to a superior court judge of the county where the hearing arose to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing refuses to testify or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.

If any audit discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute and prosecute in the proper county, appropriate legal action to carry into effect the findings of such post-audit. It shall be unlawful for any state department or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action without the written approval and consent of the attorney general and the state auditor. [1965 c 8 § 43.09.330. Prior: 1941 c 196 § 5; Rem. Supp. 1941 § 11018-5.]

43.09.340 Post-audit of state departments—Audit of books of state auditor. The governor may, from time to time, provide for a post-audit of the books, accounts, and records of the state auditor, and the funds under his control, to be made either by independent qualified public accountants or the director of budget, as he may determine. The expense of making such audit shall be paid from appropriations made therefor from the general fund. [1965 c 8 § 43.09.340. Prior: 1947 c 114 § 2; 1941 c 196 § 6; Rem. Supp. 1947 § 11018-6.]

Chapter 43.10 ATTORNEY GENERAL

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43.10.010 Qualifications—Oath—Bond. No person shall be eligible to be attorney general unless he is a qualified practitioner of the supreme court of this state.

Before entering upon the duties of his office, any person elected or appointed attorney general shall take, subscribe, and file the oath of office as required by law; take, subscribe, and file with the secretary of state an oath to comply with the provisions of RCW 43.10.115; and execute and file with the secretary of state, a bond to the state, in the sum of five thousand dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his duties and the paying over of all moneys, as provided by law. [1973 c 43 § 1; 1965 c 8 § 43.10.010. Prior: 1929 c 92 § 1, part; RRS § 11030, part; prior: 1921 c 119 § 1; 1888 p 7 § 4.]

Severability—1973 c 43: "If any provision of this 1973 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." [1973 c 43 § 6.] This applies to the 1973 amendment to this section and to RCW 43.10.115–43.10.130.

43.10.020 Additional bond—Penalty for failure to furnish. If the governor deems any bond filed by the attorney general insufficient, he may require an additional bond for any amount not exceeding five thousand dollars.

If any attorney general fails to give such additional bond as required by the governor within twenty days after notice in writing of such requirement, his office may be declared vacant by the governor and filled as provided by law. [1965 c 8 § 43.10.020. Prior: (i) 1929 c 92 § 1, part; RRS § 11030, part. (ii) 1929 c 92 § 2; RRS § 11031; prior: 1921 c 119 § 1; 1888 p 7 §§ 4, 5.]

43.10.030 General powers and duties. The attorney general shall:

(1) Appear for and represent the state before the supreme court or the court of appeals in all cases in which the state is interested;

(2) Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;

(3) Defend all actions and proceedings against any state officer in his official capacity, in any of the courts of this state or the United States;

(4) Consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when the interests of the state require, he shall attend the trial of any person accused of a crime, and assist in the prosecution;

(5) Consult with and advise the governor, members of the legislature and other state officers, and when requested, give written opinions upon all constitutional or legal questions relating to the duties of such officers;

(6) Prepare proper drafts of contracts and other instruments relating to subjects in which the state is interested;

(7) Give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;

(8) Enforce the proper application of funds appropriated for the public institutions of the state, and prosecute corporations for failure or refusal to make the reports required by law;

(9) Keep in proper books a record of all cases prosecuted or defended by him, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his successor in office;

(10) Keep books in which he shall record all the official opinions given by him during his term of office, and deliver the same to his successor in office;

(11) Pay into the state treasury all moneys received by him for the use of the state. [1971 c 81 § 109; 1965 c 8 § 43.10.030. Prior: (i) 1929 c 92 § 3; RRS § 112. (ii) 1929 c 92 § 4; RRS § 11032; prior: 1891 c 55 § 2; 1888 p 8 § 6.]

43.10.040 Representation of boards, commissions and agencies. The attorney general shall also represent the state and all officials, departments, boards, commissions and agencies of the state in the courts, and before all administrative tribunals or bodies of any nature, in all legal or quasi legal matters, hearings, or proceedings, and advise all officials, departments, boards, commissions, or agencies of the state in all matters involving legal or quasi legal questions, except those declared by law to be the duty of the prosecuting attorney of any county. [1965 c 8 § 43.10.040. Prior: 1941 c 50 § 1, part; Rem. Supp. 1941 § 11034–3, part.]

43.10.050 Authority to execute appeal and other bonds. The attorney general may execute, on behalf of the state, any appeal or other bond required to be given by the state in any judicial proceeding to which it is a party in any court, and procure sureties thereon. [1965 c 8 § 43.10.050. Prior: 1929 c 92 § 6; RRS § 11034; prior: 1905 c 99 § 1.]

43.10.060 Appointment and authority of assistants. The attorney general may appoint necessary assistants, who shall hold office at his pleasure, and who shall have the power to perform any act which the attorney general is authorized by law to perform. [1965 c 8 § 43.10.060. Prior: 1929 c 92 § 7, part; RRS § 11034–1, part.]

43.10.065 Employment of attorneys and employees to transact state's legal business. The attorney general may employ or discharge attorneys and employees to transact for the state, its departments, officials, boards, commissions, and agencies, all business of a legal or quasi legal nature, except those declared by law to be the duty of the judge of any court, or the prosecuting attorney of any county. [1965 c 8 § 43.10.065. Prior: 1941 c 50 § 1, part; Rem. Supp. 1941 § 11034–3, part. Formerly RCW 43.10.060, part.]

43.10.067 Employment of attorneys by others restricted. No officer, director, administrative agency, board, or commission of the state, other than the attorney general, shall employ, appoint or retain in employment any attorney for any administrative body, department, commission, agency, or tribunal or any

other person to act as attorney in any legal or quasi legal capacity in the exercise of any of the powers or performance of any of the duties specified by law to be performed by the attorney general, except where it is provided by law to be the duty of the judge of any court or the prosecuting attorney of any county to employ or appoint such persons: *Provided*, That RCW 43.10.040, and RCW 43.10.065 through 43.10.080 shall not apply to the administration of the judicial council, the state law library, the law school of the state university, or the administration of the state bar act by the Washington State Bar Association.

The authority granted by chapter 1.08 RCW, RCW 44.24.050, and RCW 44.28.140 shall not be affected hereby. [1965 c 8 § 43.10.067. Prior: (i) 1941 c 50 § 2; Rem. Supp. 1941 § 11034-4. (ii) 1941 c 50 § 4; Rem. Supp. 1941 § 11034-6. Formerly RCW 43.01.080.]

43.10.070 Compensation of assistants, attorneys and employees. The attorney general shall fix the compensation of all assistants, attorneys, and employees, and in the event they are assigned to any department, board, or commission, such department, board, or commission shall pay the compensation as fixed by the attorney general, not however in excess of the amount made available to the department by law for legal services. [1965 c 8 § 43.10.070. Prior: 1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part.]

43.10.080 Employment of experts, technicians. The attorney general may employ such skilled experts, scientists, technicians, or other specially qualified persons as he deems necessary to aid him in the preparation or trial of actions or proceedings. [1965 c 8 § 43.10.080. Prior: 1941 c 50 § 3; Rem. Supp. 1941 § 11034-5.]

43.10.090 Criminal investigations—Supervision. Upon the written request of the governor the attorney general shall investigate violations of the criminal laws within this state.

If, after such investigation, the attorney general believes that the criminal laws are improperly enforced in any county, and that the prosecuting attorney of the county has failed or neglected to institute and prosecute violations of such criminal laws, either generally or with regard to a specific offense or class of offenses, the attorney general shall direct the prosecuting attorney to take such action in connection with any prosecution as the attorney general determines to be necessary and proper.

If any prosecuting attorney, after the receipt of such instructions from the attorney general, fails or neglects to comply therewith within a reasonable time, the attorney general may initiate and prosecute such criminal actions as he shall determine. In connection therewith, the attorney general shall have the same powers as would otherwise be vested in the prosecuting attorney.

From the time the attorney general has initiated or taken over a criminal prosecution, the prosecuting attorney shall not have power or authority to take any legal steps relating to such prosecution, except as

authorized or directed by the attorney general. [1965 c 8 § 43.10.090. Prior: 1937 c 88 § 1; RRS § 112-1.]

Corporations, governor may require attorney general to investigate:
RCW 43.06.010(6).

Prosecuting attorneys, governor may require attorney general to aid:
RCW 43.06.010(7).

43.10.100 Biennial report. The attorney general shall prepare and report to the governor and the legislature, at or before the convening of each biennial session, a concise statement of all matters pertaining to his official duties, making such suggestions for lessening the public expenses and promoting frugality in the public offices as he deems expedient and proper. [1965 c 8 § 43.10.100. Prior: 1929 c 92 § 5; RRS § 11033; prior: 1888 p 8 § 7.]

43.10.110 Other powers and duties. The attorney general shall have the power and it shall be his duty to perform any other duties that are, or may from time to time be required of him by law. [1965 c 8 § 43.10.110. Prior: 1929 c 92 § 8; RRS § 11034-2.]

43.10.115 Private practice of law—Attorney general—Prohibited. The attorney general shall not practice law for remuneration in his private capacity:

(1) As an attorney in any court of this state during his continuance in office; or

(2) As adviser or advocate for any person who may wish to become his client. [1973 c 43 § 2.]

43.10.120 Private practice of law—Deputies and assistants—Prohibited. No full time deputy or assistant attorney general shall practice law for remuneration in his private capacity:

(1) As an attorney in any court of this state during his continuance in office; or

(2) As adviser or advocate for any person who may wish to become his client. [1973 c 43 § 3.]

43.10.125 Private practice of law—Special assistant attorney generals. Special assistant attorney generals employed on less than a full time basis to transact business of a legal or quasi legal nature for the state, such assistants and attorneys may practice law in their private capacity as attorney. [1973 c 43 § 4.]

43.10.130 Private practice of law—Exceptions. None of the provisions of RCW 43.10.010 and 43.10.115 through 43.10.125 shall be construed as prohibiting the attorney general or any of his full time deputies or assistants from:

(1) Performing legal services for himself or his immediate family; or

(2) Performing legal services of a charitable nature. [1973 c 43 § 5.]

43.10.150 Legal services revolving fund—Created—Purpose. A legal services revolving fund is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the legal services provided to agencies of the state government by the attorney general. [1974 1st ex.s. c 146 § 1; 1971 ex.s. c 71 § 1.]

Effective date—1974 1st ex.s. c 146: "This act shall take effect on July 1, 1974 for costs, billings and charges affecting the 1975 fiscal year and subsequent biennia." [1974 1st ex.s. c 146 § 5.]

43.10.160 Legal services revolving fund—Transfers and payments into fund—Allotments to attorney general. The amounts to be disbursed from the legal services revolving fund from time to time shall be transferred thereto by the state treasurer from funds appropriated to any and all agencies for legal services or administrative expenses on a quarterly basis. Agencies operating in whole or in part from nonappropriated funds shall pay into the legal services revolving fund such funds as will fully reimburse funds appropriated to the attorney general for any legal services provided activities financed by nonappropriated funds.

The director of the office of program planning and fiscal management shall allot all such funds to the attorney general for the operation of his office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other agencies headed by elected officers under chapter 43.88 RCW. [1974 1st ex.s. c 146 § 2; 1971 ex.s. c 71 § 2.]

Effective date—1974 1st ex.s. c 146: See note following RCW 43.10.150.

43.10.170 Legal services revolving fund—Disbursements. Disbursements from the legal services revolving fund shall be pursuant to vouchers executed by the attorney general or his designee in accordance with the provisions of RCW 43.88.160. [1971 ex.s. c 71 § 3.]

43.10.180 Legal services revolving fund—Allocation of costs to funds and agencies—Accounting—Billing. The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of the office of program planning and fiscal management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months. [1974 1st ex.s. c 146 § 3; 1971 ex.s. c 71 § 4.]

Effective date—1974 1st ex.s. c 146: See note following RCW 43.10.150.

43.10.190 Legal services revolving fund—Direct payments from agencies. In cases where there are unanticipated demands for legal services or where there are insufficient funds on hand or available for payment through the legal services revolving fund or in other cases of necessity, the attorney general may request payment for legal services directly from agencies for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of the office of program planning and fiscal management the agency shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of the office of program planning and fiscal management. [1971 ex.s. c 71 § 5.]

43.10.200 Legal services revolving fund—Recovered court costs, fees and expenses—Deposit in fund—Expenditure. Court costs, attorneys' fees, and other expenses recovered by the attorney general shall be deposited in the legal services revolving fund and shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended in the same manner and under the same conditions and restrictions as set forth in section 11, chapter 282, Laws of 1969 ex. sess. [1971 ex.s. c 71 § 6.]

43.10.210 Antitrust revolving fund—Legislative finding and purpose. The legislature having found that antitrust laws and the enforcement thereof are necessary for the protection of consumers and businesses, and further that the creation of an antitrust revolving fund provides a reasonable means of funding antitrust actions by the attorney general, and that the existence of such a fund increases the possibility of obtaining funding from other sources, now therefore creates the antitrust revolving fund. [1974 1st ex.s. c 162 § 1.]

43.10.215 Antitrust revolving fund—Created—Contents. There is hereby created the antitrust revolving fund in the custody of the state treasurer which shall consist of: Funds appropriated to the revolving fund, funds transferred to the revolving fund pursuant to a court order or judgment in an antitrust action; gifts or grants made to the revolving fund; and funds awarded to the state or any agency thereof for the recovery of costs and attorney fees in an antitrust action: *Provided however,* That to the extent that such costs constitute reimbursement for expenses directly paid from constitutionally dedicated funds, such recoveries shall be transferred to the constitutionally dedicated fund. [1974 1st ex.s. c 162 § 2.]

43.10.220 Antitrust revolving fund—Expenditures. The attorney general is authorized to expend from the antitrust revolving fund, created by RCW 43.10.210 through 43.10.220, such funds as are necessary for the payment of costs, expenses and charges incurred in the preparation, institution and maintenance of antitrust actions under the state and federal antitrust acts. [1974 1st ex.s. c 162 § 3.]

Chapter 43.12 COMMISSIONER OF PUBLIC LANDS

Sections

43.12.010 Powers and duties—Generally.

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Acquisition of public lands for highway purposes, commissioner's powers and duties relating to: RCW 47.12.020.

Acquisition of state lands for highway purposes, maps to be filed with commissioner: RCW 47.12.020.

Administrator of natural resources: RCW 43.30.050.

Assistant commissioner: RCW 79.01.056.

Attorney general to represent: RCW 79.01.736.

Biennial report to legislature: RCW 79.01.744.

Board of natural resources secretary: RCW 43.30.150(9).

Bonds: RCW 79.01.064.

City or metropolitan park district parks or playgrounds, member of citizens committee to investigate and determine needs for tidelands and shorelands: RCW 79.08.080.

Duties of, to be prescribed by legislature: State Constitution Art. 3 § 23.

Election: State Constitution Art. 3 § 1.

Eminent domain against state lands

filing judgment with commissioner of public lands: RCW 8.28.010.

service of process on: RCW 8.28.010.

Eminent domain by corporations, service on: RCW 8.20.020.

Employees: RCW 79.01.060.

Escheats

conveyance of real property to claimant: RCW 11.08.270.

jurisdiction and supervision over real property: RCW 11.08.220.

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Fees: RCW 79.01.720, 79.01.724.

Funds

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Game and game fish held lands, sale or lease of land or materials, certificate filed with commissioner of public lands: RCW 77.12.210.

Game hunting, withdrawal of state lands from lease and sale for purposes of: Chapter 77.40 RCW.

Harbor line relocation, platting of additional tidelands and shorelands created by: RCW 79.01.424.

Interagency committee for outdoor recreation, membership: RCW 43.99.110.

Land inspectors

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Land settlement lands, sale: RCW 89.04.110, 89.04.115.

Local and other improvements and assessments against state lands, tidelands and harbor area assessments, disapproval, effect: RCW 79.44.140.

Mistakes, recall of leases, contract or deeds to correct: RCW 79.01.740.

Oath of office: RCW 43.01.020, 79.01.056.

Office may be abolished by legislature: State Constitution Art. 3 § 25 (Amendment 31).

Powers and duties transferred to natural resources department: RCW 43.30.130.

Recall of leases, contracts, or deeds to correct mistakes: RCW 79.01.740.

Reclamation projects of state: RCW 89.16.080.

Reconsideration of official acts: RCW 79.01.740.

Records to be kept at state capitol: State Constitution Art. 3 § 24.

Salary, amount of: RCW 43.03.010.

regulated by legislature: State Constitution Art. 3 § 23.

School lands, data and information furnished to department of natural resources as to sale or lease of: RCW 79.01.094.

State capitol committee, secretary of: RCW 43.34.015.

State capitol committee member: RCW 43.34.010.

State lands: Chapter 79.01 RCW.

State parks, withdrawal of public lands from sale, exchange for highway abutting lands, duties: RCW 43.51.110.

Subpoena power: RCW 79.01.704.

Succession to governorship: State Constitution Art. 3 § 10 (Amendment 6).

Survey and map agency, advisory board, appointment: RCW 58.24.020.

Term of office: State Constitution Art. 3 § 3; RCW 43.01.010.

Tidelands and shorelands in tidal rivers located by, finality of location: RCW 79.01.564.

Underground storage of natural gas

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notice of application for sent to: RCW 80.40.040.

United States land offices, appearance before: RCW 79.01.732.

Washington State University real property, annual report as to: RCW 28B.30.310.

Withdrawal of state land from lease for game purposes, powers and duties concerning: RCW 77.12.360.

Youth development and conservation committee, representation upon: RCW 43.51.520.

43.12.010 Powers and duties—Generally. The commissioner of public lands shall exercise such powers and perform such duties as are prescribed by law. [1965 c 8 § 43.12.010. Prior: 1921 c 7 § 119; RRS § 10877.]

Chapter 43.17

ADMINISTRATIVE DEPARTMENTS AND AGENCIES—GENERAL PROVISIONS

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43.17.010 Departments created. 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, and (11) 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. [1971 c 11 § 1. Prior: 1970 ex.s. c 62 § 28; 1970 ex.s. c 18 § 50; 1969 c 32 § 1; prior: 1967 ex.s. c 26 § 12; 1967 c 242 § 12; 1965 c 156 § 20; 1965 c 8 § 43.17.010; prior: 1957 c 215 § 19; 1955 c 285 § 2; 1953 c 174 § 1; prior: (i) 1937 c 111 § 1, part; RRS § 10760–2, part. (ii) 1935 c 176 § 1; 1933 c 3 § 1; 1929 c 115 § 1; 1921 c 7 § 2; RRS § 10760. (iii) 1945 c 267 § 1, part; Rem. Supp. 1945 § 10459–1, part. (iv) 1947 c 114 § 5; Rem. Supp. 1947 § 10786–10c.]

Department of agriculture: Chapter 43.23 RCW.

Department of commerce and economic development: Chapter 43.31 RCW.

Department of fisheries: Chapter 75.08 RCW.

Department of game: Chapter 77.04 RCW.

Department of general administration: Chapter 43.19 RCW.

Department of highways: Chapter 47.01 RCW.

Department of labor and industries: Chapter 43.22 RCW.

Department of motor vehicles: Chapters 43.24, 46.01 RCW.

Department of natural resources: Chapter 43.30 RCW.

Department of social and health services: Chapter 43.20A RCW.

43.17.020 Chief executive officers—Appointment.

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, and (11) 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. [1971 c 11 § 2. Prior: 1970 ex.s. c 62 § 29; 1970 ex.s. c 18 § 51; 1969 c 32 § 2; prior: 1967 ex.s. c 26 § 13; 1967 c 242 § 13; 1965 c 156 § 21; 1965 c 8 § 43.17.020; prior: 1957 c 215 § 20; 1955 c 285 § 3; 1953 c 174 § 2; prior: (i) 1935 c 176 § 2; 1933 c 3 § 2; 1929 c 115 § 2; 1921 c 7 § 3; RRS § 10761. (ii) 1937 c 111 § 1, part; RRS § 10760. (iii) 1945 c 267 § 1, part; Rem. Supp. 1945 § 10459-1, part.]

Director of game appointed by state game commission: RCW 77.04.060.

Director of highways appointed by state highway commission: RCW 47.01.100.

43.17.030 Powers and duties—Oath. The directors of the several departments shall exercise such powers and perform such executive and administrative duties as are provided by law.

Each appointive officer before entering upon the duties of his office shall take and subscribe the oath of office prescribed by law for elective state officers, and file the same in the office of the secretary of state. [1965 c 8 § 43.17.030. Prior: 1921 c 7 § 18; RRS § 10776.]

Oaths of elective state officers: RCW 43.01.020.

43.17.040 Chief assistant director—Powers. The director of each department may, from time to time, designate and deputize one of the assistant directors of his department to act as the chief assistant director, who shall have charge and general supervision of the department in the absence or disability of the director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until

a director is appointed and qualified, or the governor appoints an acting director. [1965 c 8 § 43.17.040. Prior: 1921 c 7 § 118; RRS § 10876.]

43.17.050 Office at capital—Branch offices. Each department shall maintain its principal office at the state capital. The director of each department may, with the approval of the governor, establish and maintain branch offices at other places than the state capital for the conduct of one or more of the functions of his department.

The governor, in his discretion, may require all administrative departments of the state and the appointive officers thereof, other than those created by this chapter, to maintain their principal offices at the state capital in rooms to be furnished by the director of general administration. [1965 c 8 § 43.17.050. Prior: (i) 1921 c 7 § 20; RRS § 10778. (ii) 1921 c 7 § 134; RRS § 10892.]

Certain departments to pay housing costs: RCW 43.01.090.

Housing for state offices, departments and institutions: Chapter 43.82 RCW.

43.17.060 Departmental rules and regulations. The director of each department may prescribe rules and regulations, not inconsistent with law, for the government of his department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto. [1965 c 8 § 43.17.060. Prior: 1921 c 7 § 19; RRS § 10777.]

Administrative procedure: Title 34 RCW.

43.17.070 Administrative committees. There shall be administrative committees of the state government, which shall be known as, (1) the state finance committee, (2) the state capitol committee, and (3) the state voting machine committee. [1965 c 8 § 43.17.070. Prior: 1929 c 115 § 3; 1921 c 7 § 4; RRS § 10762.]

State capitol committee: Chapter 43.34 RCW.

State finance committee: Chapter 43.33 RCW.

State voting machine committee: RCW 29.33.030-29.33.070.

43.17.080 Administrative board—How constituted. The governor and the directors of the several departments shall constitute the administrative board. The governor shall be chairman of the board.

The board may adopt general rules and regulations for the transaction of business and provide for such committees as may be deemed expedient to facilitate the work of the board, the members of which shall be appointed by the chairman.

A vote of a majority of the entire membership of the board shall be necessary to exercise any of the administrative powers, or perform any of the administrative duties vested in, or required to be performed by, the board.

A majority of the board shall constitute a quorum, and a majority of those present at any meeting of the board may determine and advise as to questions of policy in the administration of any of the departments submitted to the board by any member thereof. The

board shall meet at the call of the governor. [1965 c 8 § 43.17.080. Prior: 1921 c 7 § 14; RRS § 10772.]

43.17.090 Administrative board—Powers and duties. The administrative board shall:

(1) From time to time, systematize and unify the administrative duties of the departments of the state government and make such necessary assignments of duties to the departments as it may deem advisable to correlate and coordinate the work thereof;

(2) Fix the amount of bond to be given by each appointive state officer and each employee of the state in all cases where it is not fixed by law;

(3) Require the giving of an additional bond, or a bond in a greater amount than provided by law, in all cases where in its judgment the statutory bond is not sufficient in amount to cover the liabilities of the officer or employee;

(4) Exempt subordinate employees from giving bond when in its judgment their powers and duties are such as not to require a bond. [1965 c 8 § 43.17.090. Prior: 1961 c 1 § 31 (Initiative Measure No. 207); 1929 c 68 § 1; 1921 c 7 § 15; RRS § 10773.]

43.17.100 Official bonds. Before entering upon the discharge of the duties of his office or employment, every appointive state officer and employee of the state shall give a surety bond, payable to the state, in such sum as is provided by law or in such sum as shall be deemed necessary by the administrative board, conditioned for the faithful performance of the duties of the office or employment, and accounting for all property of the state that shall come into his possession by virtue of his office or employment, which bond shall be approved as to form by the attorney general and as to sufficiency by the administrative board, and shall be filed in the office of the secretary of state. [1965 c 8 § 43.17.100. Prior: 1921 c 7 § 16; RRS § 10774.]

Official bonds: Chapter 42.08 RCW.

43.17.110 Data, information, interdepartmental assistance. Where power is vested in a department or officer to inspect, examine, secure data or information from, or procure assistance from, another department or officer, such other department or officer shall submit to such inspection or examination, and furnish the data, information, or assistance required. [1965 c 8 § 43.17.110. Prior: 1921 c 7 § 128; RRS § 10886.]

43.17.120 Designation of agency to carry out federal social security disability program. Such state agency as the governor may designate is hereby authorized to enter into an agreement on behalf of the state with the Secretary of Health, Education and Welfare to carry out the provisions of the federal social security act, as amended, relating to the making of determinations of disability under title II of such act. [1965 c 8 § 43.17.120. Prior: 1955 c 200 § 1.]

Federal social security for public employees: Chapters 41.33, 41.41, 41.47 and 41.48 RCW.

43.17.130 Designation of agency to carry out federal social security disability program—Appointment of personnel. The state agency entering into such agreement shall appoint such professional personnel and other assistants and employees as may be reasonably necessary to carry out the provisions of RCW 43.17.120 and 43.17.130. [1965 c 8 § 43.17.130. Prior: 1955 c 200 § 2.]

43.17.200 Agencies to expend moneys for acquisition of works of art—Conditions. All state agencies or departments shall expend, as a nondeductible item, out of any moneys appropriated for the original construction of any state building, an amount of one-half of one percent of the appropriation for the acquisition of works of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited by the agency in other public facilities. In case the amount shall not be required in toto or in part for any project, such unrequired amounts may be accumulated and expended for art in other projects of the agency. Expenditures for works of art as provided for herein shall be contracted for separately from all other items in the original construction of any state building. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration by the contracting agency, the architect and Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature. [1974 1st ex.s. c 176 § 2.]

Acquisition of works of art for use in public buildings: RCW 43.46.090.

Purchase of works of art—Procedure: RCW 43.19.455.

Chapter 43.19

DEPARTMENT OF GENERAL ADMINISTRATION

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Archives and records management division: Chapter 40.14 RCW.

Buildings, provision to be made for use by aged and handicapped: Chapter 70.92 RCW.

Data processing equipment and services, utilization of department of general administration: RCW 43.105.050.

Department created: RCW 43.17.010.

Director

appointment: RCW 43.17.020.

chief assistants: RCW 43.17.040.

control of traffic on capitol grounds: RCW 46.08.150.

oath: RCW 43.17.030.

printing and duplicating committee member: RCW 43.77.010.

vacancy in office of: RCW 43.17.020, 43.17.040.

East capitol site, powers and duties: Chapter 79.24 RCW.

Federal surplus property, powers and duties: Chapter 39.32 RCW.

Housing for state offices, departments and institutions: Chapter 43.82 RCW.

Office located at state capital: RCW 43.17.050.

Offshore items, use of in performance of public works contracts: Chapter 39.25 RCW.

Parking facilities and traffic on capitol grounds: RCW 79.24.300-79.24.320, 46.08.150.

Rules and regulations: RCW 43.17.060.

Transfers from state board of education to state board for community college education, duties: RCW 28B.50.700.

Veterans' loan insurance funds: Chapter 73.12 RCW.

43.19.010 Divisions of department—Authority and salary of director. The department of general administration shall be organized into five divisions, to be known as, (1) the division of banking, (2) the division of savings and loan associations, (3) the division of capitol buildings, (4) the division of purchasing, and (5) the division of engineering and architecture.

The director of general administration shall have charge and general supervision of the department. He may appoint and deputize such clerical and other assistants as may be necessary for the general administration of the department. The director of general administration shall receive a salary in an amount fixed by the governor. [1965 c 8 § 43.19.010. Prior: 1959 c 301 § 1; 1955 c 285 § 4; 1955 c 195 § 6; 1935 c 176 § 11; prior: 1909 c 38 §§ 1-7; 1907 c 166 §§ 3-5; 1901 c 119 §§ 1-9; RRS § 10786-10.]

43.19.013 Deputy director. The director of general administration may appoint and deputize an assistant director to be known as the deputy director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director. [1967 c 27 § 1.]

43.19.015 Certain powers and duties of director of public institutions transferred to director of general administration. The director of general administration shall have the power and duties of the director of public institutions contained in the following chapters of RCW: Chapter 33.04 RCW concerning savings and loan associations; chapter 39.32 RCW concerning purchase of federal property; chapter 40.08 and 40.12 RCW concerning archives; chapter 43.90 RCW concerning central stores and chapter 73.12 RCW concerning veterans' loan insurance. [1965 c 8 § 43.19.015. Prior: 1955 c 285 § 18.]

43.19.020 Supervisor of banking—Appointment—Qualifications—Examiners. The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of banking, who shall have charge and supervision of the division of banking. With the approval of the director, he may appoint and employ bank examiners and such other assistants and personnel as may be necessary to carry on the work of the division.

No person shall be eligible for appointment as supervisor of banking unless he is, and for the last two years prior to his appointment has been, a citizen of the United States and a resident of this state; nor if he is interested in any bank or trust company as director, officer, or stockholder. [1965 c 8 § 43.19.020. Prior: 1955 c 285 § 5; prior: (i) 1919 c 209 § 2; 1917 c 80 § 2; RRS §

3209. (ii) 1945 c 123 § 1; 1935 c 176 § 12; Rem. Supp. 1945 § 10786-11.]

43.19.030 Oath and bond of examiners—Liability for acts performed in good faith. Before entering upon his office each bank examiner shall take and subscribe an oath faithfully to discharge the duties of his office and shall each execute to the state a bond to be approved by the governor in such sum as may be deemed necessary by the administrative board, with a surety company authorized to do business in this state, as surety, conditioned for the faithful performance of his duties. The premiums on such bonds shall be paid by the state.

Oaths and bonds shall be filed with the secretary of state.

Neither the supervisor of banking, any deputy supervisor nor any bank examiner shall be personally liable for any act done by him in good faith in the performance of his duties. [1965 c 8 § 43.19.030. Prior: 1943 c 217 § 1; 1919 c 209 § 3; 1917 c 80 § 3; Rem. Supp. 1943 § 3210.]

43.19.040 Powers and duties—Division of banking. The director of general administration, through the division of banking, shall exercise all the powers and perform all the duties prescribed by law with respect to banks and trust companies, mutual savings banks, loan agencies and other similar institutions. [1965 c 8 § 43.19.040. Prior: 1955 c 285 § 6; 1935 c 176 § 17; RRS § 10786-16.]

Powers as to

banks and trust companies: Title 30 RCW.

industrial loan companies: Chapter 31.04 RCW.

mutual savings banks: Title 32 RCW.

small loan companies: Chapter 31.08 RCW.

43.19.050 Office of supervisor of banking—Record of receipts and disbursements—Seal. The supervisor of banking shall maintain an office at the state capitol, but may with the consent of the governor also maintain an office at some other convenient banking center in this state. He shall keep books of record of all moneys received or disbursed by him. He shall adopt an official seal. [1965 c 8 § 43.19.050. Prior: 1917 c 80 § 4; RRS § 3211.]

43.19.060 Secrecy enjoined as to banks and trust companies—Exceptions—Penalty. Neither the supervisor nor any person connected with his division shall disclose any information obtained from any bank or trust company to any person not connected with the division, except federal, federal reserve bank, state or clearing house bank examiners, or to officials empowered to investigate criminal charges, or except as is otherwise required by law. Every person who violates any provision of this section shall forfeit his office or employment and be guilty of a gross misdemeanor. [1965 c 8 § 43.19.060. Prior: 1919 c 209 § 6; 1917 c 80 § 9; RRS § 3216.]

43.19.070 Secrecy enjoined as to mutual savings banks—Exceptions—Penalty. Neither the supervisor nor any person connected with his division shall disclose any information obtained from any mutual savings bank to any person not connected with the division except to officials empowered to investigate criminal charges, or except as is otherwise required by law. Every person who violates any provision of this section shall forfeit his office or employment and be guilty of a gross misdemeanor. [1965 c 8 § 43.19.070. Prior: 1931 c 132 § 3; RRS § 3369a.]

43.19.080 Borrowing money by supervisor, deputy or employee—Penalty. It shall be unlawful for the supervisor or any deputy or employee of his division to borrow money from any bank or trust company under his jurisdiction. Every person who violates this section shall forfeit his office or employment and be guilty of a gross misdemeanor. [1965 c 8 § 43.19.080. Prior: 1917 c 80 § 11; RRS § 3218.]

43.19.090 Supervisor's annual report—Contents—Publication—Distribution. The supervisor shall file in his office all reports required to be made to him, prepare and furnish to banks and trust companies blank forms for such reports as are required of them and on or before the first day of February of each year make a report for the preceding year to the governor showing:

- (1) A summary of the conditions of the banks and trust companies at the date of their last report;
- (2) A list of those organized or closed during the year;
- (3) The amount of money collected and expended by him.

He shall publish annually at the expense of his division, in pamphlet form, at least five hundred copies of such report and shall furnish a copy thereof free to each bank and trust company, and may furnish them to other interested persons. He shall publish such other statements, reports, and pamphlets as he deems advisable. [1965 c 8 § 43.19.090. Prior: 1917 c 80 § 13; RRS § 3220.]

43.19.100 Supervisor of savings and loan associations—Appointment—Qualifications. The director of general administration, shall appoint and deputize an assistant director to be known as the supervisor of savings and loan associations, who shall have charge and supervision of the division of savings and loan associations.

With the approval of the director, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

No person shall be eligible for appointment as supervisor of savings and loan associations unless he is, and for at least two years prior to his appointment has been, a citizen of the United States and a resident of this state, and has had at least two years' practical experience in savings and loan employment, examination, or supervision. [1965 c 8 § 43.19.100. Prior: 1955 c 285 § 7; 1935 c 176 § 13; RRS § 10786-12.]

43.19.110 Powers and duties—Division of savings and loan associations. The director of general administration, through the division of savings and loan associations, shall exercise all the powers and perform all the duties prescribed by law with respect to savings and loan associations, credit unions, and other similar institutions. [1965 c 8 § 43.19.110. Prior: 1955 c 285 § 8; 1935 c 176 § 18; RRS § 10786–17.]

*Powers as to credit unions: Chapter 31.12 RCW.
savings and loan associations: Title 33 RCW.*

43.19.120 Secrecy enjoined as to associations—Exceptions—Penalty. The information obtained by the supervisor or any of his examiners or agents shall be deemed confidential and any supervisor, examiner, or agent who wilfully circulates or transmits to another, other than in the course of duty to the institution examined and to his superior officer, and to the officials of the institution examined, any information so obtained shall be guilty of a gross misdemeanor.

The provisions of this section shall not apply to the preparation and publication of the usual statistical reports of the supervisor or to the furnishing of any such information to any state or federal department or agency. [1965 c 8 § 43.19.120. Prior: 1945 c 235 § 93; Rem. Supp. 1945 § 3717–212.]

43.19.125 Powers and duties—Division of capitol buildings. The director of general administration, through the division of capitol buildings, shall have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials. [1965 c 8 § 43.19.125. Prior: 1959 c 301 § 2; 1955 c 285 § 9.]

East capitol site, acquisition and development: RCW 79.24.500–79.24.600.

Housing for state offices: Chapter 43.82 RCW.

Parking facilities and traffic on capitol grounds: RCW 79.24.300–79.24.320, 46.08.150.

Standards of designs for public buildings: Chapter 70.86 RCW.

43.19.180 Supervisor of purchasing—Appointment—Personnel. The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of purchasing, who shall have charge and supervision of the division of purchasing.

With the approval of the director, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division. [1965 c 8 § 43.19.180. Prior: 1955 c 285 § 10; 1935 c 176 § 16; RRS § 10786–15; prior: 1921 c 7 § 31; RRS § 10789.]

43.19.190 Division of purchasing—Powers and duties. The director of general administration, through the division of purchasing, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: *Provided*, That primary authority for the purchase of specialized equipment, instructional and research material for their own use shall rest with the colleges, community colleges and universities: *Provided further*, That primary authority for the purchase of materials, supplies and equipment for resale to other than state agencies shall rest with the state agency concerned;

(3) Provide the required staff assistance for the state purchasing advisory committee through the division of purchasing;

(4) Have authority to delegate to state agencies a limited authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment and supplies: *Provided*, That acceptance of the limited purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939 or from policies established by the director after consultation with the state purchasing advisory committee;

(5) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(6) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(7) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(8) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(9) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications after receiving the recommendation of the purchasing advisory committee;

(10) Provide for the maintenance of inventory records of supplies, materials, equipment, and other property;

(11) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors. [1971 c 81 § 110; 1969 c 32 § 3. Prior: 1967 ex.s. c 104 § 2; 1967 ex.s. c 8 § 51; 1965 c 8 § 43.19.190; prior: 1959 c 178 § 1; 1957 c 187 § 1; 1955 c 285 § 12; prior: (i) 1935 c 176 § 21; RRS § 10786–20. (ii) 1921 c 7 § 42; RRS § 10800. (iii) 1955 c 285 § 12; 1921 c 7 § 37, part; RRS § 10795, part.]

Federal surplus property: Chapter 39.32 RCW.

Institution made goods, supervisor to give preference to: RCW 72.60.190.

Purchase of blind made products and services: Chapter 19.06 RCW.

43.19.1901 "Purchase" includes leasing or renting—Electronic data processing equipment excepted. The term "purchase" as used in RCW 43.19.190

through 43.19.210, and as they may hereafter be amended, shall include leasing or renting: *Provided*, That the purchasing, leasing or renting of electronic data processing equipment shall not be included in the term "purchasing" if and when such transactions are otherwise expressly provided for by law. [1967 ex.s. c 104 § 1.]

Reviser's note: RCW 43.19.210 was repealed by 1967 ex.s. c 104 § 7.

Data processing system, utilization of services of department of general administration: RCW 43.105.050.

43.19.1902 State purchasing advisory committee. There is hereby created a state purchasing advisory committee which shall consist of seven members as follows: The director of general administration as chairman, and a representative from each of the following six state agencies, who shall be appointed by the governor based upon recommendations of the head of the agency from which the selection is made; the department of highways, the department of institutions, the department of natural resources, the University of Washington, Washington State University and the central budget agency. Members of the advisory committee shall serve without additional compensation and at the pleasure of the governor. Four members of the advisory committee shall constitute a quorum. The advisory committee shall meet upon call of the chairman and shall adopt rules and regulations for the conduct of its business. The chairman may appoint special committees for the study of specific subjects, which special committees may include representatives of such other state agencies as may be deemed appropriate. [1967 ex.s. c 104 § 3; 1965 c 8 § 43.19.1902. Prior: 1959 c 178 § 2.]

43.19.1904 State purchasing advisory committee—Powers and duties. The state purchasing advisory committee shall advise and give assistance to the director of general administration in planning and carrying out the most efficient and economical purchasing program.

The state purchasing advisory committee shall review and make recommendations to the director with respect to:

- (1) Standards and specifications for all items of material, supplies and equipment of common usage in state agencies;
- (2) Specifications for specific items of material, supplies and equipment referred to it by the division of purchasing;
- (3) Standards for the purchase, replacement and repair of automotive equipment consistent with the needs and location of state agencies;
- (4) A uniform system of inventory control for material, supplies and equipment;
- (5) All other matters referred to it by the director or by a member of the advisory committee.

The state purchasing advisory committee shall act as an appeals board to hear appeals on matters involving a state agency and the division of purchasing, and shall render its decision relating thereto within thirty days after filing of the appeal. The findings and actions of

the advisory committee shall be binding upon the respective state agencies including all offices, institutions, and departments.

Public funds shall not be expended by any agency for substitutions for material, supplies and equipment for which standards have been established by the division of purchasing after consulting with and receiving the recommendations of the advisory committee unless prior written approval is obtained from the division of purchasing. [1967 ex.s. c 104 § 4; 1965 c 8 § 43.19.1904. Prior: 1959 c 178 § 3.]

43.19.1906 Competitive bids—Sealed bids, exceptions. Insofar as practicable, all purchases and sales shall be based on competitive bids and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the director of general administration through the division of purchasing and under the powers granted by RCW 43.19.190 through 43.19.1939: *Provided* That sealed competitive bidding shall not be necessary for:

- (1) Emergency purchases if such sealed bidding procedure would prevent or hinder the emergency from being met appropriately; and
- (2) Purchases not exceeding five hundred dollars but in all such purchases quotations shall be secured from enough vendors to assure establishment of a competitive price; and
- (3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services or market conditions, in which instances the purchase price may be best established by direct negotiation. [1965 c 8 § 43.19.1906. Prior: 1959 c 178 § 4.]

43.19.1908 Bids—Solicitation, notices—Qualified bidders—Writing. Competitive bidding required by RCW 43.19.190 through 43.19.1939 shall be solicited by public notice, and through the sending of notices by mail to bidders on the appropriate list of bidders who shall have qualified by application to the division of purchasing. Bids may be solicited by the purchasing division from any source thought to be of advantage to the state. All bids shall be in writing and conform to rules of the division of purchasing. [1965 c 8 § 43.19.1908. Prior: 1959 c 178 § 5.]

43.19.1911 Letting contract—Lowest responsible bidder, determination—Public inspection of bids. When purchases are made through competitive bidding, the contract shall be let to the lowest responsible bidder, subject to any preferences provided by law to Washington products and vendors, taking into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery: *Provided*, That whenever there is reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the division of purchasing may call for new bids or enter into direct negotiations to achieve the best possible price. Each bid with the name of the

bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

- (1) The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- (2) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (3) Whether the bidder can perform the contract within the time specified;
- (4) The quality of performance of previous contracts or services;
- (5) The previous and existing compliance by the bidder with laws relating to the contract or services;
- (6) Such other information as may be secured having a bearing on the decision to award the contract. [1965 c 8 § 43.19.1911. Prior: 1959 c 178 § 6.]

43.19.1913 Rejection of bid for previous unsatisfactory performance. The division of purchasing may reject the bid of any bidder who has failed to perform satisfactorily a previous contract with the state. [1965 c 8 § 43.19.1913. Prior: 1959 c 178 § 7.]

43.19.1915 Bidder's bond—Annual bid bond. When any bid has been accepted, the division of purchasing may require of the successful bidder a bond payable to the state in such amount with such surety or sureties as determined by the division of purchasing, conditioned that he will fully, faithfully and accurately execute the terms of the contract into which he has entered. The bond shall be filed in the office of the division of purchasing. Bidders who regularly do business with the state shall be permitted to file with the division of purchasing an annual bid bond in an amount established by the division and such annual bid bond shall be acceptable as surety in lieu of furnishing surety with individual bids. [1965 c 8 § 43.19.1915. Prior: 1959 c 178 § 8.]

43.19.1917 Records of equipment owned by state—Inspection—"State equipment" defined. The director of general administration, through the division of purchasing, shall maintain a perpetual record of ownership of state owned equipment, which shall be available in the division of purchasing for the inspection and check of those officers who are charged by law with the responsibility for auditing the records and accounts of the state agencies owning the equipment, or to such other special investigators and others as the governor may direct. In addition, these records shall be made available to members of the legislature, the legislative committees, and legislative staff on request.

All state agencies shall account to the division of purchasing at any and all times for state equipment owned by, assigned to, or otherwise possessed by them and maintain such records as the division of purchasing deems necessary to proper accountability therefor. The term "state equipment" means all items of machines, tools, furniture, or furnishings other than expendable supplies and materials as defined by the division of

purchasing. [1969 ex.s. c 53 § 2; 1965 c 8 § 43.19.1917. Prior: 1959 c 178 § 9.]

Record of state property, duty of state auditor: RCW 43.09.350.

43.19.1918 Inventory records to be maintained with advice and assistance of the director of budget. All of the powers and duties relating to the maintenance of inventory records of supplies, materials, equipment and other property including state equipment as provided in RCW 43.19.1917 shall be performed with the advice, cooperation and assistance of the director of budget. [1967 ex.s. c 104 § 6.]

43.19.1919 Sale, exchange, of unneeded personal property. The division of purchasing shall sell or exchange personal property belonging to the state for which the office, department, or institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: *Provided*, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939. [1965 c 8 § 43.19.1919. Prior: 1959 c 178 § 10.]

43.19.1921 Central stores warehouse facilities—Central maintenance, repair, etc.—Sales, exchanges, between state agencies. The director of general administration, through the division of purchasing, shall:

- (1) Establish and maintain warehouses hereinafter referred to as "central stores" for the centralized storage and distribution of such supplies, equipment, and other items of common use in order to effect economies in the purchase of supplies and equipment for state agencies. To provide central stores warehouse facilities the division of purchasing may, by arrangement with the state agencies, utilize any surplus available state owned space, and may acquire other needed warehouse facilities by lease or purchase of the necessary premises;
- (2) Provide for the central salvage, maintenance, repair, and servicing of equipment, furniture, or furnishings used by state agencies, and also by means of such a service provide an equipment pool for effecting sales and exchanges of surplus and unused property by and between state agencies. Funds derived from the sale and exchange of property shall be placed to the account of the appropriate state agency on the central stores accounts but such funds may not be expended through central stores without prior approval of the central budget agency. [1965 c 8 § 43.19.1921. Prior: 1959 c 178 § 11.]

43.19.1923 Central stores revolving fund—Transfer of moneys from prior fund. There is created within the division of purchasing of the department of general administration a revolving fund to be known as the "central stores revolving fund", which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries,

wages and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include state telephone, data processing and utilities services. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. The moneys held in the present central stores revolving fund created by section 4, chapter 160, Laws of 1943 are hereby transferred to the central stores revolving fund created by this section. [1967 ex.s. c 104 § 5; 1965 c 8 § 43.19.1923. Prior: 1959 c 178 § 12.]

43.19.1925 Combined purchases of commonly used items—Advance payments by state agencies—Costs of operating central stores. To supply such funds as may be necessary for making combined purchases of items or services of common use by central stores, state agencies shall, upon request of the division of purchasing, from time to time, make advance payments into the central stores revolving fund from funds regularly appropriated to them for the procurement of supplies, equipment, and services: *Provided*, That advance payment for services shall be on a quarterly basis: *Provided further*, That any person, firm or corporation other than central stores rendering services for which advance payments are made shall deposit cash or furnish surety bond coverage to the state in an amount as shall be fixed by law, or if not fixed by law, then in such amounts as shall be fixed by the administrative board. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. Funds so advanced to central stores shall be used only for the combined procurement, storage, and delivery of such stocks of supplies, equipment, and services as are requisitioned by the agency and shall be offset and repaid to the respective state agencies by an equivalent value in merchandise supplied and charged out from time to time from central stores. Costs of operation of central stores may be recovered by charging as part of the value of materials, supplies, or services an amount sufficient to cover the costs of operating central stores. [1973 c 104 § 2; 1965 c 8 § 43.19.1925. Prior: 1959 c 178 § 13.]

43.19.1927 Deposit of central stores revolving fund. The central stores revolving fund shall be deposited in such banks and financial institutions as may be selected by the state treasurer, which shall furnish to him surety bonds or collateral eligible as security for the deposit of state funds, in at least the full amount of deposit in each such bank or financial institution. [1965 c 8 § 43.19.1927. Prior: 1959 c 178 § 14.]

43.19.1935 Insurance, public official bonds, procurement. As a means of providing for the procurement of insurance and public official bonds on a volume rate basis, the director of general administration through the division of purchasing shall purchase or contract for the needs of state agencies in relation to all such insurance and public official bonds: *Provided*, That the individual

public official bonds of elected state officials, insurance requirements of colleges and universities, insurance requirements of toll project agencies and insurance covering proprietary activities of state agencies, other than motor vehicle coverage, may be procured directly and independently by them. Insurance in force shall be reported periodically under rules established by the director.

The amounts of insurance or surety bond coverage shall be as fixed by law, or if not fixed by law, such amounts shall be as fixed by the administrative board.

The premium cost for insurance acquired and surety bonds furnished shall be paid from appropriations made to the state agency or agencies for which procurement is made, and all vouchers drawn in payment therefor shall bear the written approval of the division of purchasing prior to the issuance of the state warrant in payment therefor. [1965 c 8 § 43.19.1935. Prior: 1959 c 178 § 18.]

43.19.1937 Acceptance of benefits, gifts, etc., prohibited—Penalties. No member of the state purchasing committee and no state employee whose duties include:

(1) Advising on or drawing specifications for supplies, equipment, commodities or services;

(2) Suggesting or determining vendors to be placed upon a bid list;

(3) Drawing requisitions for supplies, equipment, commodities or services;

(4) Evaluating specifications or bids and suggesting or determining awards; or

(5) Accepting the receipt of supplies, equipment and commodities or approving the performance of services or contracts; shall accept or receive, directly or indirectly, a financial benefit, or accept any gift, token, membership or service, as a result of a purchase entered into by the state, from any person, firm or corporation engaged in the sale, lease or rental of property, material, supplies, equipment, commodities or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission. [1965 c 8 § 43.19.1937. Prior: 1959 c 178 § 19.]

Public officers, code of ethics: Chapters 42.22 and 42.23 RCW.

Public officers, misconduct: Chapter 42.20 RCW.

43.19.1939 Unlawful to offer, give, accept, benefits as inducement for or to refrain from bidding—Penalty. When any competitive bid or bids are to be or have been solicited, requested, or advertised for by the state under the provisions of RCW 43.19.190 through 43.19.1939, it shall be unlawful for any person acting for himself, or as agent of another, to offer, give, or promise to give, any money, check, draft, property, or other thing of value, to another for the purpose of inducing such other person to refrain from submitting any bids

upon such purchase or to enter into any agreement, understanding or arrangement whereby full and unrestricted competition for the securing of such public work will be suppressed, prevented, or eliminated; and it shall be unlawful for any person to solicit, accept or receive any money, check, draft, property, or other thing of value upon a promise or understanding, express or implied, that he individually or as an agent or officer of another will refrain from bidding upon such contract, or that he will on behalf of himself or such others submit or permit another to submit for him any bid upon such purchase in such sum as to eliminate full and unrestricted competition thereon. Any person violating any provision of this section shall be guilty of a misdemeanor. [1965 c 8 § 43.19.1939. Prior: 1959 c 178 § 20.]

Competitive bidding on public works, suppression or collusion, penalty: RCW 9.18.120-9.18.150.

43.19.200 Duty of others in relation to purchases—Emergency purchases. The governing authorities of the state's educational institutions, the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and all appointive officers of the state, shall prepare estimates of the supplies required for the proper conduct and maintenance of their respective institutions, offices, and departments, covering periods to be fixed by the director, and forward them to the director in accordance with his directions. No such authorities, officers, or departments, or any officer or employee thereof, may purchase any article for the use of their institutions, offices, or departments, except in case of extreme and immediate necessity. All persons making emergency purchases, shall immediately report the same, with the reasons therefor, to the director.

Purchases made for the state's educational institutions, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and the offices of all appointive officers of the state, shall be paid for out of the moneys appropriated for supplies, material, and service of the respective institutions, offices, and departments. [1971 c 81 § 111; 1965 c 8 § 43.19.200. Prior: 1955 c 285 § 13; prior: 1921 c 7 § 37, part; RRS § 10795, part.]

43.19.450 Supervisor of engineering and architecture—Qualifications—Appointment—Powers and duties. The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of engineering and architecture who shall have charge and supervision of the division of engineering and architecture. With the approval of the director he may appoint and employ such assistants and personnel as may be necessary to carry out the work of the division.

No person shall be eligible for appointment as supervisor of engineering and architecture unless he is, and for the last five years prior to his appointment has been, licensed to practice the profession of engineering or the profession of architecture in the state of Washington.

The director of general administration, through the division of engineering and architecture shall:

(1) Establish a systematic building program for the grouping of buildings at the state capital, at institutions under the control of the department of institutions, and for state agencies which have no architectural staff, and prepare preliminary layouts, site studies, programs and topographical plans to accompany the estimates for the biennial budgets.

(2) Contract for professional architectural, engineering and related services for the design of buildings and major alterations to existing buildings at the state capital, at institutions under the control of the department of institutions, and for all state-owned buildings for agencies which have no architectural staff.

(3) Prepare estimates for the biennial budget and prepare plans and specifications for all necessary maintenance, repairs, and minor alterations to the state capitol buildings, all buildings required at the institutions under the control of the department of institutions, and for all other state-owned buildings for agencies which have no architectural staff.

(4) Supervise the erection, repairing and betterment of all capitol buildings, all buildings required for the institutions under the control of the department of institutions, and all other state-owned buildings for agencies which have no architectural staff.

(5) Negotiate and/or call for bids and execute all contracts on behalf of the state for the preceding. [1965 c 8 § 43.19.450. Prior: 1959 c 301 § 4.]

43.19.455 Purchase of works of art—Procedure. The Washington state arts commission shall determine the amount to be made available for the purchase of art for each project under supervision of the director of general administration, and payments therefor shall be made in accordance with law. The selection of, commissioning of artist for, reviewing of design, execution and placement of, and the acceptance of works of art for such project shall be the responsibility of the Washington state arts commission. [1974 1st ex.s. c 176 § 3.]

Acquisition of works of art for use in public buildings: RCW 43.46.090.

Agencies to expend moneys for acquisition of works of art—Conditions: RCW 43.17.200.

43.19.500 Department of general administration facilities and services revolving fund. There is hereby created a fund within the state treasury designated as the "department of general administration facilities and services revolving fund". Such revolving fund shall be used by the department of general administration for the payment of certain costs, expenses, and charges, as hereinafter specified, incurred by it in the operation and administration of the department in the rendering of services, the furnishing or supplying of equipment, supplies and materials, and for providing or allocating facilities, including the operation, maintenance, rehabilitation, or furnishings thereof to other agencies, offices, departments, activities, and other entities enumerated in RCW 43.01.090.

The schedule of services, facilities, equipment, supplies, materials, maintenance, rehabilitation, furnishings, operations, and administration to be so financed and recovered shall be determined jointly by the director of general administration and the director of the office of program planning and fiscal management, in amounts which, together with any other income or appropriation, will provide the department of general administration with funds to meet its anticipated expenditures during any allotment period.

The director of general administration may promulgate rules and regulations governing the provisions of RCW 43.01.090 and this section and the relationships and procedures between the department of general administration and such other entities. [1971 ex.s. c 159 § 2.]

43.19.510 Forms management center—Established—Powers and duties. The director of the department of general administration shall establish and staff an activity within the department to be known as the "forms management center" for the coordination, orderly design, implementation and maintenance of a state-wide forms management program.

The director of general administration, through the forms management center, shall:

(1) Coordinate a forms management program for all state agencies, and educational institutions and provide assistance in establishing internal forms management capabilities;

(2) Study, develop, coordinate and initiate forms of interagency and common administrative usage, and establish basic state design and specification criteria to effect the standardization of state forms;

(3) Provide assistance to state agencies and educational institutions for economical forms design and forms art work composition and establish and supervise control procedures to prevent the undue creation and reproduction of state forms;

(4) Provide assistance, training and instruction in forms management techniques to state agencies and educational institutions forms management representatives and departmental forms coordinators, and provide direct administrative and forms management assistance to new state organizations or institutions as they are created;

(5) Maintain a central cross index of state forms to facilitate the standardization of such forms, to eliminate redundant forms, and to provide a central source of forms usage and availability information;

(6) Utilize appropriate procurement techniques to take advantage of competitive bidding, consolidated orders and contract procurement of forms, and work directly with the public printer toward more efficient, economical and timely procurement, receipt, storage and distribution of state forms;

(7) Coordinate the forms management program with the existing state archives and records management program to insure timely disposition of outdated forms and related records;

(8) Conduct periodic evaluation of the effectiveness of the overall forms management program and the

forms management practices of the individual state educational institutions and state agencies, and maintain records which indicate net dollar savings which have been realized through centralized forms management;

(9) Enter into agreements which delegate implementing action to state agencies or educational institutions where such mutually developed arrangements will result in the most timely and economical method of accomplishing the responsibilities set forth in this section; and

(10) Develop and promulgate rules and standards to implement the overall purposes of this section.

All educational institutions and agencies of the state shall cooperate with and support the development and implementation of the state-wide forms management program. To assist in the coordination and implementation of the forms management program, each state educational institution and agency shall appoint a forms management representative. [1973 c 13 § 1.]

43.19.520 Purchase of products and services from sheltered workshops and programs—Intent. It is the intent of the legislature to encourage state agencies and departments to purchase products and/or services manufactured or provided by sheltered workshops and programs of the department of social and health services which operate facilities serving the handicapped and disadvantaged. [1974 1st ex.s. c 40 § 1.]

43.19.525 Purchase of products and services from sheltered workshops and programs—Definitions. As used in RCW 43.19.520 and 43.19.530 the term "sheltered workshops" shall have the meaning ascribed to it by RCW 82.04.385 and "programs of the department of social and health services" shall mean the group training homes and day training centers defined in RCW 72.33.800. [1974 1st ex.s. c 40 § 2.]

43.19.530 Purchase of products and services from sheltered workshops and programs—Authorized—Fair market price. The state agencies and departments are hereby authorized to purchase products and/or services manufactured or provided by sheltered workshops and programs of the department of social and health services. Such purchases shall be at the fair market price of such products and services as determined by the division of purchasing of the department of general administration. To determine the fair market price the division shall use the last comparable bid on the products and/or services or in the alternative the last price paid for the products and/or services. Upon the establishment of the fair market price as provided for in this section the division is hereby empowered to negotiate directly with sheltered workshops or officials in charge of the programs of the department of social and health services for the purchase of the products or services. [1974 1st ex.s. c 40 § 3.]

Chapter 43.20
DEPARTMENT OF HEALTH—STATE BOARD
OF HEALTH

Sections

- 43.20.005 Department of health abolished.
 43.20.010 Powers and duties of director—General.
 43.20.015 Authority to administer oaths and issue subpoenas.
 43.20.030 State board of health—Members—Chairman, selection.
 43.20.035 State board of health—Cooperation with environmental agencies.
 43.20.040 Employment of deputies, experts, physicians, etc.
 43.20.050 Powers and duties of state board of health.
 43.20.060 Annual conference of health officers.
 43.20.070 Registration of vital statistics.
 43.20.080 Duties of registrar.
 43.20.090 Certified copies of birth, death, marriage certificates and decrees of divorce, annulment or separate maintenance to be furnished—Fees.
 43.20.100 Annual report.
 43.20.110 Federal act on maternal and infancy hygiene accepted.
 43.20.120 Division of child hygiene created.
 43.20.130 Services to crippled children.
 43.20.140 Services to crippled children—Rules and regulations.
 43.20.150 Threat to public health—Investigation, examination or sampling of articles or conditions constituting—Access—Subpoena power.
 43.20.160 Threat to public health—Order prohibiting sale or disposition of food or other items pending investigation.
 43.20.170 Violations—Injunctions and legal proceedings authorized.
 43.20.180 Enforcement of health laws and state or local rules and regulations upon request of local health officer.
 43.20.190 Reports of violations by director—Duty of attorney general, prosecuting attorney or city attorney to institute proceedings—Notice to alleged violator.
 43.20.200 Grant-in-aid payments for local health departments.
 43.20.210 Right of person to rely on prayer to alleviate ailments not abridged.
 43.20.220 Cooperation with federal government—Construction of Title 70 RCW.

Reviser's note: Throughout chapter 43.20 RCW reference is made to the "director of health" and the "department of health". The powers, duties, and functions of the director and department of health were transferred to the secretary and department of social and health services by RCW 43.20A.120 (1970 ex.s. c 18 § 10).

Air pollution

- limitation on other governmental units or persons: RCW 70.94.370.
 personnel, employment of: RCW 70.94.350.
 quarterly reports and special studies: RCW 70.94.340.
 tests and surveys: RCW 70.94.050.

Alcoholism

- additional facilities: RCW 70.96.060.
 cooperation with other agencies: RCW 70.96.080.
 gifts and grants: RCW 70.96.070.
 personnel, services and facilities: RCW 70.96.050.
 powers and duties generally: RCW 70.96.040.
 private establishments and institutions
 conferences with management: RCW 71.12.530.
 examinations generally: RCW 71.12.510, 71.12.520.
 licenses for: RCW 71.12.460–71.12.480, 71.12.500.
 regulations: RCW 70.96.090.
 treatment program, generally: RCW 70.96.030, chapter 70.96A RCW.

Birth certificates: RCW 70.58.080–70.58.140.

Boarding home licensing: Chapter 18.20 RCW.

Child welfare agencies: RCW 74.15.060.

Children, expectant mothers, retarded adults, health protection as to agencies providing for, duties of health department: RCW 74.15.060.

Children's center for research and training in mental retardation, director as member of advisory committee: RCW 28B.20.412.

City sewerage systems, investigation: RCW 35.88.090.

Cold storage food workers, health certificates: RCW 19.32.110.

Commission merchants, damaged or unfit products, certificate as to issued by department of health: RCW 20.01.450.

Contagious diseases

abatement: RCW 70.05.070.

report of local officers and physicians: RCW 70.05.110.

Control of pet animals infected with diseases communicable to humans, state board of health duties: Chapter 16.70 RCW.

Cooperation with other agencies: RCW 70.58.340.

County hospitals

approval: RCW 36.62.020.

inspections: RCW 36.62.240.

County sewerage and water systems, approval by department of health: RCW 36.94.100.

Death certificates: RCW 70.58.150–70.58.200.

Department of social and health services created: RCW 43.17.010, 43.20A.030.

Food and beverage service workers' permits, prescribed by: RCW 69.06.010.

Furniture and bedding licensing, rules and regulations concerning: RCW 18.45.480.

Handicapped children

commitment, copy of commitment order transmitted to: RCW 26.40.060.

statistical data for: RCW 70.58.340.

Hospital and medical facilities survey and construction generally: Chapter 70.40 RCW.

secretary or his designee's duties: RCW 70.40.040.

state plan: RCW 70.40.090, 70.40.100.

Hospitals

disclosure of information: RCW 70.41.150.

enforcement of board rules: RCW 70.41.040.

inspection: RCW 70.41.120.

public hospital districts, inspection of: RCW 70.44.100.

Hospitals for mentally ill, private establishments

conferences with management: RCW 71.12.530.

examinations generally: RCW 71.12.510, 71.12.520.

License for

examination for compliance with: RCW 71.12.500.

examination of premises: RCW 71.12.480.

issuance: RCW 71.12.460.

Macaroni workers, health certificates, duties: RCW 69.16.115.

Maternity homes, supervision over: Chapter 18.46 RCW.

Milk inspection service units, duties: RCW 15.36.550, 15.36.560.

Mosquito control, duties in regard to: Chapter 70.22 RCW.

Narcotic addicts, duties concerning: Chapter 69.32 RCW.

Nuclear energy, state radiation control agency: Chapter 70.98 RCW.

Nursing homes licensing, duties concerning: Chapter 18.51 RCW.

Occupational and environmental research facility advisory committee, membership: RCW 28B.20.456.

Offices maintained at state capitol: RCW 43.17.050.

Physicians, regulation of professional services: RCW 70.41.180.

Powers and duties

generally: RCW 43.17.030, 43.20A.050.

transferred to: RCW 43.20A.030.

Residential schools, quarters capacity: RCW 72.33.070.

Rules and regulations of department: RCW 43.17.060.

Sanitation advice to local authority: RCW 70.54.040.

Secretary

appointment: RCW 43.17.020.

chief assistants: RCW 43.17.040.

membership on mental health and metal retardation advisory council: RCW 71.16.020.

oath: RCW 43.17.030.

vacancy: RCW 43.17.020, 43.17.040.

Sewer districts, approval of comprehensive plan: RCW 56.08.020.

Shellfish sanitation control: Chapter 69.30 RCW.

State otologist

appointment: RCW 70.50.010.

duties: RCW 70.50.020.

Statistical data, furnishing: RCW 70.58.340.

Swimming pools

plans for construction, approval: RCW 70.90.020.

rules and regulations: RCW 70.90.030.

Thermal power plant site evaluation council, director a member: RCW 80.50.030.

Venereal diseases: Chapter 70.24 RCW.

Vital statistics: Chapter 70.58 RCW.

Water districts, approval by department of health before establishing sewer system: RCW 57.08.065.

Water supply for milk rooms, etc.: RCW 15.36.200.

Wiping rags, sterilization: RCW 70.72.020.

43.20.005 Department of health abolished. See RCW 43.20A.500.

43.20.010 Powers and duties of director—General. The director of health shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

(2) Investigate and study factors relating to the preservation, promotion, and improvement of the health of the people, the causes of morbidity and mortality, and the effects of the environment and other conditions upon the public health, and report his findings to the state board of health for such action as the board determines is necessary;

(3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations, and orders of the state board of health;

(4) Investigate outbreaks and epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

(5) Exercise general supervision over the work of all local health departments and establish uniform reporting systems by local health officers to the state department of health;

(6) Have the same authority as local health officers, except that he shall not exercise such authority unless the local health officer fails or is unable to do so, or when in an emergency the safety of the public health demands it;

(7) Cause to be made from time to time, inspections of the sanitary and health conditions existing at the state institutions, require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report his findings to the governor;

(8) Take such measures as he deems necessary in order to promote the public health, to establish or participate in the establishment of health educational or training activities, and to provide funds for and to authorize the attendance and participation in such activities of employees of the state or local health departments and other individuals engaged in programs related to or part of the public health programs of the local health departments or the state department of health. The director is also authorized to accept any funds from the federal government or any public or private agency made available for health education training purposes and to conform with such requirements as are necessary in order to receive such funds; and

(9) Establish and maintain laboratory facilities and services as are necessary to carry out the responsibilities of the department. [1967 ex.s. c 102 § 1; 1965 c 8 § 43.20.010. Prior: (i) 1909 c 208 § 2; RRS § 6004. (ii) 1921 c 7 § 59; RRS § 10817.]

Severability—1967 ex.s. c 102: "If any provision of this 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." [1967 ex.s. c 102 § 13.] This applies to RCW 43.20.010, 43.20.015, 43.20.040 through 43.20.060, 43.20.150 through 43.20.210, and 70.01.010.

43.20.015 Authority to administer oaths and issue subpoenas. The director shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. The provisions of RCW 34.04.105 shall apply to subpoenas issued hereunder. [1967 ex.s. c 102 § 2.]

43.20.030 State board of health—Members—Chairman, selection. The state board of health shall be composed of six members. These shall be the secretary or his designee and five other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation and one person representing the consumers of health care. The chairman shall be selected by the governor from among the five members appointed by him. [1970 ex.s. c 18 § 11; 1965 c 8 § 43.20.030. Prior: 1921 c 7 § 56, part; RRS § 10814, part.]

Effective date—Severability—1970 ex.s. c 18: See notes following RCW 43.20A.010.

43.20.035 State board of health—Cooperation with environmental agencies. See RCW 43.20A.140.

43.20.040 Employment of deputies, experts, physicians, etc. The director may appoint and employ such deputies, scientific experts, physicians, nurses, sanitary engineers, and other personnel including consultants, and such clerical and other assistants as may be necessary to carry on the work of the department of health. [1967 ex.s. c 102 § 8; 1965 c 8 § 43.20.040. Prior: 1961 ex.s. c 5 § 1; 1921 c 7 § 57; RRS § 10815.]

43.20.050 Powers and duties of state board of health. The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people of the state.

In order to protect public health, the state board of health shall:

Adopt rules and regulations for the protection of water supplies for domestic use, and such other uses as may affect the public health, and shall adopt standards and procedures governing the design, construction and operation of water supply, treatment, storage, and distribution facilities, as well as the quality of water delivered to the ultimate consumer;

Adopt rules and regulations and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities; and

Adopt rules and regulations controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work.

It shall have supreme authority in matters of quarantine, and shall provide by rule and regulation procedures for the imposition and use of isolation and quarantine.

The board shall promulgate rules and regulations for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules and regulations governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule.

It may also enforce the public health laws of the state and the rules and regulations promulgated by it through the state director of health in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or is unable for reasons beyond its control to act, or when no local board has been established, and all expenses so incurred shall be paid upon demand of the state director of health by the local health department for which such services are rendered, out of moneys accruing to the credit of the municipality or the local health department in the current expense fund of the county.

All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules and regulations adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

The board shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it. [1967 ex.s. c 102 § 9; 1965 c 8 § 43.20.050. Prior: (i) 1901 c 116 § 1; 1891 c 98 § 2; RRS § 6001. (ii) 1921 c 7 § 58; RRS § 10816.]

Rules and regulations—Visual and auditory screening of pupils: RCW 28A.31.030.

43.20.060 Annual conference of health officers. In order to receive the assistance and advice of local health officers in carrying out his duties and responsibilities, the director of health shall hold annually a conference of local health officers, at such place as he deems convenient, for the discussion of questions pertaining to public health, sanitation, and other matters pertaining to the duties and functions of the local health departments, which shall continue in session for such time not exceeding three days as the director deems necessary.

The health officer of each county, district, municipality and county-city department shall attend such conference during its entire session, and receive therefor his actual and necessary traveling expenses, to be paid by his county, district, and municipality or county-city department: *Provided*, That no claim for such expenses shall be allowed or paid unless it is accompanied by a certificate from the director of health attesting the attendance of the claimant. [1967 ex.s. c 102 § 10; 1965 c 8 § 43.20.060. Prior: 1915 c 75 § 1; RRS § 6005.]

43.20.070 Registration of vital statistics. The director of health shall have charge of the state system of registration of births, deaths, fetal deaths, marriages, and decrees of divorce, annulment and separate maintenance, and shall prepare the necessary rules, forms, and blanks for obtaining records, and insure the faithful registration thereof. [1967 c 26 § 1; 1965 c 8 § 43.20.070. Prior: 1907 c 83 § 1; RRS § 6018.]

Effective date—1967 c 26: "This act shall take effect on January 1, 1968." [1967 c 26 § 12.] This applies to RCW 26.04.090–26.04.110, 26.04.160, 26.08.215, 36.18.010, 36.18.020, 43.20.070, 43.20.080, 43.20.090 and 70.58.200.

Vital statistics: Chapter 70.58 RCW.

43.20.080 Duties of registrar. The state registrar of vital statistics shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of Title 70; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, county auditors, and clerks of the court and, if any are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and shall cause such further information to be incorporated in or attached to and filed with the certificate. He shall furnish, arrange, bind, and make a permanent record of the certificate in a systematic manner, and shall prepare and maintain a comprehensive index of all births, deaths, fetal deaths, marriages, and decrees of divorce, annulment and separate maintenance registered. [1967 c 26 § 2; 1965 c 8 § 43.20.080. Prior: 1961 ex.s. c 5 § 2; 1951 c 106 § 1; 1915 c 180 § 9; 1907 c 83 § 17; RRS § 6034.]

Effective date—1967 c 26: The effective date of the above amendment is January 1, 1968, see note following RCW 43.20.070.

Vital statistics: Chapter 70.58 RCW.

43.20.090 Certified copies of birth, death, marriage certificates and decrees of divorce, annulment or separate maintenance to be furnished—Fees. The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, fetal death, marriage or decree of divorce, annulment or separate maintenance, registered under the provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of three dollars to be paid by the applicant: *Provided*, That a certified copy of the record of any birth may not disclose the fact of illegitimacy of birth, nor of information from which it can be ascertained, except upon order of the court or in cases where written notice is received from an attorney, court official, or adoption agency that the illegitimate child is to be adopted: *Provided further*, That no fee shall be demanded or required for furnishing a certified copy of a birth, death, fetal death, marriage, divorce, annulment or separate maintenance record for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of three dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: *Provided*, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or a copy of the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used [1970 ex.s. c 25 § 1; 1967 c 26 § 3;

1965 c 8 § 43.20.090. Prior: 1961 ex.s. c 5 § 3; 1953 c 90 § 1; 1951 c 106 § 3; 1945 c 158 § 1; 1937 c 168 § 2; 1915 c 180 § 11; 1907 c 83 § 20; Rem. Supp. 1945 § 6037.]

Birth certificates: RCW 70.58.080–70.58.140.

Death certificates: RCW 70.58.150–70.58.200.

43.20.100 Annual report. The state board of health shall make an annual report to the governor on or before the first day of January of each year, including therein so much of the proceedings of the board and such information concerning vital statistics, such knowledge respecting diseases, and such instructions as may be thought useful by the board for dissemination among the people, with suggestions for such legislative action as it deems necessary. [1965 c 8 § 43.20.100. Prior: 1891 c 98 § 11; RRS § 6007.]

43.20.110 Federal act on maternal and infancy hygiene accepted. The provisions of the act of congress entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, are hereby accepted by the state of Washington. [1965 c 8 § 43.20.110. Prior: 1923 c 127 § 1; RRS § 10814–1.]

43.20.120 Division of child hygiene created. There shall be in the department of health, a division of child hygiene. The director of health, through the division of child hygiene, shall administer the provisions of said act of congress within this state. [1965 c 8 § 43.20.120. Prior: 1923 c 127 § 2; RRS § 10814–2.]

43.20.130 Services to crippled children. It shall be the duty of the director of health and he shall have the power to establish and administer a program of services for children who are crippled or who are suffering from physical conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and after care; to supervise the administration of those services, included in the program, which are not administered directly by it; to extend and improve any such services, including those in existence on April 1, 1941; to cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children; to cooperate with the federal government, through its appropriate agency or instrumentality in developing, extending, and improving such services; and to receive and expend all funds made available to the department by the federal government, the state or its political subdivisions or from other sources, for such purposes. [1965 c 8 § 43.20.130. Prior: 1941 c 129 § 1; Rem. Supp. 1941 § 9992–107a; prior: 1937 c 114 § 7. Formerly RCW 74.12.210.]

Children's center for research and training in mental retardation, director as member of advisory committee: RCW 28B.20.412.

Handicapped children

copy of commitment order transmitted to director: RCW 26.40.060.

statistical data: RCW 70.58.340.

43.20.140 Services to crippled children—Rules and regulations. The director of the state board of health shall be empowered to promulgate such rules and regulations as shall be necessary to effectuate and carry out the purposes of RCW 43.20.130. [1965 c 8 § 43.20.140. Prior: 1941 c 129 § 2; Rem. Supp. 1941 § 9992–107b. Formerly RCW 74.12.220.]

43.20.150 Threat to public health—Investigation, examination or sampling of articles or conditions constituting—Access—Subpoena power. The director on his own motion or upon the complaint of any interested party, may investigate, examine, sample or inspect any article or condition constituting a threat to the public health including, but not limited to, outbreaks of communicable diseases, food poisoning, contaminated water supplies, and all other matters injurious to the public health. When not otherwise available, the department may purchase such samples or specimens as may be necessary to determine whether or not there exists a threat to the public health. In furtherance of any such investigation, examination or inspection, the director or his authorized representative may examine that portion of the ledgers, books, accounts, memorandums, and other documents and other articles and things used in connection with the business of such person relating to the actions involved.

For purposes of such investigation, the director or his representative shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities or any other place. The director may also, for the purposes of such investigation, issue subpoenas to compel the attendance of witnesses, as provided for in RCW 43.20.015, and/or the production of books and documents anywhere in the state. [1967 ex.s. c 102 § 3.]

43.20.160 Threat to public health—Order prohibiting sale or disposition of food or other items pending investigation. Pending the results of an investigation provided for under RCW 43.20.150, the director may issue an order prohibiting the disposition or sale of any food or other item involved in the investigation: *Provided*, That the order of the director shall not be effective for more than fifteen days without the commencement of a legal action as provided for under RCW 43.20.170. [1967 ex.s. c 102 § 4.]

43.20.170 Violations—Injunctions and legal proceedings authorized. The director may bring an action to enjoin a violation or the threatened violation of any of the provisions of the public health laws of this state or any rules or regulation made by the state board of health or the health department pursuant to said laws, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to

occur, or in the superior court of Thurston county. [1967 ex.s. c 102 § 5.]

43.20.180 Enforcement of health laws and state or local rules and regulations upon request of local health officer. Upon the request of a local health officer, the state director of health is hereby authorized and empowered to take legal action to enforce the public health laws and rules and regulations of the state board of health or local rules and regulations within the jurisdiction served by the local health department, and may institute any civil legal proceeding authorized by the laws of the state of Washington. [1967 ex.s. c 102 § 6.]

43.20.190 Reports of violations by director—Duty of attorney general, prosecuting attorney or city attorney to institute proceedings—Notice to alleged violator. (1) It shall be the duty of each assistant attorney general, prosecuting attorney, or city attorney to whom the director reports any violation of this chapter, or regulations promulgated under it, to cause appropriate proceedings to be instituted in the proper courts, without delay, and to be duly prosecuted as prescribed by law.

(2) Before any violation of this chapter is reported by the director to the prosecuting attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views to the director, either orally or in writing, with regard to such contemplated proceeding. [1967 ex.s. c 102 § 7.]

43.20.200 Grant-in-aid payments for local health departments. The state board of health is hereby authorized to provide grant-in-aid payments with state funds to assist in the cost of general operation of local health departments in accordance with standards established by the board. [1967 ex.s. c 102 § 11.]

43.20.210 Right of person to rely on prayer to alleviate ailments not abridged. Nothing in RCW 43.20.010, 43.20.015, 43.20.040 through 43.20.060, 43.20.150 through 43.20.210, and 70.01.010 shall be construed to abridge the right of any person to rely exclusively on spiritual means alone through prayer to alleviate human ailments, sickness or disease, in accordance with the tenets and practice of the Church of Christ, Scientist, nor shall anything in RCW 43.20.010, 43.20.015, 43.20.040 through 43.20.060, 43.20.150 through 43.20.210, and 70.01.010 be deemed to prohibit a person so relying who is inflicted with a contagious or communicable disease from being isolated or quarantined in a private place of his own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with. [1967 ex.s. c 102 § 14.]

43.20.220 Cooperation with federal government—
Construction of Title 70 RCW. See RCW 70.01.010.

Chapter 43.20A
DEPARTMENT OF SOCIAL AND HEALTH
SERVICES

Sections

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- Visual and auditory screening of pupils, data transferred to secretary: RCW 28A.31.040.*

43.20A.010 Purpose. The purpose of this 1970 amendatory act is to create a single department which will unify the related social and health services of state government. The department is designed to integrate and coordinate all those activities involving provision of care for individuals who, as a result of their economic, social or health condition, require financial assistance, institutional care, rehabilitation or other social and

health services. In order to provide for maximum efficiency of operation consistent with meeting the needs of those served or affected, the department will encompass substantially all of the powers, duties and functions presently vested by law in the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council and the division of vocational rehabilitation of the coordinating council on occupational education. The department will concern itself with changing social needs, and will expedite the development and implementation of programs designed to achieve its goals. In furtherance of this policy, it is the legislative intent to set forth in this 1970 amendatory act only the broad outline of the structure of the department, leaving specific details of its internal organization and management to those charged by this 1970 amendatory act with its administration. [1970 ex.s. c 18 § 1.]

Reviser's note: "this 1970 amendatory act" refers to RCW 28.10.010, 28.10.080, 28.85.160, 28.85.220, 28A.10.010, 28A.10.080, 28B.50.160, 28B.50.220, 41.06.076, 43.17.010, 43.17.020, 43.20.030, 43.20A.010, 43.20A.020, 43.20A.030, 43.20A.040, 43.20A.050, 43.20A.060, 43.20A.090, 43.20A.110, 43.20A.120, 43.20A.140, 43.20A.180, 43.20A.190, 43.20A.200, 43.20A.210, 43.20A.220, 43.20A.230, 43.20A.300, 43.20A.310, 43.20A.320, 43.20A.500, 43.20A.505, 43.20A.510, 43.20A.515, 43.20A.520, 43.20A.525, 43.20A.550, 43.20A.900, 43.20A.910, 43.20A.920, 43.61.010, 43.61.020, 43.61.030, 43.61.040, 43.61.050, 43.61.070, 70.98.050, 70.98.060, 70.98.070, 72.01.010, 72.01.042, 72.01.043, 72.02.040, 72.05.020, 72.06.010, 74.15.060, 74.32.051, 74.32.053, 74.36.010, 74.36.020, 74.36.030, 74.36.040 and 74.36.100.

Reviser's note: Phrase "Except as otherwise in this amendatory act provided" refers to 1970 ex.s. c 18 § 67, uncodified, which pertained to laws amended in existing education code and as the same were re-enacted in the new education code, effective July 1, 1970, not otherwise pertinent hereto.

Effective date—1970 ex.s. c 18: "Except as otherwise in this amendatory act provided, this 1970 amendatory act shall take effect on July 1, 1970." [1970 ex.s. c 18 § 69.]

Severability—1970 ex.s. c 18: "If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application to other persons or circumstances, is not affected." [1970 ex.s. c 18 § 70.] Sections 69 and 70 above apply to all sections listed in the Reviser's note above interpreting "this 1970 amendatory act"

Savings—1970 ex.s. c 18: See RCW 43.20A.900.

Construction—1970 ex.s. c 18: See RCW 43.20A.920.

43.20A.020 Definitions. As used in this 1970 amendatory act, unless the context indicates otherwise:

(1) "Department" means the department of social and health services.

(2) "Secretary" means the secretary of the department of social and health services.

(3) "Deputy secretary" means the deputy secretary of the department of social and health services. [1970 ex.s. c 18 § 2.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

43.20A.030 Department created—Powers and duties transferred to. There is hereby created a department of state government to be known as the department of social and health services. All powers, duties and functions now or through action of this 1970 legislature

vested by law in the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education are transferred to the department, except those powers, duties and functions which are expressly directed elsewhere in this or in any concurrent act of this 1970 legislature. 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. [1970 ex.s. c 18 § 3.]

Reviser's note: "this act", see note following RCW 43.20A.010.

Powers, duties and functions of department of health involving the control of pollution problems created by the disposal of solid waste transferred to department of ecology: RCW 43.21A.060(4).

43.20A.040 Secretary of social and health services—Appointment—Term—Salary—Temporary appointment if vacancy—As executive head and appointing authority. The executive head and appointing authority of the department shall be the secretary of social and health services. He shall be appointed by the governor with the consent of the senate, and 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. [1970 ex.s. c 18 § 4.]

43.20A.050 Secretary of social and health services—Powers and duties generally—Employment of assistants and personnel, limitation. It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the secretary in order that he may institute therein the flexible, alert and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever his authority is not specifically limited by law, he shall have complete charge and supervisory powers over the department. In the performance of duties and functions previously performed through the divisions of the departments affected by this 1970 amendatory act, he is authorized to create such administrative structures as he may deem appropriate, except as otherwise specified in this or any concurrent act of this 1970 legislature. The secretary shall have the power to employ such assistants and personnel as may be necessary for the general administration of the department: *Provided*, That, except as elsewhere specified in this 1970 amendatory act, such employment is in accordance with the rules of the state civil service law, chapter 41.06 RCW. [1970 ex.s. c 18 § 5.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

Weekly payments to certain released prisoners authorized: RCW 72.02.110.

43.20A.060 Departmental divisions—Plan establishing and organizing—Assistant secretaries thereof as "designee". The department of social and health services shall be subdivided into divisions, including a division of vocational rehabilitation, with an assistant secretary thereof as provided in RCW 43.20A.090, such secretary hereafter in RCW 43.20A.310 and 43.20A.320 referred to as "his designee". Except as otherwise specified in this 1970 amendatory act, or as federal requirements may differently require, these divisions shall be established and organized in accordance with plans to be prepared by the secretary and approved by the governor. In preparing such plans, the secretary shall endeavor to promote efficient public management, to improve programs, and to take full advantage of the economies, both fiscal and administrative, to be gained from the consolidation of the departments of health, public assistance, institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education. [1970 ex.s. c 18 § 6.]

Reviser's note: "this 1970 amendatory act", see notes following RCW 43.20A.010.

43.20A.090 Deputy secretary—Department personnel director—Assistant secretaries—Appointment—Duties—Salaries. The secretary shall appoint a deputy secretary, a department personnel director and such assistant secretaries as shall be needed to administer the department. The deputy secretary shall have charge and general supervision of the department in the absence or disability of the secretary, and in case of a vacancy in the office of secretary, shall continue in charge of the department until a successor is appointed and qualified, or until the governor shall appoint an acting secretary. The officers appointed under this section, and exempt from the provisions of the state civil service law by the terms of RCW 41.06.076, 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. [1970 ex.s. c 18 § 7.]

43.20A.100 Certain personnel exempted from state civil service law—Minimum qualifications for confidential secretaries. See RCW 41.06.076.

43.20A.110 Secretary's delegation of powers and duties. The secretary may delegate any power or duty vested in or transferred to him by law, or executive order, to his deputy secretary or to any other assistant or subordinate; but the secretary shall be responsible for the official acts of the officers and employees of the department. [1970 ex.s. c 18 § 9.]

43.20A.120 Powers, duties, functions of director of health transferred to secretary or his designee. The powers, duties and functions now or through action of this 1970 legislature assigned to the director of health as head of the department of health, as chairman and executive officer of the state board of health, and as the official in charge of registration of vital statistics are

transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act, or in any concurrent act of this 1970 legislature. [1970 ex.s. c 18 § 10.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

Powers, duties and functions of director of health involving the control of pollution problems created by the disposal of solid waste transferred to department of ecology: RCW 43.21A.060(4).

43.20A.130 Secretary or designee as member of state board of health. See RCW 43.20.030.

43.20A.140 Cooperation with environmental agencies. Where feasible, the department and the state board of health shall consult with the water pollution control commission and the state air pollution control board, or their successors, in order that to the fullest extent possible, agencies concerned with the preservation of life and health and agencies concerned with protection of the environment may integrate their efforts and endorse policies in common. [1970 ex.s. c 18 § 12.]

State air pollution control board powers, duties and functions transferred to department of ecology: See RCW 43.21A.060(3).

Water pollution control commission powers, duties and functions transferred to department of ecology: See RCW 43.21A.060(1).

43.20A.158 Health protection for certain children, expectant mothers and adult retarded, secretary's powers and duties. See RCW 74.15.060.

43.20A.160 Department as state radiation control agency. See RCW 70.98.050.

43.20A.163 Advisory council on nuclear energy and radiation, secretary as ex officio member. See RCW 70.98.070.

43.20A.167 Federal Older Americans Act of 1965—Department to participate in and administer. See RCW 74.36.100.

43.20A.168 Community programs and projects for the aging. See RCW 74.36.110–74.36.130.

43.20A.180 Programs for rehabilitation of alcoholics and narcotic addicts transferred to department. The research, educational and treatment program for the rehabilitation of alcoholics established within the department of health by chapter 70.96 RCW and the responsibility for the treatment and rehabilitation of narcotic addicts placed within the department of health by chapter 69.32 RCW shall be transferred to the department of social and health services, and the legal powers and responsibilities vested in the department of health in connection with these programs shall inhere in the department of social and health services. [1970 ex.s. c 18 § 13.]

43.20A.190 Powers, duties and functions of director of public assistance transferred to secretary or his designee. The powers, duties and functions now or through

action of this 1970 legislature assigned to the director of public assistance as head of the department of public assistance are transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act, or in any concurrent act of this 1970 legislature. [1970 ex.s. c 18 § 19.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

43.20A.200 Powers, duties and functions of division of medical care transferred to department. The powers, duties and functions of the division of medical care, established within the department of public assistance by chapter 74.09 RCW are transferred to the department of social and health services. The secretary may administer the provisions of chapter 74.09 RCW either through this division or in any other way consistent with the purposes of this 1970 amendatory act as set forth in RCW 43.20A.010. The office of assistant director of medical care is abolished, and his powers, duties and functions shall be assumed by the secretary or his designee. [1970 ex.s. c 18 § 20.]

Reviser's note: "this 1970 amendatory act", see RCW 43.20A.010.

43.20A.210 Powers, duties and functions of director of institutions, institution superintendents, transferred to secretary or his designee. The powers, duties and functions now or through action of this 1970 legislature assigned to the director of institutions, as head of the department of institutions, and those powers vested in the superintendents of institutions relating to their status as appointing authorities for the purpose of establishing bargaining units by the personnel board and the conduct of negotiations with exclusive bargaining representatives, are transferred to the secretary of social and health services or his designee, except those powers, duties and functions which are expressly directed elsewhere in this 1970 amendatory act or in any concurrent act of this 1970 legislature. These powers shall include but not be limited to authority to manage and govern the institutions named in RCW 72.01.050. [1970 ex.s. c 18 § 28.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

43.20A.220 Powers, duties and functions of divisions of department of institutions transferred to department. The powers, duties and functions of all divisions of the department of institutions are transferred to the jurisdiction of the department of social and health services including but not limited to the division of adult corrections, the division of probation and parole, the division of children and youth, and the division of mental health. The secretary or his designee shall perform all functions concerned therewith formerly assigned to the director of institutions to be performed either by the director or through his various division heads. [1970 ex.s. c 18 § 29.]

43.20A.240 Veterans' rehabilitation council under department's jurisdiction—Secretary's duties. See chapter 43.61 RCW.

43.20A.300 Department as state agency for receipt of federal funds for vocational rehabilitation. The department of social and health services shall serve as the sole agency of the state for the receipt of federal funds made available by acts of congress for vocational rehabilitation within this state. [1970 ex.s. c 18 § 40.]

43.20A.310 Vocational rehabilitation, powers and duties of secretary or designee. In addition to his other powers and duties, the secretary or his designee, shall have the following powers and duties:

(1) To prepare, adopt and certify the state plan for vocational rehabilitation;

(2) With respect to vocational rehabilitation, to adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the provisions of this 1970 amendatory act and the federal acts;

(3) To carry out the aims and purposes of the acts of congress pertaining to vocational rehabilitation. [1970 ex.s. c 18 § 42.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.310.

43.20A.320 Consultation with coordinating council for occupational education. The secretary or his designee shall consult with the coordinating council for occupational education in order to maintain close contact with developing programs of vocational education, particularly as such programs may affect programs undertaken in connection with vocational rehabilitation. [1970 ex.s. c 18 § 43.]

43.20A.350 Committees and councils—Declaration of purpose. The legislature declares that meaningful citizen involvement with and participation in the planning and programs of the department of social and health services are essential in order that the public may better understand the operations of the department, and the department staff may obtain the views and opinions of concerned and affected citizens. As a result of the creation of the department of social and health services and the resulting restructuring of programs and organization of the department's components, and as a further result of the legislative mandate to the department to organize and deliver services in a manner responsive to changing needs and conditions, it is necessary to provide for flexibility in the formation and functioning of the various committees and councils which presently advise the department, to restructure the present committees and councils, and to provide for new advisory committees and councils, so that all such committees and councils will more appropriately relate to the changing programs and services of the department. [1971 ex.s. c 189 § 1.]

43.20A.360 Committees and councils—Appointment—Memberships—Terms—Vacancies—Expenses—Report. The secretary is hereby authorized to

appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (1) Health facilities; (2) radiation control; (3) veteran's affairs; (4) children and youth services; (5) blind services; (6) services to the aging; (7) medical and health care; (8) drug abuse and alcoholism; (9) social services; (10) economic services; (11) vocational services; (12) rehabilitative services; (13) public health services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his discretion may determine. The members of the committees or councils shall hold office as follows: one-third to serve one year; one-third to serve two years; and one-third to serve three years. Upon expiration of said original terms, subsequent appointments shall be for two 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.

Members of such state advisory committees or councils may be paid twenty-five dollars per diem in the performance of their duties and mileage allowances at ten cents per mile. Members of regional advisory committees may, in the discretion of the secretary, be paid the same subsistence and mileage allowances as set forth above.

The secretary shall report to the next ensuing session of the legislature concerning the actions taken pursuant to *this 1971 amendatory act and relating to advisory committees and councils generally, and the effectiveness of same, and shall make such recommendations for further legislative action as he deems appropriate. [1971 ex.s. c 189 § 2.]

***Reviser's note:** "this 1971 amendatory act" [1971 ex.s. c 189] consists of the 1971 amendments to RCW 18.20.090, 18.45.130, 43.61.030, 43.61.040, 43.61.060, 70.41.020, 70.41.030, 70.98.050, 72.60.270, 72.60.280, to RCW 43.20A.350-43.20A.390, and to the repeal of RCW 18.20.080, 18.45.520-18.45.540, 43.20A.230, 43.61.010, 43.61.020, 69.30.040, 70.40.050, 70.41.050-70.41.070, 70.98.060, 72.01.250, 72.05.180, 72.05.190, 74.32.010-74.32.900, 74.36.010-74.36.040.

43.20A.370 State advisory committee to department—Created—Membership—Terms—Vacancies. There is hereby created a state advisory committee to the department of social and health services which shall serve in an advisory capacity to the secretary of the department of social and health services. The committee shall be composed of not less than nine nor more than fifteen members, to be appointed by the governor, who shall appoint a chairman, who shall serve as such at the governor's pleasure. The members of the committee shall hold office as follows: Two members to serve two years; two 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. [1971 ex.s. c 189 § 13.]

43.20A.375 State advisory committee to department—Powers and duties. The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the secretary on all matters pertaining to the department of social and health services.

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

(3) No person shall be eligible to hold the office of member of the state advisory committee who holds any public office, whether appointive or elective, with the exception of nonsalaried positions. [1971 ex.s. c 189 § 14.]

43.20A.380 State advisory committee to department—Per diem and mileage. Members of the state advisory committee shall be paid twenty-five dollars per diem in the performance of their duties, and mileage allowance at ten cents per mile. [1971 ex.s. c 189 § 15.]

43.20A.390 Per diem or mileage—Limitation. Notwithstanding any other provision of *this act, no person shall receive as compensation or reimbursement for per diem or mileage authorized in *this act any amount that would exceed the per diem or mileage provided in RCW 43.03.050 and 43.03.060. [1971 ex.s. c 189 § 16.]

***Reviser's note:** "this act" [1971 ex.s. c 189] consists of the 1971 amendments to RCW 18.20.090, 18.45.130, 43.61.030, 43.61.040, 43.61.060, 70.41.020, 70.41.030, 70.98.050, 72.60.270, 72.60.280, to RCW 43.20A.350-43.20A.390, and to the repeal of RCW 18.20.080, 18.45.520-18.45.540, 43.20A.230, 43.61.010, 43.61.020, 69.30.040, 70.40.050, 70.41.050-70.41.070, 70.98.060, 72.01.250, 72.05.180, 72.05.190, 74.32.010-74.32.900, 74.36.010-74.36.040.

43.20A.400 Purchase of services from public or non-profit agencies—Utilization of nonappropriated funds. Notwithstanding any other provisions of law, the secretary of the department of social and health services is authorized to utilize nonappropriated funds made available to the department, in order to compliment the social and health services programs of the department by purchase of services from public or nonprofit agencies. The purpose of this authorization is to augment the services presently offered and to achieve pooling of public and nonprofit resources. [1971 ex.s. c 309 § 1.]

43.20A.405 Purchase of services from public or non-profit agencies—Vendor rates—Establishment. After obtaining the review and advice of the governor's advisory committee on vendor rates, the secretary shall establish rates of payment for services which are to be purchased: *Provided*, That the secretary shall afford all

interested persons reasonable opportunity to submit data, views, or arguments, and shall consider fully all submissions respecting the proposed rates. Prior to the establishment of such rates, the secretary shall give at least twenty days notice of such intended action by mail to such persons or agencies as have made timely request of the secretary for advance notice of establishment of such vendor rates. Such rates shall not exceed the amounts reasonable and necessary to assure quality services and shall not exceed the costs reasonably assignable to such services pursuant to cost finding and monitoring procedures to be established by the secretary. Information to support such rates of payment shall be maintained in a form accessible to the public. [1971 ex.s. c 309 § 2.]

43.20A.410 Purchase of services from public or non-profit agencies—Factors to be considered. In determining whether services should be purchased from other public or nonprofit agencies, the secretary shall consider:

(1) Whether the particular service or services is available or might be developed.

(2) The probability that program and workload performance standards will be met, by means of the services purchased.

(3) The availability of reasonably adequate cost finding and performance evaluation criteria.

Nothing in RCW 43.20A.400 through 43.20A.430 is to be construed to authorize reduction in state employment in service component areas presently rendering such services. [1971 ex.s. c 309 § 3.]

43.20A.415 Purchase of services from public or non-profit agencies—Retention of basic responsibilities by secretary. When, pursuant to RCW 43.20A.400 through 43.20A.430, the secretary elects to purchase a service or services, he shall retain continuing basic responsibility for:

(1) Determining the eligibility of individuals for services;

(2) The selection, quality, effectiveness, and execution of a plan or program of services suited to the need of an individual or of a group of individuals; and

(3) Measuring the cost effectiveness of purchase of services. [1971 ex.s. c 309 § 4.]

43.20A.420 Purchase of services from public or non-profit agencies—Secretary to provide consultative, technical and development services to suppliers—Review of services. The secretary shall work with the suppliers of purchased services by:

(1) Providing consultation and technical assistance;

(2) Monitoring and periodically reviewing services in order to assure satisfactory performance including adherence to state prescribed workload and quality standards; and

(3) Developing new and more effective and efficient approaches to and methods of delivering services. [1971 ex.s. c 309 § 5.]

43.20A.425 Purchase of services from public or non-profit agencies—Qualifications of vendors. The secretary shall assure that sources from which services are purchased are: (1) Licensed, or (2) meet applicable accrediting standards, or (3) in the absence of licensing or accrediting standards, meet standards or criteria established by the secretary to assure quality of service: *Provided*, That this section shall not be deemed to dispense with any licensing or accrediting requirement imposed by any other provision of law, by any county or municipal ordinance, or by rule or regulation of any public agency. [1971 ex.s. c 309 § 6.]

43.20A.430 Purchase of services from public or non-profit agencies—Retention of sums to pay departmental costs. The secretary shall, if not otherwise prohibited by law, pursuant to agreement between the department and the agency in each contract, retain from such non-appropriated funds sufficient sums to pay for the department's administrative costs, monitoring and evaluating delivery of services, and such other costs as may be necessary to administer the department's responsibilities under RCW 43.20A.400 through 43.20A.430. [1971 ex.s. c 309 § 7.]

43.20A.500 Certain state agencies abolished. On July 1, 1970, the following state agencies are abolished:

(1) The department of health.

(2) The department of public assistance.

(3) The department of institutions.

(4) The division of vocational rehabilitation of the coordinating council for occupational education. [1970 ex.s. c 18 § 49.]

43.20A.505 Officials to continue services provided agencies whose functions are transferred to department. All state officials required to maintain contact with or provide services to the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, or the division of vocational rehabilitation of the coordinating council on occupational education, shall continue to perform such services for the department of social and health services unless otherwise specified by this or any concurrent act of this 1970 legislature. [1970 ex.s. c 18 § 44.]

Reviser's note: "this act", see note following RCW 43.20A.010.

43.20A.510 Transfer of employees and personnel of agencies whose functions are transferred to department—Rights preserved. All employees and personnel of the department of health, the department of institutions, the department of public assistance, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education, except those whose functions are not transferred elsewhere by this 1970 amendatory act, or by any concurrent statute enacted by this 1970 legislature shall, on the effective date of this 1970 amendatory act, be transferred to the jurisdiction of the department of social and health services. 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. [1970 ex.s. c 18 § 45.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

Hours of labor for full time employees transferred from department of institutions—Compensatory time—Premium pay: RCW 72.01.042.

43.20A.515 Transfer of property and funds of agencies whose functions are transferred to department—Determination when question on property transfer. All reports, documents, surveys, books, records, files, papers or other writings in the possession of the department of health, the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education, and pertaining to the functions affected by this 1970 amendatory act, shall be delivered to the custody of the department of social and health services. All cabinets, furniture, office equipment, motor vehicles and other tangible property employed in carrying out the powers and duties transferred by this 1970 amendatory act shall be made available to the department. All funds, credits, or other assets held in connection with the functions herein transferred shall be assigned to the department.

Any appropriations made to the departments and agencies or divisions thereof affected by this 1970 amendatory act for the purpose of carrying out the powers and duties herein transferred, shall on the effective date of this 1970 amendatory act be transferred and credited to the department of social and health services 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 1970 amendatory act, the director of program planning and fiscal management or his successor shall make a determination as to the proper allocation and certify the same to the state agencies concerned. [1970 ex.s. c 18 § 46.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

43.20A.520 Rules and regulations, pending business, contracts, of agencies whose functions are transferred to department, shall be continued and acted upon by department—Savings. All rules and regulations, and all pending business before the departments and agencies or divisions thereof affected by this 1970 amendatory act pertaining to matters transferred herein, as of July 1, 1970, shall be continued and acted upon by the department. All existing contracts and obligations pertaining to the functions herein transferred 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 1970 amendatory act. [1970 ex.s. c 18 § 47.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

43.20A.525 Certification when apportionments of budgeted funds required because of transfers. If apportionments of budgeted funds are required because of the transfers herein authorized, 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. [1970 ex.s. c 18 § 48.]

43.20A.550 Federal programs—Rules and regulations—Internal reorganization to meet federal requirements—Basic 1970 act to be construed to meet federal law—Conflicting parts deemed inoperative. In furtherance of the policy of the state to cooperate with the federal government in all of the programs included in this 1970 amendatory act, 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 this 1970 amendatory act. Any internal reorganization carried out under the terms of this 1970 amendatory act shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of the 1970 amendatory act 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 1970 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 act is declared to be inoperative solely to the extent of the conflict. [1970 ex.s. c 18 § 66.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

43.20A.900 Savings—1970 ex.s. c 18. Nothing in this 1970 amendatory act shall be construed to affect 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 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 July 1, 1970. [1970 ex.s. c 18 § 63.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

43.20A.910 Collective bargaining units or agreements not to be altered by 1970 basic act. Nothing contained in this 1970 amendatory act 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. [1970 ex.s. c 18 § 64.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

43.20A.920 Liberal construction—1970 ex.s. c 18. The rule of strict construction shall have no application to this 1970 amendatory act, 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 secretary the maximum possible freedom in carrying the provisions of this 1970 amendatory act into effect. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in RCW 43.20A.010. [1970 ex.s. c 18 § 65.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.20A.010.

43.20A.930 Effective date—Severability—1970 ex.s. c 18. See notes following RCW 43.20A.010.

Chapter 43.21

DEPARTMENT OF CONSERVATION

Sections

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- 43.21.380 Steam electric generating plant—Signatures on bonds.
- 43.21.390 Steam electric generating plant—Provisions of law, resolution, a contract with bondholder—Enforcement.
- 43.21.400 Steam electric generating plant—Bonds are legal security, investment, negotiable.
- 43.21.410 Steam electric generating plant—Director not authorized to acquire other facilities or engage in retail distribution.

Reviser's note: The department of conservation was abolished by 1967 c 242 § 20 [RCW 43.27A.180] and its powers, duties, and functions were transferred to the department of natural resources and to the newly created department of water resources as follows:

(1) Mining powers, duties and functions set forth in RCW 43.21.060, 43.21.070, 43.21.080, 43.21.090 and Title 78 RCW to the department of natural resources [1967 c 242 § 14; RCW 43.27A.120];

(2) Geology powers, duties and functions set forth in RCW 43.21.050 and chapter 43.92 RCW to the department of natural resources [1967 c 242 § 15; RCW 43.27A.130];

(3) Divisions of reclamation, water resources, flood control, and power resources and the Columbia basin commission and the weather modification board powers, duties and functions to the department of water resources [1967 c 242 § 8; RCW 43.27A.080];

(4) All other powers, duties and functions not expressly transferred to another agency, to the department of water resources [1967 c 242 § 8; RCW 43.27A.080].

The department of water resources was abolished by 1970 ex.s. c 62 § 26 (RCW 43.21A.300) and its powers, duties, and functions were transferred to the newly created department of ecology by 1970 ex.s. c 62 § 6 (RCW 43.21A.060).

Appropriation of water, license fees: RCW 90.16.050, 90.16.060, 90.16.090.

Diking districts

adjustment of indebtedness generally: Chapter 87.64 RCW. powers and duties: RCW 89.16.050.

Director

Columbia Basin commission: RCW 43.27A.080(5), (6).

diking and drainage improvement districts

contract with, favorable report, effect: RCW 85.08.100.

investigation and report: RCW 85.08.060.

petition or resolution to: RCW 85.08.070.

resolution for hearing: RCW 85.08.070.

flood control districts

furnishing information to: RCW 86.09.034.

hearing: RCW 86.09.079–86.09.091.

investigation of feasibility: RCW 86.09.031.

report: RCW 86.09.037–86.09.046.

Drainage districts, adjustment of indebtedness, generally: Chapter 87.64 RCW.

Flood control: Title 86 RCW.

Geological survey of the state: Chapter 43.92 RCW.

Improvement districts, investigation and reports: RCW 85.08.060.

Irrigation: Title 87 RCW.

Irrigation districts

adjustment of indebtedness, generally: Chapter 87.64 RCW.

exclusion of nonirrigable land, when: RCW 87.03.750.

organization: RCW 87.03.020(6).

Oil and gas conservation committee, membership: RCW 78.52.020.

Operating agencies, duties as to formation: RCW 43.52.360.

Powers, duties, functions of department of water resources transferred to department of ecology, see chapter 43.21A RCW.

Reclamation districts, commission members: RCW 89.30.055.

Reclamation projects of state, powers and duties of director: RCW 89.16.050.

State soil and water conservation committee, membership: RCW 89.08.030.

State tidelands and shorelands, citizen committee member to investigate and determine needs for city or metropolitan park district purposes: RCW 79.08.080.

Subdivision regulations: Chapter 58.17 RCW.

Water flow and levels, minimums: Chapter 90.22 RCW.

Water power development, license fees: RCW 90.16.050, 90.16.060, 90.16.090.

43.21.010 Divisions of department. The department of conservation shall be organized into six divisions, to be known as, (1) the division of geology, (2) the division of mines, (3) the division of reclamation, (4) the division of water resources, (5) the division of flood control, and (6) the division of power resources.

The director of conservation may appoint such clerical and other assistants as may be necessary for the general administration of the department. [1965 c 8 § 43.21.010. Prior: 1957 c 284 § 1; 1957 c 215 § 21; prior: (i) 1951 c 57 § 1; 1921 c 7 § 61; 1917 c 117 §§ 5–8; RRS § 10819. (ii) 1951 c 57 § 1; 1945 c 255 § 1; 1945 c 173 § 1; 1937 c 134 §§ 1–3; 1933 ex.s. c 54 § 1; Rem. Supp. 1945 § 10964–8a.]

43.21.040 Supervisor of geology—Appointment—Personnel. The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of geology, who shall have charge and supervision of the division of geology.

With the approval of the director, he may appoint and employ such field experts, surveyors, clerks, and other assistants as may be necessary to carry on the work of the division. [1965 c 8 § 43.21.040. Prior: 1921 c 7 § 63; RRS § 10821.]

43.21.050 Powers and duties. The director of conservation, through the division of geology, shall assume full charge and supervision of the state geological survey and perform such other duties as may be prescribed by law. [1965 c 8 § 43.21.050. Prior: 1921 c 7 § 69; RRS § 10827.]

Coal mining maps: RCW 78.40.250.

Mining survey reports, forwarding to: RCW 78.06.030.

Provisions relating to geological survey: Chapter 43.92 RCW, RCW 43.30.350.

43.21.060 Supervisor of mines—Appointment—Qualifications. The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of mines, who shall have charge and supervision of the division of mines. With the approval of the director, he may appoint such assistants, experts

and other personnel as may be necessary to carry on the work of the division.

The supervisor shall be a competent mining engineer having practical knowledge of the mineral resources and potential possibilities for development of the mining industry in the state. [1965 c 8 § 43.21.060. Prior: 1935 c 142 § 1; RRS § 8614–1.]

43.21.070 Powers and duties. The director of conservation, through the division of mines, shall:

(1) Collect, compile, publish, and disseminate statistics and information relating to mining, milling, and metallurgy;

(2) Make special studies of the mineral resources and industries of the state;

(3) Collect and assemble an exhibit of mineral specimens, both metallic and nonmetallic, especially those of economic and commercial importance; such collection to constitute the museum of mining and mineral development;

(4) Collect and assemble a library pertaining to mining, milling, and metallurgy of books, reports, drawings, tracings, and maps and other information relating to the mineral industry and the arts and sciences of mining and metallurgy;

(5) Make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes;

(6) Issue bulletins and reports with illustrations and maps with detailed description of the natural mineral resources of the state;

(7) Preserve and maintain such collections and library open to the public for reference and examination and maintain a bureau of general information concerning the mineral and mining industry of the state, and issue from time to time at cost of publication and distribution such bulletins as may be deemed advisable relating to the statistics and technology of minerals and the mining industry;

(8) Make determinative examinations of ores and minerals, and consider other scientific and economical problems relating to mining and metallurgy;

(9) Cooperate with all departments of the state government, state educational institutions, the United States geological survey and the United States bureau of mines. All departments of the state government and educational institutions shall render full cooperation to the director in compiling useful and scientific information relating to the mineral industry within and without the state, without cost to the department of conservation. [1965 c 8 § 43.21.070. Prior: 1935 c 142 § 2; RRS § 8614–2.]

Coal mining maps: RCW 78.40.250.

Mining survey reports forwarded to: RCW 78.06.030.

43.21.080 Gifts and bequests. The director may receive on behalf of the state, for the benefit of mining and mineral development, gifts, bequests, devises, and legacies of real or personal property and use them in accordance with the wishes of the donors and manage, use, and dispose of them for the best interests of mining

and mineral development. [1965 c 8 § 43.21.080. Prior: 1935 c 142 § 3; RRS § 8614-3.]

43.21.090 Collection of minerals for exhibition. The director may, from time to time, prepare special collections of ores and minerals representative of the mineral industry of the state to be displayed or used at any world fair, exposition, mining congress, or state exhibition, in order to promote information relating to the mineral wealth of the state. [1965 c 8 § 43.21.090. Prior: 1935 c 142 § 4; RRS § 8614-4.]

43.21.100 Supervisor of reclamation—Appointment—Personnel. The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of reclamation, who shall have charge and supervision of the division of reclamation.

With the approval of the director, he may appoint and employ such engineers, experts, accountants, clerks, and other assistants as may be necessary to carry on the work of the division. [1965 c 8 § 43.21.100. Prior: 1921 c 7 § 64; RRS § 10822.]

43.21.110 Powers and duties. The director of conservation, through the division of reclamation, shall exercise all the powers and perform all the duties prescribed by law with respect to the reclamation and development of arid, swamp, overflow, and logged-off lands in the state and such other duties as may be prescribed by law. [1965 c 8 § 43.21.110. Prior: 1921 c 7 § 70; RRS § 10828.]

Diking and drainage: Title 85 RCW.

Irrigation: Title 87 RCW.

Reclamation: Title 89 RCW.

Reclamation projects of state, powers and duties: RCW 89.16.050.

43.21.120 Supervisor of water resources—Appointment—Personnel. The director of conservation shall appoint and deputize an assistant director, to be known as the supervisor of water resources, who shall have charge and supervision of the division of water resources.

With the approval of the director, he may appoint and employ such engineers and clerical and other assistants as may be necessary to carry on the work of the division. [1965 c 8 § 43.21.120. Prior: 1951 c 57 § 2; 1921 c 7 § 66; RRS § 10824.]

43.21.130 Division of water resources—Powers and duties. The director of conservation, through the division of water resources, shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

(2) Insofar as may be necessary to assure safety to life or property, he shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and he may require such necessary changes in the construction or maintenance

of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) He shall regulate and control the diversion of water in accordance with the rights thereto;

(4) He shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) He shall keep such records as may be necessary in the administration of the division and for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. He shall keep a seal of the office, and all certificates by him covering any of his acts or the acts of his office, or the records and files of his office, under such seal, shall be taken as evidence thereof in all courts;

(6) He shall render to the governor, on or before the last day of November immediately preceding the regular session of the legislature, and at other times when required by the governor, a full written report of the work of his office, including a detailed statement of the expenditure thereof, with such recommendations for legislation as he may deem advisable for the better control and development of the water resources of the state;

(7) He, the supervisor, and duly authorized deputies may administer oaths;

(8) He shall establish and promulgate rules governing the administration of chapter 90.03 RCW;

(9) He shall perform such other duties as may be prescribed by law. [1965 c 8 § 43.21.130. Prior: 1961 c 19 § 1; prior: (i) 1951 c 57 § 3; 1921 c 7 § 72; RRS § 10830. (ii) 1951 c 57 § 3; 1917 c 117 § 8; RRS § 7358.]

Diversion of water, food fish and game fish, provision for: RCW 75.20.050.

Water power development, license fees: RCW 90.16.050, 90.16.060, 90.16.090.

Water rights: Title 90 RCW.

43.21.140 "Basic data fund" created. The director of conservation, through the division of water resources, may create within his department a fund to be known as the "basic data fund."

Into such fund shall be deposited all moneys contributed by persons for stream flow, ground water and water quality data or other hydrographic information furnished by the department in cooperation with the United States geological survey, and the fund shall be expended on a matching basis with the United States geological survey for the purpose of obtaining additional basic information needed for an intelligent inventory of water resources in the state.

Disbursements from the basic data fund shall be on vouchers approved by the supervisor of water resources and the district engineer of the United States geological survey. [1967 c 53 § 1; 1965 c 8 § 43.21.140. Prior: 1951 c 57 § 4; 1943 c 30 § 1; Rem. Supp. 1943 § 5505-1.]

Reviser's note: Department of conservation abolished, see note at beginning of this chapter.

43.21.141 "Stream gauging fund" abolished—Moneys transferred to "basic data fund". On and after the effective date of this act the stream gauging fund shall be abolished, and all moneys in the state treasury to the credit of the stream gauging fund shall be transferred to the basic data fund on the effective date of this act, and all moneys thereafter paid into the state treasury for or to the credit of the stream gauging fund shall be transferred to the basic data fund. [1967 c 53 § 2.]

Effective date—1967 c 53: The effective date of this section and the 1967 amendment to RCW 43.21.140, is June 8, 1967, see preface to 1967 session laws.

43.21.150 Supervisor of flood control—Appointment—Personnel. The director of conservation shall appoint an assistant director, to be known as the supervisor of flood control, who shall have charge and supervision of the division of flood control.

With the approval of the director, he may appoint and employ such engineers and clerical and other assistants as may be necessary to carry on the work of the division. [1965 c 8 § 43.21.150. Prior: 1941 c 204 § 2, part; Rem. Supp. 1941 § 9663F-2, part.]

43.21.160 Powers and duties. The director of conservation, through the division of flood control, shall exercise all the powers and perform all the duties prescribed by law with respect to flood control. [1965 c 8 § 43.21.160. Prior: 1941 c 204 § 2, part; Rem. Supp. 1941 § 9663F-2, part.]

Flood control: Title 86 RCW.

43.21.190 Master plan of development. The director shall prepare and perfect from time to time a state master plan for flood control, state public reservations, financed in whole or in part from moneys collected by the state, sites for state public buildings and for the orderly development of the natural and agricultural resources of the state. The plan shall be a guide in making recommendations to the officers, boards, commissions, and departments of the state.

Whenever an improvement is proposed to be established by the state, the state agency having charge of the establishment thereof shall request of the director a report thereon, which shall be furnished within a reasonable time thereafter. In case an improvement is not established in conformity with the report, the state agency having charge of the establishment thereof shall file in its office and with the director a statement setting forth its reasons for rejecting or varying from such report which shall be open to public inspection.

The director shall insofar as possible secure the cooperation of adjacent states, and of counties and municipalities within the state in the coordination of their proposed improvements with such master plan. [1965 c 8 § 43.21.190. Prior: 1957 c 215 § 22; 1933 ex.s. c 54 § 3; RRS § 10930-3.]

43.21.200 Master plan of development—Public hearings. The director may hold public hearings, in connection with any duty prescribed in RCW 43.21.190

and may compel the attendance of witnesses and the production of evidence. [1965 c 8 § 43.21.200. Prior: 1957 c 215 § 23; 1933 ex.s. c 54 § 4; RRS § 10930-4.]

43.21.210 Joint hearings—Appeals. The director of conservation, the supervisor of water resources, and the supervisor of reclamation shall jointly hear and decide, by a majority vote, all matters arising in the division of reclamation, which the director or the supervisor of reclamation deems to be of sufficient importance to require their joint action; and hear and decide, by a majority vote, any matter concerning which any person affected by the decision of the supervisor of reclamation shall, by request in writing, ask for a joint decision.

Nothing herein contained shall be construed as depriving any person feeling himself aggrieved by any decision of either the director, the supervisor of reclamation, or by any joint decision, of the right of appeal therefrom to a court of competent jurisdiction in the manner provided by law. [1965 c 8 § 43.21.210. Prior: 1921 c 7 § 73; RRS § 10831.]

43.21.220 Division of power resources—Powers and duties—Transfer of records, etc., from power commission to division. The department of conservation, through the division of power resources, shall make studies and surveys, collect, compile and disseminate information and statistics to facilitate development of the electric power resources of the state by public utility districts, municipalities, electric cooperatives, joint operating agencies and public utility companies. The director of conservation may cause studies to be made relating to the construction of steam generating plants using any available fuel and their integration with hydro-electric facilities. He may cause designs for any such plant to be prepared. He shall employ such engineers and other experts and assistants as may be necessary to carry on the work of the division of power resources. All reports, surveys, books, records and papers heretofore in possession or control of the Washington state power commission shall hereafter be in the custody of the division of power resources. All studies, surveys, information and statistics assembled by the division, including those formerly in possession or control of the Washington state power commission, shall be available to the public for reference. [1965 c 8 § 43.21.220. Prior: 1957 c 284 § 2.]

Joint operating agencies: Chapter 43.52 RCW.

43.21.230 Development of resources—Cooperation with governmental units. The director of conservation may represent the state and aid and assist the public utilities therein to the end that its resources shall be properly developed in the public interest insofar as they affect electric power and to this end he shall cooperate and may negotiate with Canada, the United States, the states thereof and their agencies to develop and integrate the resources of the region. [1965 c 8 § 43.21.230. Prior: 1957 c 284 § 3.]

43.21.240 Power advisory committee. There shall be a power advisory committee consisting of five members appointed by the governor to serve at his pleasure. Such members shall be representative of the power industry from different geographical areas of the state. They shall consult with and advise the director of conservation on matters pertaining to the division of power resources. They shall receive the same compensation for services and expenses as provided for members of the Columbia Basin commission. [1965 c 8 § 43.21.240. Prior: 1957 c 284 § 4.]

Reviser's note: The power advisory committee was abolished by 1967 c 242 § 20 [RCW 43.27A.180].

43.21.250 Steam electric generating plant—Study—Construction—Duty of advisory committee. The director of conservation shall continue the study of the state power commission made in 1956 relating to the construction of a steam power electric generating plant, and if the construction of a steam electric generating plant is found to be feasible by the director of conservation, the director of conservation may construct such plant at a site determined by him to be feasible and operate it as a state owned facility. The advisory committee provided for in RCW 43.21.240 shall advise the director of conservation in connection with the steam electric generating plant provided for herein. [1965 c 8 § 43.21.250. Prior: 1957 c 275 § 3.]

43.21.260 Steam electric generating plant—Statement of intention—Construction by public utility, operating agency, or the department, procedure—Powers of director of commerce and economic development. Before the director of conservation shall construct said steam generating facility within the state, or make application for any permit, license or other right necessary thereto, he shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the project. If any public utility in the state or any operating agency desires to construct such facility, such utility or operating agency shall notify the director of conservation thereof within ten days after the last date of publication of such notice. If the director of conservation determines that it is in the best public interest that the director of conservation proceed with such construction rather than the public utility or operating agency, he shall so notify the director of commerce and economic development, who shall set a date for hearing thereon. If after considering the evidence introduced the director of commerce and economic development finds that the public utility or operating agency making the request intends to immediately proceed with such construction and is financially capable of carrying out such construction and further finds that the plan of such utility or operating agency is equally well adapted to serve the public interest, he shall enter an order so finding and such order shall divest the director of conservation of authority to proceed further with such construction or acquisition until such time as the other

public utility or agency voluntarily causes an assignment of its right or interest in the project to the director of conservation or fails to procure any further required governmental permit, license or authority or having procured such, has the same revoked or withdrawn, in accordance with the laws and regulations of such governmental entity, in which event the director of conservation shall have the same authority to proceed as though the director had originally entered an order so authorizing the director of conservation to proceed. If, after considering the evidence introduced, the director of commerce and economic development finds that the public utility or agency making the request does not intend to immediately proceed with such construction or acquisition or is not financially capable of carrying out such construction or acquisition, or finds that the plan of such utility or operating agency is not equally well adapted to serve the public interest, he shall then enter an order so finding and authorizing the director of conservation to proceed with the construction or acquisition of the facility. [1965 c 8 § 43.21.260. Prior: 1957 c 275 § 4.]

43.21.270 Steam electric generating plant—Powers of director in constructing, operating and maintaining. In order to construct, operate and maintain the single steam power electric generating plant provided for in RCW 43.21.250 the director of conservation shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate such steam electric power plant, work and facilities for the generation and/or transmission of electric energy and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of such work, plant and facilities; providing that the director of conservation shall not be authorized to acquire by condemnation any plant, work and facility owned and operated by any city or district, or by a privately owned public utility.

(3) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(4) To establish rates for electric energy sold or transmitted by the director of conservation. When any revenue bonds or warrants are outstanding the director of conservation shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy furnished or supplied by the

director of conservation which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the director of conservation is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the director of conservation and all necessary repairs, replacements and renewals thereof.

(5) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the director of conservation may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the director shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the director. [1965 c 8 § 43.21.270. Prior: 1957 c 275 § 5.]

43.21.280 Steam electric generating plant—Eminent domain. For the purpose of carrying out any or all of the powers herein granted the director of conservation shall have the power of eminent domain for the acquisition of either real or personal property used or useful in connection with the construction of facilities authorized hereunder. Actions in eminent domain pursuant to RCW 43.21.250 through 43.21.410 shall be brought in the name of the state in any court of competent jurisdiction under the procedure set out in chapter 8.04 RCW. The director of conservation may institute condemnation proceedings in the superior court of any county in which any of the property sought to be condemned is located or in which the owner thereof does business, and the court in any such action shall have jurisdiction to condemn property wherever located within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. Upon the filing of a petition for condemnation, as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceedings during the pendency thereof. The court shall further have the power to issue such orders or process as shall be necessary to place the director of conservation into possession of any property condemned. [1965 c 8 § 43.21.280. Prior: 1957 c 275 § 6.]

43.21.290 Steam electric generating plant—State not financially obligated—Separation and expenditure of funds. The director of conservation shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions in the execution of RCW 43.21.250 through 43.21.410.

No revenues received by the director of conservation for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the director of conservation and all such revenues and receipts shall be kept and maintained in a separate fund. [1965 c 8 § 43.21.290. Prior: 1957 c 275 § 7.]

43.21.300 Steam electric generating plant—Revenue bonds and warrants. For the purposes provided for in RCW 43.21.250 through 43.21.410, the state finance committee shall, upon being notified to do so by the director of conservation, issue revenue bonds or warrants payable from the revenues from the steam electric plant provided for in RCW 43.21.250. When the director of conservation deems it advisable that he acquire or construct said steam electric plant or make additions or betterments thereto, he shall so notify the state finance committee and he shall also notify the state finance committee as to the plan proposed, together with the estimated cost thereof. The state finance committee, upon receiving such notice, shall provide for the construction thereof and the issuance of revenue bonds or warrants therefor by a resolution which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as nearly as may be, including as part of the cost, funds necessary for working capital for the operation of such utility and the payment of the expenses incurred in the acquisition or construction thereof. Such resolution shall specify that utility revenue bonds are to be issued to defray the cost thereof and the amount of such bonds to be issued. Bonds issued under the provisions of RCW 43.21.250 through 43.21.410 shall distinctly state that they are not a general obligation of the state. [1965 c 8 § 43.21.300. Prior: 1957 c 275 § 8.]

43.21.310 Steam electric generating plant—Special funds—Payment of bonds, interest. When the state finance committee issues revenue bonds as provided in RCW 43.21.300, it shall, as a part of the plan and system, request the state treasurer to establish a special fund or funds to defray the cost of the steam electric utility, or additions or betterments thereto or extensions thereof. The state finance committee may obligate and bind the director of conservation to set aside and pay to the state treasurer for deposit into such fund or funds a fixed proportion of the gross revenue of the steam electric utility and all additions or betterments thereto or extensions thereof, or any fixed amount out of, and not exceeding the fixed proportion of such revenue, or a fixed amount without regard to any fixed proportion, or an amount of the revenue equal to a fixed percentage of the aggregate principal amount of revenue bonds at any time issued against the special fund or funds. It may issue and sell utility bonds payable as to both principal and interest only out of such fund or funds.

The revenue bonds shall be payable at such places and times, both as to principal and interest, and bear interest at such rates payable semiannually as the state finance committee shall determine. [1965 c 8 § 43.21.310. Prior: 1957 c 275 § 9.]

43.21.320 Steam electric generating plant—Considerations in issuance of bonds, limitations. In the issuance of any bonds hereunder the state finance committee shall have due regard to the cost of operation and maintenance of the steam electric utility as acquired, constructed or added to, and to any proportion or amount of the revenue previously pledged as a fund

for the payment of revenue bonds. It shall not require to be set aside into the fund a greater amount or proportion of the revenue than in its judgment and as agreed to by the director of conservation will be available over and above the cost of maintenance and operation and any amount or proportion of the revenue so previously pledged. Revenue bonds and interest thereon issued against such fund shall be a valid claim of the holder thereof only as against the fund and the proportion or amount of the revenue pledged thereto, but shall constitute a prior charge over all other charges or claims whatsoever against the fund and the proportion or amount of the revenues pledged thereto. Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating it. [1965 c 8 § 43.21.320. Prior: 1957 c 275 § 10.]

43.21.330 Steam electric generating plant—Resolution authorizing issuance of bonds, contents, covenants. The resolution of the state finance committee authorizing the issuance of revenue bonds shall specify the title of the bonds as determined by the state finance committee, and may contain covenants by the committee to protect and safeguard the security and the rights of the holders thereof, including covenants as to, among other things:

(1) The purpose or purposes to which the proceeds of the sale of the revenue bonds may be applied and the use and disposition thereof;

(2) The use and disposition of the gross revenue of the steam electric utility and any additions or betterments thereto or extensions thereof, the cost of which is to be defrayed with such proceeds, including the creation and maintenance of funds for working capital to be used in the operation of the steam electric utility and for renewals and replacements thereof;

(3) The amount, if any, of additional revenue bonds payable from such fund which may be issued and the terms and conditions on which such additional revenue bonds or warrants may be issued;

(4) The establishment and maintenance of adequate rates and charges for electric power and energy and other services, facilities, and commodities, sold, furnished or supplied by the steam electric utility;

(5) The operation, maintenance, management, accounting and auditing of the electric utility;

(6) The terms upon which the revenue bonds, or any of them, may be redeemed at the election of the agency;

(7) Limitations upon the right to dispose of the steam electric utility or any part thereof without providing for the payment of the outstanding revenue bonds; and

(8) The appointment of trustees, depositaries, and paying agents to receive, hold, disburse, invest, and reinvest all or any part of the income, revenue, receipts and profits derived by the director of conservation from the operation, ownership, and management of its steam electric utility. [1965 c 8 § 43.21.330. Prior: 1957 c 275 § 11.]

43.21.340 Steam electric generating plant—Sale of bonds. All bonds issued under or by authority of RCW 43.21.250 through 43.21.410 shall be sold to the highest and best bidder after such advertising for bids as the state finance committee may deem proper. The state finance committee may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the state finance committee may deem most advantageous to its own interests. [1970 ex.s. c 56 § 61; 1969 ex.s. c 232 § 32; 1965 c 8 § 43.21.340. Prior: 1957 c 275 § 12.]

Effective date—Purpose—1970 ex.s. c 56: See notes following RCW 39.44.030.

Validation—Saving—Severability—1969 ex.s. c 232: See notes following RCW 39.44.030.

43.21.350 Steam electric generating plant—Examination, registration of bonds by state auditor—Defects, irregularities. Prior to the issuance and delivery of any revenue bonds, such bonds and a certified copy of the resolution authorizing them shall be delivered to the state auditor together with any additional information that he may require. When the bonds have been examined they shall be registered by the auditor in books to be kept by him for that purpose, and a certificate of registration shall be endorsed upon each bond and signed by the auditor or a deputy appointed by him for the purpose. The bonds shall then be prima facie valid and binding obligations of the state finance committee in accordance with their terms, notwithstanding any defects or irregularities in the authorization and issuance of the bonds, or in the sale, execution or delivery thereof. [1965 c 8 § 43.21.350. Prior: 1957 c 275 § 13.]

43.21.360 Steam electric generating plant—Rates or charges. When revenue bonds are outstanding the director of conservation shall establish, maintain, and collect rates or charges for electric power and energy, and other services, facilities and commodities sold and supplied by the director of conservation which shall be fair and nondiscriminatory and adequate to provide revenue sufficient to pay the principal of and interest on revenue bonds outstanding, and all payments which the director of conservation is obligated to make to the state treasurer for deposit in any special fund or funds created for such purpose, and for the proper operation and maintenance of the utility and all necessary repairs, replacements and renewals thereof. [1965 c 8 § 43.21.360. Prior: 1957 c 275 § 14.]

43.21.370 Steam electric generating plant—Refunding revenue bonds. When the state finance committee has outstanding revenue bonds, the state finance committee, with the concurrence of the director of conservation, may by resolution provide for the issuance of refunding revenue bonds with which to refund the outstanding revenue bonds, or any part thereof at maturity, or before maturity if they are by their terms or by other agreement, subject to call for prior redemption, with the right in the state finance committee to combine various series and issues of the outstanding revenue bonds by a single issue of refunding revenue bonds. The refunding

bonds shall be payable only out of a special fund created out of the gross revenue of the steam electric utility, and shall only be a valid claim as against such special fund and the amount or proportion of the revenue of the utility pledged to said fund. The rate of interest on refunding revenue bonds shall not exceed the rate of interest on revenue bonds refunded thereby. The state finance committee may exchange the refunding revenue bonds for the revenue bonds which are being refunded, or it may sell them in such manner as it deems for its best interest. Except as specifically provided in this section, the refunding revenue bonds shall be issued in accordance with the provisions contained in RCW 43.21.250 through 43.21.410 with respect to revenue bonds. [1965 c 8 § 43.21.370. Prior: 1957 c 275 § 15.]

43.21.380 Steam electric generating plant—Signatures on bonds. All revenue bonds, including refunding revenue bonds, shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons may have printed or lithographic facsimile of the signatures of such officers. [1965 c 8 § 43.21.380. Prior: 1957 c 275 § 16.]

43.21.390 Steam electric generating plant—Provisions of law, resolution, a contract with bondholder—Enforcement. The provisions of RCW 43.21.250 through 43.21.410 and any resolution providing for the issuance of revenue bonds shall constitute a contract with the holder or holders from time to time of the revenue bonds of the state finance committee. Such provisions of RCW 43.21.250 through 43.21.410 and of any such resolution shall be enforceable by any such bondholders by appropriate action in any court of competent jurisdiction. [1965 c 8 § 43.21.390. Prior: 1957 c 275 § 17.]

43.21.400 Steam electric generating plant—Bonds are legal security, investment, negotiable. All revenue bonds issued hereunder shall be legal securities, which may be used by a bank or trust company for deposit with the state treasurer, or by a county or city or town treasurer, as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys. They shall constitute legal investments for trustees and other fiduciaries other than corporations doing a trust business in this state, and for savings and loan associations, banks and insurance companies doing business in this state. All revenue bonds and all coupons appertaining thereto shall be negotiable instruments within the meaning and for all purposes of the negotiable instruments law. [1965 c 8 § 43.21.400. Prior: 1957 c 275 § 18.]

43.21.410 Steam electric generating plant—Director not authorized to acquire other facilities or engage in retail distribution. Nothing in RCW 43.21.250 through 43.21.410 shall authorize or empower the director of conservation to purchase or acquire any transmission or distribution system or facilities or to engage in the retail

distribution of electric energy, or to purchase or acquire any operating hydroelectric generating plant owned by any city or district, or by a privately owned public utility, or which hereafter may be acquired by any city or district by condemnation. [1965 c 8 § 43.21.410. Prior: 1957 c 275 § 19.]

Chapter 43.21A DEPARTMENT OF ECOLOGY

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43.21A.010 Legislative declaration of state policy on environment and utilization of natural resources. The legislature recognizes and declares it to be the policy of this state, that it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources. The legislature further recognizes that as the population of our state grows, the need to provide for our increasing industrial, agricultural, residential, social, recreational, economic and other needs will place an increasing responsibility on all segments of our society to plan, coordinate, restore and regulate the utilization of our natural resources in a manner that will protect and conserve our clean air, our pure and abundant waters, and the natural beauty of the state. [1970 ex.s. c 62 § 1.]

Savings—Other powers and rights not affected—Permits, standards, not affected—1970 ex.s. c 62. "The provisions of this act shall not impair or supersede the powers or rights of any person, committee, association, public, municipal or private corporations, state or local governmental agency, federal agency, or political subdivision of the state of Washington under any other law except as specifically provided herein. Pollution control permits, water quality standards, air pollution permits, air quality standards, and permits for disposal of solid waste materials of this state are not changed hereby and the laws governing the same are to be protected and preserved." [1970 ex.s. c 62 § 61.]

Effective date—1970 ex.s. c 62: "This 1970 amendatory act shall take effect on July 1, 1970." [1970 ex.s. c 62 § 64.]

Severability—1970 ex.s. c 62: "If any provision of this 1970 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, shall not be affected." [1970 ex.s. c 62 § 65.] Sections 61, 64 and 65 above are from 1970 ex.s. c 62 codified as chapters 43.21A and 43.21B RCW, RCW 43.06.073, 43.17.010 and 43.17.020.

43.21A.020 Purpose. In recognition of the responsibility of state government to carry out the policies set forth in RCW 43.21A.010, it is the purpose of this chapter to establish a single state agency with the authority to manage and develop our air and water resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving these and related land resources. To this end a department of ecology is created by this chapter to undertake, in an integrated manner, the various water regulation, management, planning and development programs now authorized to be performed by the department of water resources and the water

pollution control commission, the air regulation and management program now performed by the state air pollution control board, the solid waste regulation and management program authorized to be performed by state government as provided by chapter 70.95 RCW, and such other environmental, management protection and development programs as may be authorized by the legislature. [1970 ex.s. c 62 § 2.]

43.21A.030 Definitions. As used in this chapter, unless the context indicates otherwise:

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology.
- (3) "Commission" means the ecological commission. [1970 ex.s. c 62 § 3.]

43.21A.040 Department of ecology—Created. There is created a department of state government to be known as the department of ecology. [1970 ex.s. c 62 § 4.]

43.21A.050 Department of ecology—Director—Appointment—Powers and duties—Salary—Temporary appointment when vacancy. The executive and administrative head of the department shall be the director. The director shall be appointed by the governor with the consent of the senate. He shall have complete charge of and supervisory powers over the department. He shall be paid a salary 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 at which time he shall present to that body his nomination for the position. [1970 ex.s. c 62 § 5.]

Duties relating to ecological commission: RCW 43.21A.190 and 43.21A.200.

43.21A.060 Department of ecology—Powers, duties and functions transferred to department. The following powers, duties and functions are hereby transferred to the department of ecology created in RCW 43.21A.040:

- (1) All powers, duties and functions authorized to be performed by the water pollution control commission, or the director thereof, by the terms of chapter 90.48 RCW or otherwise, including those assigned by action of this 1970 legislature;
- (2) All powers, duties and functions authorized to be performed by the department of water resources, or the director thereof, by the terms of chapter 43.27A RCW or otherwise, including those assigned by action of this 1970 legislature;
- (3) All powers, duties and functions authorized to be performed with reference to air pollution by the department of health, or the director thereof, and by the state air pollution control board or its executive director, by terms of chapter 70.94 RCW, the Washington Clean Air Act, or otherwise, including those assigned by this 1970 legislature; and

(4) All powers, duties and functions authorized to be performed by the department of health, or the director of health, involving the control of pollution problems created by the disposal of solid waste, including those assigned by action of this 1970 legislature, and all powers, duties and functions to be exercised and performed by a department of ecology by the terms of chapter 70.95 RCW, including those assigned by this 1970 legislature. [1970 ex.s. c 62 § 6.]

Reviser's note: Departmental powers, duties and functions to be exercised under chapter 70.95 RCW were by a department of environmental quality, never in fact created; see note following RCW 70.95.030; however, section 62 of 1970 ex.s. c 62, codified in RCW 43.21A.400 provides when "department of environmental quality" is used in the code it shall mean the "department of ecology"

Powers, duties and functions of department of health, director thereof, transferred to department of social and health services, director thereof: RCW 43.20A.030, 43.20A.120.

Powers, duties and functions performed by department of water resources, director thereof, not affected by RCW 43.21A.190: RCW 43.21A.190.

43.21A.070 Application of administrative procedure act to the review of decisions by director. The administrative procedure act, chapter 34.04 RCW, shall apply to the review of decisions by the director to the same extent as it applied to decisions issued by the directors of the various departments whose powers, duties and functions are transferred by this 1970 amendatory act to the department of ecology. The administrative procedure act shall further apply to all other decisions of the director as in chapter 34.04 RCW provided. [1970 ex.s. c 62 § 7.]

Reviser's note: "this 1970 amendatory act", see notes following RCW 43.21A.010.

43.21A.080 Rules and regulations. The director of the department of ecology is authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter. [1970 ex.s. c 62 § 8.]

Proposed rules and regulations submitted to ecological commission for approval: RCW 43.21A.190.

43.21A.090 Powers, duties and functions transferred to department to be performed by director—Delegation by director, limitations. All powers, duties and functions transferred to the department by the terms of this 1970 amendatory act shall be performed by the director: *Provided*, That the director may delegate, by appropriate rule or regulation, the performance of such of his powers, duties, and functions, other than those relating to the adoption, amendment or rescission of rules and regulations, to employees of the department whenever it appears desirable in fulfilling the policy and purposes of this chapter. [1970 ex.s. c 62 § 9.]

Reviser's note: "this 1970 amendatory act", see notes following RCW 43.21A.010.

43.21A.100 Departmental administrative divisions—Deputy director, duties—Assistant directors, duties—As exempt from state civil service law—

Salaries. In order to obtain maximum efficiency and effectiveness within the department, the director may create such administrative divisions within the department as he deems necessary. The director shall appoint a deputy director as well as such assistant directors as shall be needed to administer the several divisions within the department. The deputy director shall have charge and general supervision of the department in the absence or disability of the director. In the case of a vacancy in the office of director, the deputy director shall administer the department until the governor appoints a successor to the director or an acting director. The officers appointed under this section and exempt from the provisions of the state civil service law as provided in RCW 41.06.073, 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. [1970 ex.s. c 62 § 10.]

43.21A.120 Director to employ personnel—Application of state civil service law. The director shall have the power to employ such personnel as may be necessary for the general administration of this chapter: *Provided*, That except as specified in RCW 41.06.073, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW. [1970 ex.s. c 62 § 12.]

43.21A.130 Studies by director—Limitations. In addition to any other powers granted the director, he may undertake studies dealing with all aspects of environmental problems involving land, water, or air: *Provided*, That in the absence of specific legislative authority, such studies shall be limited to investigations of particular problems, and shall not be implemented by positive action: *Provided further*, That the results of all such studies shall be submitted to the legislature prior to thirty days before the beginning of each regular session. [1970 ex.s. c 62 § 13.]

43.21A.140 Director to consult with department, state board of health. The director in carrying out his powers and duties under this chapter shall consult with the department of health and the state board of health, or their successors, insofar as necessary to assure that those agencies concerned with the preservation of life and health may integrate their efforts to the fullest extent possible and endorse policies in common. [1970 ex.s. c 62 § 14.]

Department of health abolished, powers and duties transferred to department of social and health services: RCW 43.20A.030, 43.20A.500.

State board of health: Chapter 43.20 RCW.

43.21A.150 Director to consult with other states, federal government and Canadian provinces—Authority to receive and disburse grants, funds and gifts. The director, whenever it is lawful and feasible to do so, shall consult and cooperate with the federal government, as well as with other states and Canadian provinces, in the study and control of environmental problems. On behalf of

the department, the director is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies, for the purpose of carrying out the provisions of this chapter. [1970 ex.s. c 62 § 15.]

43.21A.160 Request for certification of records as confidential—Procedure. Whenever any records or other information furnished under the authority of this chapter to the director, the department, or any division of the department, relate to the processes of production unique to the owner or operator thereof, or may affect adversely the competitive position of such owner or operator if released to the public or to a competitor, the owner or operator of such processes or production may so certify, and request that such information or records be made available only for the confidential use of the director, the department, or the appropriate division of the department. The director shall give consideration to the request, and if such action would not be detrimental to the public interest and is otherwise within accord with the policies and purposes of this chapter, may grant the same. [1970 ex.s. c 62 § 16.]

43.21A.170 Ecological commission—Created—Members appointed—Qualifications—Terms—Filling vacancies—Chairman, appointment—Removal—State agency representation. There is hereby created an ecological commission. The commission shall consist of seven members to be appointed by the governor from the electors of the state who shall have a general knowledge of and interest in environmental matters. No persons shall be eligible for appointment who hold any other state, county or municipal elective or appointive office.

(a) One public member shall be a representative of organized labor.

(b) One public member shall be a representative of the business community.

(c) One public member shall be a representative of the agricultural community.

(d) Four persons representing the public at large.

The members of the initial commission shall be appointed within thirty days after July 1, 1970. Of the members of the initial commission, two shall be appointed for terms ending June 30, 1974, two shall be appointed for terms ending on June 30, 1973, two shall be appointed for terms ending on June 30, 1972, and one shall be appointed for a term ending June 30, 1971. Thereafter, each member of the commission shall be appointed for a term of four years. Vacancies shall be filled within ninety days for the remainder of the unexpired term by appointment of the governor in the same manner as the original appointments. Each member of the commission shall continue in office until his successor is appointed. No member shall be appointed for more than two consecutive terms. The chairman of the commission shall be appointed from the members by the governor.

The governor may remove any commission member for cause giving him a copy of the charges against him,

and an opportunity of being publicly heard in person, or by counsel in his own defense. There shall be no right of review in any court whatsoever. The director or administrator, or a designated representative, of each of the following state agencies:

(1) The department of agriculture;

(2) The department of commerce and economic development;

(3) The department of fisheries;

(4) The department of game;

(5) The department of health;

(6) The department of natural resources;

(7) The state parks and recreation commission shall be given notice of and may attend all meetings of the commission and shall be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations. [1970 ex.s. c 62 § 17.]

Department of health abolished, powers and duties transferred to department of social and health services: RCW 43.20A.030, 43.20A.500.

43.21A.180 Ecological commission—Meetings—Per diem and travel expenses. The commission shall meet quarterly at a date and place of its choice, and at such other times as shall be designated by the director or upon the written request of a majority of the commission. Members of the commission shall receive twenty-five dollars per diem for each day or major portion thereof actually spent in attending to their duties as commission members; and, in addition, they shall be entitled to reimbursement and for their travel expenses as provided in RCW 43.03.060, as now or hereafter amended. [1970 ex.s. c 62 § 18.]

43.21A.190 Ecological commission—Powers and duties—Approval of rules and regulations—Certain functions of department of water resources exempted. It shall be the duty of the members of the commission to provide advice and guidance to the director on each of the following:

(1) Any positions proposed to be taken by the department on behalf of the state before interstate and federal agencies or federal legislative bodies on matters relating to or affecting the quality of the environment of the state;

(2) Any comprehensive environment quality plan, program or policy proposed for adoption by the department as a state plan or policy pertaining to an environmental management activity;

(3) Any procedures for the financial assistance grants proposed to be given to municipal, regional, county or state organizations for environmental quality purposes;

(4) Any procedures for considering applications for and granting variances;

(5) Any proposal developed for submission to the legislature as a departmental request bill;

(6) Any other matter pertaining to the activities of the department submitted by the director for which advice and guidance is requested.

The director shall submit in writing to each member of the commission all rules and regulations, other than for procedural matters, proposed by him for adoption

in accordance with the procedures of chapter 34.04 RCW. Unless, within thirty days of such notification, five of the members of the commission, notify the director in writing of their disapproval of such proposed rules and regulations and their reasons therefor, such rules and regulations shall be adopted by the director in accordance with the procedures of chapter 34.04 RCW.

No powers, duties and functions authorized to be performed by the department of water resources, or the director thereof, by the terms of chapter 43.27A RCW or otherwise, including those assigned by action of the 1970 legislature shall be affected by this section. [1970 ex.s. c 62 § 19.]

43.21A.200 Ecological commission—Matters before commission for advice and guidance, procedure—Commission secretary, duties—Commission staff and facilities—Annual report of commission action. In matters submitted to the commission for advice and guidance, as set forth in RCW 43.21A.190, it shall be the responsibility of the director to accompany such request with a statement of the background occasioning the request, together with the director's proposal for dealing with the same. Each member shall individually submit to the director in writing his views within such time as the director shall prescribe. In considering a matter submitted to it by the director, the commission shall conduct such public hearings and make such investigations as it deems necessary. The secretary of the commission shall be the director, or an employee of the department designated by the director. It shall be the duty of the secretary to act as liaison between the commission and department as well as other state agencies; to prepare the minutes of the commission; and otherwise to assist the commission. The director shall furnish to the commission such staff and facilities as may be necessary to fulfill its duties. He shall submit to the governor during July of each year, a report containing a summary of the advice and guidance rendered by the commission during the preceding twelve month period. [1970 ex.s. c 62 § 20.]

43.21A.210 Ecological commission—Majority of commission may agree to consider any matters pertinent to act's purpose. In addition to the duties and authorities contained in RCW 43.21A.190 and 43.21A.200, the advisory commission may agree to consider any matter pertinent to the purposes of this act by consent of a majority of the members. [1970 ex.s. c 62 § 21.]

Reviser's note: "this act", see note following RCW 43.21A.010.

43.21A.250 Pollution control hearings board of the state as affecting department, director and commission. See chapter 43.21B RCW.

43.21A.300 Certain state agencies abolished July 1, 1970—Rules and regulations, pending business, contracts, of agencies whose functions are transferred to department, shall be continued and acted upon by department—Savings. On July 1, 1970, the following state agencies, councils and committees are abolished:

- (1) The department of water resources.

- (2) The water pollution control commission.
- (3) The state air pollution control board.
- (4) The water resources advisory council.

All rules and regulations, and all pending business before the department of water resources, the department of health, the state air pollution control board or the water pollution control commission pertaining to matters affected by this chapter, as of July 1, 1970, shall be continued and acted upon by the department of ecology.

All existing contracts and obligations pertaining to the functions herein transferred shall remain in full force and effect, and shall be performed by the department. Neither the abolition of any agency nor any of the transfers authorized by this chapter shall affect the validity of any act performed by the department of water resources, the department of health, the state air pollution control board, or the water pollution control commission, or by any official or employee thereof, prior to July 1, 1970. [1970 ex.s. c 62 § 26.]

Powers, duties and functions performed by department of water resources, director thereof, not affected by RCW 43.21A.190: RCW 43.21A.190.

43.21A.310 Personnel under state civil service engaged in functions transferred to department shall continue usual duties without loss of rights. All employees and personnel classified under chapter 41.06 RCW, the state civil service law, and engaged in duties pertaining to the functions transferred by this chapter 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. [1970 ex.s. c 62 § 22.]

43.21A.320 Transfer of property and funds of agencies whose functions are transferred to department—Determination when question on property transfer. All reports, documents, surveys, books, records, files, papers or other writings in the possession of the department of health or state board of health pertaining to air pollution, in the possession of the department of health pertaining to air or solid waste pollution, or in the possession of the department of water resources or in the possession of the water pollution control commission shall be delivered to the custody of the department of ecology.

All cabinets, furniture, office equipment, motor vehicles and other tangible property employed in carrying out the powers, duties, and functions transferred by this chapter shall be made available to the department of ecology.

All funds, credits or other assets held in connection with the functions herein transferred shall be assigned to the department of ecology.

Any appropriations made to the department of health, the state air pollution control board, the department of water resources, or the water pollution control commission for the purpose of carrying out the powers, duties, and functions herein transferred, shall on July 1, 1970 be transferred and credited to the department of

ecology for the purpose of carrying out such transferred powers, duties and functions.

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 shall make a determination thereon and certify the same to the state agencies concerned. [1970 ex.s. c 62 § 23.]

Powers, duties and functions of department of health, director thereof, transferred to department of social and health services, director thereof: RCW 43.20A.030, 43.20A.120.

43.21A.330 Officials to continue services provided agencies whose functions are transferred to department. All state officials required to maintain contact with or provide services to the department of water resources, to the water pollution control commission, to the department of health or state air pollution control board in connection with air pollution, or to the department of health in connection with solid waste pollution, shall continue to perform such services for the department of ecology unless otherwise directed by this chapter. [1970 ex.s. c 62 § 24.]

Powers, duties and functions of department of health transferred to department of social and health services: RCW 43.20A.030.

43.21A.340 Other powers and rights not affected—Permits, standards not affected. Except as specifically provided in this 1970 amendatory act, the provisions hereof shall not impair or supersede the powers or rights granted under any other law to any person, committee, or association, any public, municipal, or private corporation, any state or local governmental agency, any federal agency, or any political subdivision of the state of Washington. Pollution control permits, water quality standards, air pollution permits, air quality standards, and permits for disposal of solid waste material are not affected by this 1970 amendatory act, and the laws governing the same shall be protected and preserved. [1970 ex.s. c 62 § 25.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.21A.010.

Savings—Other powers and rights not affected—1970 ex.s. c 62: See note following RCW 43.21A.010.

43.21A.400 Department of environmental quality means department of ecology. Wherever in the statutes of this state, including any enactment at this 1970 extraordinary session, the department of environmental quality is referred to such reference shall mean the state department of ecology created herein. [1970 ex.s. c 62 § 62.]

43.21A.405 Marine pollution—Baseline study program—Legislative finding and declaration. The legislature recognizes that there exists a great risk of potential damage from oil pollution of the waters of the state of Washington and further declares that immediate steps

must be undertaken to reduce this risk. The legislature also is aware that such danger is expected to increase in future years in proportion to the increase in the size and cargo capacity of ships, barges, and other waterborne carriers, the construction and operational characteristics of these carriers, the density of waterborne traffic, and the need for a greater supply of petroleum products.

A program of systematic baseline studies to be conducted by the department of ecology has been recognized as a vital part of the efforts to reduce the risk of oil pollution of marine waters, and the legislature recognizes that many factors combine to make this effort one of considerable magnitude and difficulty. The marine shoreline of the state is about two thousand seven hundred miles long, a greater length than the combined coastlines of Oregon and California. There are some three million acres of submerged land and more than three hundred islands in these marine waters. The average depth of Puget Sound is two hundred twenty feet. There is a great diversity of animal life in the waters of the state. These waters have a multitude of uses by both humans and nonhumans, and the interaction between man's activities and natural processes in these waters varies greatly with locale. [1973 2nd ex.s. c 30 § 1.]

Oil pollution: RCW 90.48.315–90.48.360.

Shoreline management act: Chapter 90.58 RCW.

43.21A.410 Marine pollution—Baseline study program established—Utilization of related programs—Coordination—Contracts. As part of the state effort to prevent and control oil pollution, a continuing, comprehensive program of systematic baseline studies for the waters of the state shall be established by the department of ecology. Full utilization of related historical data shall be made in planning these studies. Data from these and other scientific investigations made pursuant to RCW 43.21A.405 through 43.21A.420 should, whenever possible, have multiple use, including use as supporting evidence of environmental damage resulting from oil pollution, as indicators of the potential or existing risks and impacts of oil pollution, as aids to developing a methodology for implementing the reduction of risks, and as aids to maintaining water quality standards.

A baseline study program shall take full advantage of the data and information produced by related programs, such as the marine ecosystems analysis (MESA) program of the national oceanic and atmospheric administration, studies and inventories made pursuant to the state shorelines management act of 1971, and others. All phases of the program, including planning, operations, data analysis, interpretation, storage, retrieval, and dissemination phases, shall be coordinated to the greatest possible extent with appropriate governmental, academic, and industrial organizations. Whenever possible, the department shall contract with existing state agencies, boards, commissions, and institutions of higher education for the scientific investigation programs to be conducted. [1973 2nd ex.s. c 30 § 2.]

43.21A.415 Marine pollution—Baseline study program—Scope of data base produced. The data base produced by such studies should include chemical, physical, and biological parameters of the waters, complete information on marine pollution accidents, and an economic evaluation of the marine resources and shoreline properties that may be damaged or impaired by oil pollution. Where oceanographic and water quality instrumentation is used to gather data, such instruments shall be standardized and intercalibrated. [1973 2nd ex.s. c 30 § 3.]

43.21A.420 Marine pollution—Baseline study program—Priority factors. In planning the state baseline studies program, priority shall be given to those waters (1) in which the greatest risk of damage from oil spills exists; (2) which contain marine and fresh water life that is particularly sensitive to toxins contained in crude oil, oil products, and oil wastes; and (3) which are used or may be used for the harvesting, gathering, or production of food or food products. [1973 2nd ex.s. c 30 § 4.]

43.21A.900 Chapter to be liberally construed. The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out the broad purposes set forth in RCW 43.21A.020. [1970 ex.s. c 62 § 27.]

43.21A.910 Savings—Permits, standards not affected—Severability—Effective date—1970 basic act. See notes following RCW 43.21A.010.

Chapter 43.21B

POLLUTION CONTROL HEARINGS BOARD OF THE STATE

Sections

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- 43.21B.260 Regulations and amendments of activated air pollution control authorities—Filing with hearings board authorized—Evidence.
- 43.21B.900 Savings—Other powers and duties not affected—Permits, standards not affected—Severability—Effective date—1970 basic act.

43.21B.010 Board created—Purpose. There is hereby created a pollution control hearings board of the state of Washington as an agency of state government.

The purpose of the hearings board is to provide for a more expeditious and efficient disposition of appeals with respect to the decisions and orders of the department and director and with respect to all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW. [1970 ex.s. c 62 § 31.]

43.21B.020 Members—Qualifications—Appointment. The hearings board shall consist of three members qualified by experience or training in pertinent matters pertaining to the environment, and at least one member of the hearings board shall have been admitted to practice law in this state and engaged in the legal profession at the time of his appointment. The hearings board shall be appointed by the governor with the advice and consent of the senate, and no more than two of whom at the time of appointment or during their term shall be members of the same political party. [1970 ex.s. c 62 § 32.]

43.21B.030 Members—Terms—Filling vacancies, term. Members of the hearings board shall be appointed for a term of six years and until their successors are appointed and have qualified. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs: *Provided*, That the terms of the first three members of the hearings board shall be staggered so that one member shall be appointed to serve until July 1, 1972, one member until July 1, 1974, and one member until July 1, 1976. [1970 ex.s. c 62 § 33.]

43.21B.040 Removal of member, procedure—As disqualification for reappointment. Any member of the hearings board may be removed for inefficiency, malfeasance and misfeasance in office, under specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the hearings board by the tribunal shall disqualify such member for reappointment. [1970 ex.s. c 62 § 34.]

43.21B.050 Governor to determine basis for operation—Compensation if part time basis, limitation—Reimbursement of travel and other expenses. The hearings board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the hearings board shall operate on a full time basis, each member of the hearings board shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined the hearings board shall operate on a part time basis, each member of the hearings board shall receive compensation on the basis of seventy-five dollars per diem for each day spent in performance of his duties: *Provided*, That such compensation shall not exceed ten thousand dollars in a calendar year. Each hearings board member shall receive reimbursement for travel and other expenses incurred in the discharge of his duties in accordance with RCW 43.03.050 and 43.03.060. [1970 ex.s. c 62 § 35.]

43.21B.060 Restrictions upon conduct while member and upon termination of membership. Each member of the hearings board: (1) Shall not be a candidate for nor hold any other public office or trust, and shall not engage in any occupation or business interfering with or inconsistent with his duty as a member of the hearings board, nor shall he serve on or under any committee of any political party; and (2) shall not for a period of one year after the termination of his membership on the hearings board, act in a representative capacity before the hearings board on any matter. [1970 ex.s. c 62 § 36.]

43.21B.070 Staff personnel, hiring of, or contracting for required services. The hearings board may appoint, discharge and fix the compensation of an executive secretary, a clerk, and such other clerical, professional and technical assistants as may be necessary, or may contract for required services. [1970 ex.s. c 62 § 37.]

43.21B.080 Chairman, biennial election of. The hearings board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect such a chairman. [1970 ex.s. c 62 § 38.]

43.21B.090 Principal office—Quorum—Hearings by one or more members—Hearing examiners—Board powers and duties. The principal office of the hearings board shall be at the state capitol, but it may sit or hold hearings at any other place in the state. A majority of the hearings board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position of the hearings board be vacant. One or more members may hold hearings and take testimony to be reported for action by the hearings board when authorized by rule or order of the hearings board. The board may also appoint as its authorized agents one or more hearing examiners to assist the board in the performance of its hearing function pursuant to the authority contained in the administrative procedure act, chapter 34.04 RCW as now or hereafter amended: *Provided*, That the findings of the hearing examiner shall not become final until they have been formally approved by the board. The hearings board shall perform all the powers and duties specified in this chapter or as otherwise provided by law. [1974 1st ex.s. c 69 § 1; 1970 ex.s. c 62 § 39.]

43.21B.100 Board to make findings of fact and written decisions on each case considered—Effective upon signing and filing—Public information. The hearings board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decisions shall be effective upon being signed by two or more members of the hearings board and upon being filed at the hearings board's principal office, and shall be open for public inspection at all reasonable times. [1970 ex.s. c 62 § 40.]

43.21B.110 Board jurisdiction—Issuance, modification, termination of permits, licenses, as order—Application of administrative procedure act. The hearings board shall only have jurisdiction to hear and decide appeals from the decisions of the department and the director and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW when such decisions concern matters within the jurisdiction of the hearings board as provided in this act or as provided in any future act or law granting the hearings board additional jurisdiction. The hearings board shall also have jurisdiction to hear and decide appeals from any person aggrieved by an order issued by the department or by air pollution control boards or authorities as established pursuant to chapter 70.94 RCW with respect to a violation or violations of this act or of any rule or regulation adopted by the department or of any other law within the jurisdiction of the department. The issuance, modification, or termination of any permit or license by the department in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, or the modification of the conditions or the terms of a waste disposal permit, shall be deemed to be an order for purposes of this act: *Provided*, That review of rules and regulations adopted by the

board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW. [1970 ex.s. c 62 § 41.]

Reviser's note: "this act", see note following RCW 43.21A.010.

43.21B.120 Board hearing authority exclusive—Exception—Others' orders final unless appeal to board. Notwithstanding any other provisions of law to the contrary, the department and all air pollution control boards or authorities established pursuant to chapter 70.94 RCW are hereby prohibited from conducting hearings on violations of any rule or regulation made by the department or the director, on violations of this act, or on violations of any rule or regulation adopted by any air pollution control board or authority established pursuant to chapter 70.94 RCW, or on the issuance, modification, or termination of any permit or license, within the jurisdiction of the department. All petitions for hearings with respect to such violations shall be heard by this hearing board created in this 1970 act: *Provided*, That violations of any rule or regulation made by any air pollution control board or authority established pursuant to chapter 70.94 RCW, may be heard by a hearings board of three members created by such board or authority pursuant to regulations promulgated by the hearings board created in this act.

Any order issued by the department or by any air pollution control board or authority established pursuant to chapter 70.94 RCW shall become final unless, no later than thirty days after the date that the notice and order are served, the person aggrieved by the order appeals to the hearings board as provided for in this act. [1970 ex.s. c 62 § 42.]

Reviser's note: "this 1970 act", see note following RCW 43.21A.010.

43.21B.130 Administrative procedure act to apply to appeal of board rules and regulations—Scope of board action on decisions and orders of others. The administrative procedure act, chapter 34.04 RCW, shall apply to the appeal of rules and regulations adopted by the board to the same extent as it applied to the review of rules and regulations adopted by the directors and/or boards or commissions of the various departments whose powers, duties and functions are transferred by this 1970 act to the department. All other decisions and orders of the director and all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW shall be subject to review by the hearings board as provided in this 1970 act. [1970 ex.s. c 62 § 43.]

Reviser's note: "this 1970 act", see note following RCW 43.21A.010.

43.21B.140 Formal or informal hearing, election of party taking appeal—Exception. In all appeals over which the hearings board has jurisdiction under RCW 43.21B.110 and 43.21B.120, a party taking an appeal may elect either a formal or an informal hearing, such election to be made according to rules of practice and procedure to be promulgated by the hearings board: *Provided*, That nothing herein shall be construed to

modify the provisions of RCW 43.21B.190 and 43.21B.200. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted. [1970 ex.s. c 62 § 44.]

43.21B.150 Informal hearings, board or hearing examiners' powers—Staff assistance, limitation. In all appeals involving an informal hearing, the hearings board or its hearing examiners shall have all powers relating to the administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies by chapter 34.04 RCW. In the case of appeals within the scope of *this 1970 act the hearings board or any member thereof may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board or any member thereof may deem necessary or appropriate: *Provided*, That any communication, oral or written, from the staff of the director to the hearings board or its hearing examiners shall be presented only in an open hearing. [1974 1st ex.s. c 69 § 2; 1970 ex.s. c 62 § 45.]

***Reviser's note:** "this 1970 act", see notes following RCW 43.21A.010.

43.21B.160 Formal hearings, board or hearing examiners' powers—Staff assistance, limitation. In all appeals involving a formal hearing, the hearings board or its hearing examiners shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.04 RCW; and the hearings board, and each member thereof, or its hearing examiners, shall be subject to all duties imposed upon, and shall have all powers granted to, an agency by those provisions of chapter 34.04 RCW relating to contested cases. In the case of appeals within the scope of *this 1970 act, the hearings board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board, or any member thereof, may deem necessary or appropriate: *Provided*, That any communication, oral or written, from the staff of the director to the hearings board or its hearing examiners, shall be presented only in an open hearing. [1974 1st ex.s. c 69 § 3; 1970 ex.s. c 62 § 46.]

***Reviser's note:** "this 1970 act", see notes following RCW 43.21A.010.

43.21B.170 Proceedings conducted in accordance with published board rules and regulations. All proceedings, including both formal and informal hearings, before the hearings board or any of its members shall be conducted in accordance with such rules of practice and procedure as the hearings board may prescribe. The hearings board shall publish such rules and arrange for the reasonable distribution thereof. [1970 ex.s. c 62 § 47.]

43.21B.180 Judicial review—Director's right of review of decisions pursuant to RCW 43.21B.110. Judicial review of a decision of the hearings board shall be de novo except when the decision has been rendered pursuant to a formal hearing elected under the provisions of this 1970 act, in which event judicial review may be obtained only pursuant to RCW 34.04.130 and 34.04.140. The director shall have the same right of review from a decision made pursuant to RCW 43.21B.110 as does any person. [1970 ex.s. c 62 § 48.]

Reviser's note: "this 1970 act", see note following RCW 43.21A.010.

43.21B.190 Judicial review—Appeal from board's order—Procedure—When bonds required. Within thirty days after the final decision and order of the hearings board upon such an appeal has been communicated to the interested parties, or within thirty days after an appeal has been denied after an informal hearing, such interested party aggrieved by the decision and order of the hearings board may appeal to the superior court. In all appeals involving a decision or an order of the hearings board after an informal hearing, the petition shall be filed in the superior court for the county of the petitioner's residence or principal place of business, or in the absence of a residence or principal place of business, for Thurston county. Such appeal may be perfected by filing with the clerk of the superior court a notice of appeal, and by serving a copy thereof by mail, or personally on the director, the air pollution control boards or authorities, established pursuant to chapter 70.94 RCW or on the board as the case may be. The hearings board shall serve upon the appealing party, the director, the air pollution control board or authorities established pursuant to chapter 70.94 RCW, or the board, as the case may be, and on any other party appearing at the hearings board's proceeding, and file with the clerk of the court before trial, a certified copy of the hearings board's decision and order. Every appeal from a decision of the superior court shall go directly to the supreme court, notwithstanding RCW 2.06.030. No bond shall be required on appeals to the superior court or on appeals to the supreme court unless specifically required by the judge of the superior court. [1970 ex.s. c 62 § 49.]

43.21B.200 Judicial review—Appeals to court of appeals pursuant to RCW 34.04.130(6)—Procedure—When bonds required. Within thirty days after the final decision and order of the hearings board upon such an appeal has been communicated to the interested parties, or within thirty days after an appeal has been denied after a formal hearing, such interested party aggrieved by the decision and order of the hearings board may appeal to the court of appeals pursuant to the provisions of RCW 34.04.130(6). Such appeal may be perfected by filing with the clerk of the court of appeals a notice of appeal, and by serving a copy thereof by mail, or personally on the director of the department, and on the board. The hearings board shall serve upon the appealing party, the director, and any other party appearing at the hearings board's proceeding, and file with the clerk of the court before trial, a certified

copy of the hearings board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the hearings board's decision and order which shall become the record in such case. No bond shall be required on appeals to the court of appeals or on appeals to the supreme court unless specifically required by the judge of the court of appeals. [1970 ex.s. c 62 § 50.]

43.21B.220 Staying of orders or decisions pending final determinations, existing law prevails. No provision of this chapter shall be construed to change existing law relating to the staying of orders or decisions pending final determination of any hearing or appeal taken in accordance with the provisions herein. [1970 ex.s. c 62 § 52.]

43.21B.230 Appeal from notices of denial or determination or order, procedure—Formal or informal hearing, when. Any person having received notice of a denial of a petition, a notice of determination, notice of an order made by the department under the provisions of this 1970 amendatory act may appeal, within thirty days from the date of the notice of such denial, order, or determination to the hearings board. The appeal shall be perfected by serving a copy of the notice of appeal upon the department or air pollution authority established pursuant to chapter 70.94 RCW, as the case may be, within the time specified herein and by filing the original thereof with proof of service with the clerk of the hearings board. If the person intends that the hearing before the hearings board be a formal one, the notice of appeal shall so state. In the event that the notice of appeal does not so state, the hearing shall be an informal one: *Provided, however,* That nothing shall prevent the department or the air pollution authority, as the case may be, within ten days from the date of its receipt of the notice of appeal, from filing with the clerk of the hearings board notice of its intention that the hearing be a formal one. [1970 ex.s. c 62 § 53.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.21A.010.

43.21B.240 Public hearings of department under administrative procedure act limited. Notwithstanding any other powers, duties and functions transferred by the provisions of this act, the department shall only have authority to hold public hearings, pursuant to the administrative procedure act, chapter 34.04 RCW, with respect to those matters enumerated in sections of this 1970 amendatory act. [1970 ex.s. c 62 § 54.]

Reviser's note: "this 1970 amendatory act", see note following RCW 43.21A.010.

43.21B.250 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.120—Procedure—Finality. (1) All challenges in regard to the consistency of the rules adopted pursuant to RCW 43.21C.120 and with the rules and guidelines adopted pursuant to RCW 43.21C.110 shall be initiated by filing a petition for review with the pollution control hearings

board in accordance with rules of practice and procedures promulgated by the hearings board.

(2) All challenges to the hearings board provided under this section shall be decided on the basis of conformance of rules, with the applicable rules and guidelines adopted pursuant to RCW 43.21C.110. The board may in its discretion require briefs, testimony, and oral arguments.

(3) The decisions of the hearings board authorized under this section shall be final. [1974 1st ex.s. c 179 § 9.]

Purpose—1974 1st ex.s. c 179: See note following RCW 43.21C.080.

Severability—1974 1st ex.s. c 179: RCW 43.21C.910.

43.21B.260 Regulations and amendments of activated air pollution control authorities—Filing with hearings board authorized—Evidence. Activated air pollution control authorities, established under chapter 70.94 RCW, may file certified copies of their regulations and amendments thereto with the pollution control hearings board of the state of Washington, and the hearings board shall take judicial note of the copies so filed and the said regulations and amendments shall be received and admitted, by reference, in all hearings before the board, as prima facie evidence that such regulations and amendments on file are in full force and effect. [1974 1st ex.s. c 69 § 5.]

43.21B.900 Savings—Other powers and duties not affected—Permits, standards not affected—Severability—Effective date—1970 basic act. See notes following RCW 43.21A.010.

Chapter 43.21C STATE ENVIRONMENTAL POLICY

Sections

- 43.21C.010 Purposes.
- 43.21C.020 Legislative recognitions—Declaration—Responsibility.
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- 43.21C.100 Council on environmental policy—Established—Composition—Abolishment.
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- 43.21C.120 Rules, ordinances, resolutions and regulations—Adoption—Effective dates.
- 43.21C.130 Model ordinances.
- 43.21C.140 Review of actions taken to implement chapter—Report to legislature.
- 43.21C.150 RCW 43.21C.030(2)(c) inapplicable when statement prepared pursuant to national environmental policy act—Exceptions.
- 43.21C.160 Utilization of statement prepared under RCW 43.21C.030 to implement chapter 90.62 RCW—Utilization of chapter 90.62 RCW procedures to satisfy RCW 43.21C.030(2)(c).
- 43.21C.165 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.160—Procedure—Finality.
- 43.21C.900 Short title.
- 43.21C.910 Severability—1974 1st ex.s. c 179.

43.21C.010 Purposes. The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) and stimulate the health and welfare of man; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation. [1971 ex.s. c 109 § 1.]

43.21C.020 Legislative recognitions—Declaration—Responsibility. (1) The legislature, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) to create and maintain conditions under which man and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the state of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- (a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (b) Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. [1971 ex.s. c 109 § 2.]

43.21C.030 Guidelines for state agencies, local governments—Statements—Reports—Advice—Information. The legislature authorizes and directs that, to the fullest extent possible: (1) The policies, regulations, and laws of the state of Washington shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all branches of government of this state, including state agencies, municipal and public corporations, and counties shall:

(a) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(b) Identify and develop methods and procedures, in consultation with the department of ecology and the ecological commission, which will insure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations;

(c) Include in every recommendation or report on proposals for legislation and other major actions significantly affecting the quality of the environment, a detailed statement by the responsible official on:

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(d) Prior to making any detailed statement, the responsible official shall consult with and obtain the comments of any public agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, province, state, and local agencies, which are authorized

to develop and enforce environmental standards, shall be made available to the governor, the department of ecology, the ecological commission, and the public, and shall accompany the proposal through the existing agency review processes;

(e) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(f) Recognize the world-wide and long-range character of environmental problems and, where consistent with state policy, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(g) Make available to the federal government, other states, provinces of Canada, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(h) Initiate and utilize ecological information in the planning and development of natural resource-oriented projects. [1971 ex.s. c 109 § 3.]

43.21C.035 Certain irrigation projects decisions exempt from RCW 43.21C.030(2)(c). Decisions pertaining to applications for appropriation of fifty cubic feet of water per second or less for irrigation projects promulgated by any person, private firm, private corporation or private association without resort to subsidy by either state or federal government pursuant to RCW 90.03.250 through 90.03.340, as now or hereafter amended, to be used for agricultural irrigation shall not be subject to the requirements of RCW 43.21C.030(2)(c), as now or hereafter amended. [1974 1st ex.s. c 150 § 1.]

43.21C.040 Examination of laws, regulations, policies by state agencies and local authorities—Report of deficiencies and corrective measures. All branches of government of this state, including state agencies, municipal and public corporations, and counties shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this chapter and shall propose to the governor not later than January 1, 1972, such measures as may be necessary to bring their authority and policies in conformity with the intent, purposes, and procedures set forth in this chapter. [1971 ex.s. c 109 § 4.]

43.21C.050 Specific statutory obligations not affected. Nothing in RCW 43.21C.030 or 43.21C.040 shall in any way affect the specific statutory obligations of any agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other public agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other public agency. [1971 ex.s. c 109 § 5.]

43.21C.060 Chapter supplementary. The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of all branches of government of this state, including state agencies, municipal and public corporations, and counties. [1971 ex.s. c 109 § 6.]

43.21C.070 Establishment of classifications and categories of building permits and acts of governmental agencies concerning family residences—Exemption from "detailed statement" requirement. The department of ecology shall, within forty-five days from July 1, 1973, after notice and hearing, promulgate rules and regulations pursuant to chapter 34.04 RCW to establish classifications and categories of building permits and acts of governmental agencies concerning an individual single family residence, which classification and category shall be exempt from the "detailed statement" required by RCW 43.21C.030. Building permits and acts not so classified shall not be presumed to either require or not require a "detailed statement". [1973 1st ex.s. c 179 § 1.]

Effective date—1973 1st ex.s. c 179: "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 on July 1, 1973: *Provided, however,* That prior thereto, the department of ecology may take such actions, including the issuing of notices and the conduct of public hearing, as are necessary to insure the implementation of section 1 of this act." [1973 1st ex.s. c 179 § 4.] This applies to RCW 43.21C.070-43.21C.090.

43.21C.080 Notice of action by governmental agency—How publicized—Form—Time limitation for commencing challenge to action. (1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in subsection (3) of this section and in the following manner:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia; and

(c) Where no detailed statement is filed and where the property which is the subject matter of the action is under ten acres, such action shall be publicized by sending a notice of such action through the United States mail, first class, postage prepaid, to all owners of property abutting the property which is the subject matter of such action, as such property owners appear on the property tax rolls of the county treasurer. An affidavit of mailing of such notice may be filed with the department of ecology at the same time as the filing of the notice of the governmental action.

(2) Any action to set aside, enjoin, review, or otherwise challenge any such governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within sixty days from the date of filing of the notice with the department of ecology, the date of final newspaper publication, or

date of mailing, if applicable, whichever is later, or be barred: *Provided, however,* That (1) The time period within which an action shall be commenced shall be ninety days for projects to be performed by a governmental agency or to be performed under government contract, or (2) for thermal power plant projects: *Provided further,* That any subsequent action of the acting governmental agency for which the regulations of the acting governmental agency permit the same detailed statement to be utilized and as long as there is no substantial change in the project between the time of the action and any such subsequent action, shall not be set aside, enjoined, reviewed, or thereafter challenged on grounds of noncompliance with RCW 43.21C.030(2)(c).

(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:

NOTICE OF ACTION BY

(Government agency or entity)

Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:

The ----- (Government agency or entity) did on ----- (date), take action which may or may not be held or deemed to be "a major action significantly affecting the quality of the environment".

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within ----- days or be barred.

The action taken by ----- (Government agency or entity), notice of which is hereby given, was as follows:

(1) ----- (Here insert description of action taken such as: Adoption Ordinance No. -----; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2) ----- (Here insert description of the project.)

(3) Said action pertained to property commonly known as:

(Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of: ----- located at:

(Location, including room number)

(Name of government agency, proponent, or applicant giving notice)

Filed by -----

(Signature of individual and capacity in which such individual is signing)

[1974 1st ex.s. c 179 § 2; 1973 1st ex.s. c 179 § 2.]

Purpose—1974 1st ex.s. c 179: "The purpose of this 1974 amendatory act is to establish methods and means of providing for full implementation of chapter 43.21C RCW (the state environmental policy act of 1971) in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act." [1974 1st ex.s. c 179 § 1.] This applies to RCW 43.21B.250 and 43.21C.080-43.21C.087, 43.21C.100-43.21C.160, and 43.21C.910.

43.21C.085 Limitations on challenges to actions taken—Application to challenge or appeal on adoption of rules. The limitations on challenges to action taken by a governmental entity under RCW 43.21C.080 shall not constitute the time limits for a challenge or appeal on the adoption of rules by state agencies, political subdivisions, public or municipal corporations or counties, but the limitations under RCW 43.21C.080 shall apply to a challenge or appeal of such rule adoption on grounds of noncompliance with RCW 43.21C.030(2)(c). [1974 1st ex.s. c 179 § 3.]

43.21C.087 List of filings required by RCW 43.21C.080. The department of ecology shall prepare a list of all filings required by RCW 43.21C.080 each week and shall make such list available to any interested party. The list of filings shall include a brief description of the governmental action and the project involved in such action, along with the location of where information on the project or action may be obtained. Failure of the department to include any project or action shall not affect the running of the statute of limitations provided in RCW 43.21C.080. [1974 1st ex.s. c 179 § 14.]

43.21C.090 Decision of governmental agency to be accorded substantial weight. In any action involving an attack on a determination by a governmental agency relative to the requirement or the absence of the requirement, or the adequacy of a "detailed statement", the decision of the governmental agency shall be accorded substantial weight. [1973 1st ex.s. c 179 § 3.]

43.21C.100 Council on environmental policy—Established—Composition—Abolishment. There is hereby established the council on environmental policy which shall be composed of the members of the pollution control hearings board.

The council shall be abolished and shall cease to exist at midnight, June 30, 1976. The guidelines established by the council prior to midnight, June 30, 1976, shall continue to be valid and of force and effect, except as they are thereafter amended by further guidelines promulgated by the department of ecology, in accord with chapter 34.04 RCW.

Upon the abolishment of the council on June 30, 1976, all powers, duties and functions of the council are transferred to the department of ecology. [1974 1st ex.s. c 179 § 4.]

43.21C.105 Council on environmental policy—Personnel. The council may employ such personnel as are necessary for the performances of its duties. [1974 1st ex.s. c 179 § 5.]

43.21C.110 Council on environmental policy—Powers, duties and function. It shall be the duty and function of the council:

(1) To adopt initially and amend thereafter rules of interpretation and implementation of this chapter (the state environmental policy act of 1971), subject to the requirements of chapter 34.04 RCW, for the purpose of providing guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (the state environmental policy act of 1971):

(a) Categories of governmental actions which normally are to be considered as potential major actions significantly affecting the quality of the environment as well as categories of actions exempt from such classification, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW.

(b) Criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Procedures applicable to the preparation of detailed statements, including but not limited to obtaining comments, data and other information, and providing for and determining areas of public participation.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable.

(e) Procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter.

(g) Guidelines for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare guidelines for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Guidelines for utilization of a detailed statement for more than one action.

(k) Guidelines relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(2) In exercising its powers, functions, and duties under this section, the council may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of RCW 34.04.070 and 34.04.080. [1974 1st ex.s. c 179 § 6.]

43.21C.120 Rules, ordinances, resolutions and regulations—Adoption—Effective dates. (1) All agencies of government of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, to adopt rules pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Adoption of the initial rules required under this section shall take place not later than one hundred twenty days after the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110.

(2) Rules adopted by state agencies under subsection (1) of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW and shall be subject to the review procedures of RCW 34.04.070 and 34.04.080.

(3) All public and municipal corporations, political subdivisions, and counties of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, to adopt rules, ordinances, or resolutions pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Adoption of the initial rules required under this section shall take place not later than one hundred eighty days after the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110.

(4) Ordinances or regulations adopted prior to the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110 shall continue to be effective until the adoptions of any new ordinances or regulations. [1974 1st ex.s. c 179 § 8.]

43.21C.130 Model ordinances. The department of ecology, in consultation with concerned state agencies, shall with the assistance of the associations of county prosecutors and city attorneys, the association of county elected officials, the Washington state association of counties, and the association of cities, draft model ordinances for use by counties, cities and towns in drafting their ordinances under this chapter. [1974 1st ex.s. c 179 § 10.]

43.21C.140 Review of actions taken to implement chapter—Report to legislature. Each state agency, political subdivision, municipal and public corporation, and county shall review all actions taken to implement this chapter (the state environmental policy act) and may submit a report of such actions to the office of program planning and fiscal management, which shall compile and analyze such data and prepare a report which shall be submitted to the forty-fifth regular session of the legislature. In addition information on the cost of implementation and administration of the act shall be included in such report including the cost of preparation of all detailed statements since May 5, 1974. [1974 1st ex.s. c 179 § 11.]

43.21C.150 RCW 43.21C.030(2)(c) inapplicable when statement prepared pursuant to national environmental policy act—Exceptions. The requirements of RCW 43.21C.030(2)(c) pertaining to the preparation of a detailed statement by branches of government shall not apply when an adequate detailed statement is prepared pursuant to the national environmental policy act of 1969, in which event said prepared statement may be utilized in lieu of a separately prepared statement under RCW 43.21C.030(2)(c): *Provided*, That this section shall not apply to actions of the thermal power plant site evaluation council or to thermal power plant sites subject to the thermal power plant siting council under chapter 45, Laws of 1970 ex. sess., as amended by chapter 110, Laws of 1974 1st ex. sess., and chapter 80.50 RCW as now or hereafter amended. [1974 1st ex.s. c 179 § 12.]

43.21C.160 Utilization of statement prepared under RCW 43.21C.030 to implement chapter 90.62 RCW—Utilization of chapter 90.62 RCW procedures to satisfy RCW 43.21C.030(2)(c). In the implementation of chapter 90.62 RCW (the Environmental Coordination Procedures Act of 1973), the department of ecology, consistent with guidelines adopted by the council shall adopt rules which insure that one detailed statement prepared under RCW 43.21C.030 may be utilized by all branches of government participating in the processing of a master application. Whenever the procedures established pursuant to chapter 90.62 RCW are used, those procedures shall be utilized wherever possible to satisfy the procedural requirements of RCW 43.21C.030(2)(c). The time limits for challenges provided for in RCW 43.21C.080(2) shall be applicable when such procedures are so utilized. [1974 1st ex.s. c 179 § 13.]

43.21C.165 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.160—Procedure—Finality. See RCW 43.21B.250.

43.21C.900 Short title. This chapter shall be known and may be cited as the "State Environmental Policy Act of 1971". [1971 ex.s. c 109 § 7.]

43.21C.910 Severability—1974 1st ex.s. c 179. If any provision of this 1974 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. [1974 1st ex.s. c 179 § 16.]

**Chapter 43.21D
ELECTRIC POWER USE—EMERGENCY
CURTAILMENT, ALLOCATION**

Sections

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 43.21D.020 Definitions.
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43.21D.010 Legislative finding, declaration and intent. The legislature finds and declares that due to one of the most severe droughts in recorded history, the sources of electric power are in such short supply as to create a clear and foreseeable danger that without institution of appropriate measures to reduce and/or allocate the usage of electricity through a program of mandatory usage curtailment and/or allocation, an electric power system failure involving the entire Pacific Northwest may occur. The prevention of such a power system failure is necessary for preservation of the public health, welfare, and safety of the citizens of this state.

It is the policy of the state of Washington and the intent of this legislation to prevent such a failure of the electric power system and to provide emergency procedures whereby such a failure can be averted. [1973 2nd ex.s. c 29 § 1.]

43.21D.020 Definitions. (1) "Committee" means the electric emergency curtailment and/or allocation committee established in RCW 43.21D.030.

(2) "Electric utility" means any city or town, public utility district, regulated electric company, or electric cooperative, or other entity engaged in or authorized to engage in the business of generating, transmitting, or distributing electric energy in this state.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized. [1973 2nd ex.s. c 29 § 2.]

43.21D.030 Electric emergency curtailment and/or allocation committee—Created—Members—Compensation—Expenses. There is hereby created and established an electric emergency curtailment and/or allocation committee composed of five members to be appointed by the governor to serve at his pleasure. The governor shall name one of the members to serve as chairman of the committee. One member shall be experienced and knowledgeable in the affairs and operation of regulated electric companies; one member shall be experienced and knowledgeable in the affairs of public agencies or cooperatives engaged in the electric utility industry; one member shall be from the electric power consuming general public; and one member shall be from an industrial consumer of electric power. The chairman of the senate transportation and utilities committee and the chairman of the house transportation and utilities committee and one member of the minority party from each house shall serve as ex officio members of the committee, without vote.

Members, unless otherwise compensated for such time, shall be compensated at the rate of one hundred dollars per day for each day engaged in the business of the committee and shall be reimbursed for necessary traveling and lodging expenses actually incurred while engaged in the business of the committee as provided in chapter 43.03 RCW. [1973 2nd ex.s. c 29 § 3.]

43.21D.040 Powers and duties of committee. The committee shall have the following powers and duties:

(1) To gather and review pertinent information from whatever source available relating to electric power supply conditions;

(2) To make recommendations to the governor of appropriate emergency curtailment and/or allocation plans and procedures of electric power usage. In developing its recommendations the committee should consider the economic, social and environmental impact of a curtailment and/or allocation program;

(3) To advise the governor of the time or times, if any, based on pertinent information, when the electric power supply conditions require execution of emergency curtailment and/or allocation procedures, and also the time or times when such procedures can prudently be terminated;

(4) To monitor and review compliance with and effectiveness of orders of the governor issued under this chapter: *Provided*, That compliance by regulated electric companies shall be reviewed by the Washington utilities and transportation commission and the results thereof shall be reported to the committee;

(5) To require submission by any electric utility, for review and approval by the committee, of a plan for curtailment and/or allocation of electric usage in the event of an emergency. [1973 2nd ex.s. c 29 § 4.]

43.21D.050 Powers and duties of governor—Orders—Compliance required—Coordination with programs of other states. During such periods as the governor has determined that emergency curtailment and/or allocation procedures of electric power usage must be followed to assure prevention of an electric

power system failure, the governor is authorized and empowered to order immediate curtailment and/or allocation of electric power use and to carry out such other actions as shall have been recommended by the committee pursuant to RCW 43.21D.040: *Provided*, That, in the absence of such recommendation, or if the governor shall determine that the plans and procedures recommended by the committee are not adequate to carry out the purpose of this chapter, the governor may order immediate curtailment and/or allocation of electric power usage and the execution of such other procedures and actions as he may deem necessary and appropriate to prevent an electric power system failure.

All persons using electricity who are affected by an order issued or action taken pursuant to this chapter shall comply therewith immediately, notwithstanding any provision of law or contract to the contrary.

The governor may direct any electric utility to take such action on his behalf as may be required to implement his orders issued pursuant to this chapter, and no electric utility shall be liable for actions taken in accordance with such directions: *Provided*, That orders to regulated electric companies shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor.

The governor shall undertake all efforts that may be useful in coordinating similar electric power usage curtailment and/or allocation programs with other states. [1973 2nd ex.s. c 29 § 5.]

43.21D.060 Petition for exception or modification of order—Appeals. (1) Any person aggrieved by an order issued pursuant to this chapter may petition the governor and request an exception from or modification of such order. The governor shall refer any such application to the committee for review, and the committee shall recommend to the governor action to be taken thereon. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued or action taken pursuant to this chapter, nor to hear and determine any appeal from any such order. The provisions of Rule On Appeal I-58 shall apply to any proceedings in the supreme court brought pursuant to this chapter. [1973 2nd ex.s. c 29 § 6.]

43.21D.070 Violations—Penalty—Termination of electric services. (1) Any person wilfully violating any provision of an order issued by the governor pursuant to this chapter shall be guilty of a gross misdemeanor.

(2) Any person violating any provision of an order issued by the governor pursuant to this chapter shall

also be subject to termination of electric services upon further order of the governor. [1973 2nd ex.s. c 29 § 7.]

43.21D.080 Chapter to control in event of conflict—Exceptions—Compliance with other laws. If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, except chapters 43.06 and 38.52 RCW, or any rule or regulation promulgated thereunder, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature and limited duration of this chapter, all actions authorized or required hereunder or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including but not limited to the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other statute, rule, regulation, or directive unless specifically ordered by the governor. [1973 2nd ex.s. c 29 § 8.]

43.21D.900 Expiration of chapter. The provisions of this chapter shall expire on June 30, 1974, and all powers conferred herein or orders issued hereunder shall terminate at that time. [1973 2nd ex.s. c 29 § 9.]

43.21D.905 Liberal construction. This chapter shall be liberally construed to carry out the legislative declaration of findings, policy, and intent expressed herein. [1973 2nd ex.s. c 29 § 10.]

43.21D.910 Severability—1973 2nd ex.s. c 29. If any provision of this 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. [1973 2nd ex.s. c 29 § 12.]

Chapter 43.22

DEPARTMENT OF LABOR AND INDUSTRIES

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Wages, minimum: Chapter 49.46 RCW.

Watercraft: Chapter 88.04 RCW.

Workmen's compensation: Title 51 RCW.

43.22.005 Deputy director. The director of labor and industries may appoint and deputize an assistant director to be known as the deputy director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director. [1969 ex.s. c 32 § 2.]

43.22.010 Divisions of department—Personnel. The department of labor and industries shall be organized into five divisions, to be known as, (1) the division of industrial insurance, (2) the division of industrial safety and health, (3) the division of industrial relations, (4) the division of apprenticeship, and (5) the division of building and construction safety inspection services, which division shall have responsibility for electrical inspection, mobile home inspection, elevator inspection, except as otherwise provided in RCW 70.87.030, boiler inspection, and registration and regulation of contractors.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department. [1974 1st ex.s. c 27 § 1. Prior: 1973 1st ex.s. c 153 § 8; 1973 1st ex.s. c 52 § 2; 1971 c 66 § 2; 1969 ex.s. c 32 § 1; 1965 c 8 § 43.22.010. Prior:

(i) 1927 c 306 § 1, part; 1917 c 36 § 2, part; RRS § 8637, part. (ii) 1921 c 7 § 74; RRS § 10832.]

Effective date—1973 1st ex.s. c 52: "This 1973 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 July 1, 1973." [1973 1st ex.s. c 52 § 12.]

Division of statistics: RCW 51.04.020(7).

43.22.020 Supervisor of industrial insurance—Appointment—Personnel. The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial insurance, who shall have charge and supervision of the division of industrial insurance.

With the approval of the director, he may appoint and employ such adjusters, medical and other examiners, auditors, inspectors, clerks, and other assistants as may be necessary to carry on the work of the division. [1965 c 8 § 43.22.020. Prior: 1921 c 7 § 75; RRS § 10833.]

Industrial insurance: Title 51 RCW.

Review of orders: RCW 49.16.130.

43.22.030 Powers and duties. The director of labor and industries, through the division of industrial insurance, shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of workmen's compensation and medical aid in this state;

(2) Have the custody of all property acquired by the state at execution sales upon judgments obtained for delinquent industrial insurance premiums or medical aid contributions, and penalties and costs; sell and dispose of the same at private sales for the sale purchase price, and pay the proceeds into the state treasury to the credit of the accident fund, or medical aid fund, as the case may be. In case of the sale of real estate the director shall execute the deed in the name of the state. [1965 c 8 § 43.22.030. Prior: 1921 c 7 § 78, part; RRS § 10836, part.]

Workmen's compensation: Title 51 RCW.

43.22.040 Supervisor of industrial safety and health—Appointment—Personnel. The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial safety and health, who shall have charge and supervision of the division of industrial safety and health.

The supervisor of industrial safety and health, with the approval of the director, may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division. [1973 1st ex.s. c 52 § 3; 1965 c 8 § 43.22.040. Prior: 1921 c 7 § 76; RRS § 10834.]

Effective date—1973 1st ex.s. c 52: See note following RCW 43.22.010.

Administrative expenses: RCW 51.16.105.

43.22.050 Powers and duties. The director of labor and industries, through the division of industrial safety and health, shall:

(1) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws and safety standards providing for the protection of employees in mills, factories, workshops, and in employments subject to the provisions of Title 51 RCW, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries: *Provided, however,* This section shall not apply to railroads;

(2) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities;

(3) Exercise all the powers and perform all the duties prescribed by law in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof. [1973 1st ex.s. c 52 § 4; 1971 ex.s. c 239 § 9; 1965 c 8 § 43.22.050. Prior: 1955 c 173 § 1; 1921 c 7 § 80; RRS § 10838.]

Effective date—1973 1st ex.s. c 52: See note following RCW 43.22.010.

Severability—1971 ex.s. c 239: See RCW 70.62.900.

Boilers and steam vessels: Chapter 70.79 RCW.

Electrical apparatus: Chapters 19.28, 19.29 RCW.

Elevators, escalators and dumbwaiters: Chapter 70.87 RCW.

Employers engaged in extrahazardous work, duty in regard to: RCW 49.16.120.

Health and safety—Mills, factories, etc.: Chapter 49.20 RCW.

Hearings: RCW 49.16.080–49.16.100.

Municipal regulations, effect: RCW 49.16.150.

Regulation of vessels: Chapter 88.04 RCW.

Review of orders: RCW 49.16.130.

Safeguards, duties: RCW 49.20.010, 49.20.040.

43.22.053 Supervisor of building and construction safety inspection services—Appointment—Personnel. The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of the division of building and construction safety inspection services, who shall have charge and supervision of the division of building and construction safety inspection services.

With the approval of the director, he may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division subject to the provisions of chapter 41.06 RCW. [1969 ex.s. c 32 § 3.]

43.22.160 Applications for examination—Affidavit. [1965 c 8 § 43.22.160. Prior: 1917 c 36 § 5; RRS § 8640.] Repealed by 1973 1st ex.s. c 52 § 11.

Reviser's note: This section was also amended by 1973 1st ex.s. c 154 § 80 without cognizance of the repeal thereof.

43.22.160 Applications for examination—Affidavit. Applications to the board for examination for chief mine inspector and deputy mine inspector shall be made in writing, accompanied by an affidavit showing that the applicant is a citizen of the United States and of the state, and that the applicant has attained the age of thirty years; has had at least five years' practical experience in and about the mines in the United States, and at least three years' practical experience in and about the mines in the state, and that the applicant has a certificate of competency in mine rescue and first aid work from the United States bureau of mines. The applicant shall also furnish an affidavit from two citizens of the state that the applicant is a person of good repute, temperate habits, in good physical condition, and above thirty years of age. [1973 1st ex.s. c 154 § 80; 1965 c 8 § 43.22.160. Prior: 1917 c 36 § 5; RRS § 8640.]

Reviser's note: The amendment of this section by 1973 1st ex.s. c 154 does not take cognizance of the section's repeal by 1973 1st ex.s. c 52 § 11.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

43.22.170 Examinations at state capital—Appointment of chief and deputy inspectors. [1965 c 8 § 43.22.170. Prior: 1927 c 306 § 4, part; 1917 c 36 § 6, part; RRS § 8641, part. Formerly RCW 43.22.170 and 43.22.180.] Repealed by 1973 1st ex.s. c 52 § 11.

Reviser's note: This section was also amended by 1973 1st ex.s. c 154 § 81 without cognizance of the repeal thereof.

43.22.170 Examinations at state capital—Appointment of chief and deputy inspectors. At such times as may be appointed by the director of labor and industries, the state mining board shall conduct examinations at the state capital. Each examination shall be thoroughly advertised by sending notices to the management of each coal mine, to be posted at the mine at least thirty days before such examination.

The director of labor and industries shall appoint as chief state mine inspector a person who has been given a certificate of competency by the state mining board, or who has otherwise qualified for the position, under the provisions of this act [1917 c 36; 1927 c 306]. The chief state mine inspector shall hold his office for four years, and be at all times subject to removal from office by the director of labor and industries for neglect of duty or for malfeasance in the discharge of his duties.

The chief state mine inspector with the approval of the director of labor and industries shall appoint as deputy state mine inspectors persons who are citizens of the United States and of the state of Washington, and who have had five years' practical experience in and about the mines of the United States and three years' practical experience in and about the mines in the state of Washington, and that have mine inspector's certificates of competency given by the board of examiners, or the state mining board after an examination as provided for in this act [1917 c 36; 1927 c 306]. Each deputy state mine inspector shall hold office subject to removal by the chief state mine inspector for cause.

Nothing in this act [1917 c 36; 1927 c 306] shall be construed as preventing the reappointment of any mine inspector or of any deputy mine inspector who has qualified for these positions under the provisions of this act [1917 c 36; 1927 c 306]. [1973 1st ex.s. c 154 § 81; 1965 c 8 § 43.22.170. Prior: 1927 c 306 § 4, part; 1917 c 36 § 6, part; RRS § 8641, part. Formerly RCW 43.22.170 and 43.22.180.]

Reviser's note: The amendment of this section by 1973 1st ex.s. c 154 does not take cognizance of the section's repeal by 1973 1st ex.s. c 52 § 11.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

43.22.200 Right of entry to inspect. The supervisor of the division of industrial safety and health or his deputy shall enter, inspect, and examine any coal mine, and the workings and the machinery belonging thereto, at all reasonable times, either day or night, but not so as to impede the working of the mine. They shall make inquiry into the condition of the mine, workings, machinery, ventilation, drainage, method of lighting or using lights, and into all methods and things relating to the health and safety of persons employed in or about the mine, and especially make inquiry whether or not the provisions of the coal mining code have been complied with. The management of each mine shall furnish the means necessary for such entry, inspection, examination, and exit. [1973 1st ex.s. c 52 § 5; 1965 c 8 § 43-22.200. Prior: 1917 c 36 § 8; RRS § 8643.]

Effective date—1973 1st ex.s. c 52: See note following RCW 43.22.010.

43.22.210 Frequency of inspections—Compelling access—Investigations. (1) It shall be the duty of the supervisor of the division of industrial safety and health or his deputy to carefully examine each coal mine in operation in this state at least every four months, and as much oftener as is necessary, to see that every precaution is taken to insure the safety of all workmen who may be engaged in the mine. These inspections shall include at least two visits of the inspection force to every working place in every mine in the state during each calendar year. The supervisor or his deputy shall make a record of each visit, noting the time and the material circumstances of the inspection, and shall keep each record on file in the office of the department; and also post at the mine a notice of his inspection.

(2) If the management of any operating company shall refuse to permit the members of the department to enter any mine, the supervisor or his deputy shall file an affidavit setting forth such refusal, with the judge of the superior court of the county in which the mine is situated, and obtain an order from such judge commanding the management of the operating company to permit such examination and inspection, and to furnish the necessary facilities for the same, or in default thereof to be adjudged in contempt of court and punished accordingly.

(3) If the supervisor or his deputy shall, after examination of any mine, or the works and machinery connected therewith, find the same to be worked contrary to the provisions of this act [1917 c 36], or unsafe for the workmen employed therein, the supervisor shall notify the management, stating what changes are necessary. If the trouble is not corrected within reasonable time, the supervisor shall, through the attorney general, in the name of the state immediately apply to the superior court of the county in which the mine is located, or to a judge of said court in chambers, for a writ of injunction to enjoin the operation of all work in and about the said mine. Whereupon said court or judge shall at once proceed to hear and determine the case, and if the cause appears to be sufficient, after hearing the parties and their evidence, as in like cases, shall issue its writ to restrain the workings of said mine until

all cause of danger is removed; and the cost of such proceeding shall be borne by the operating company of the mine: *Provided*, That if the said court shall find the cause not sufficient, then the case shall be dismissed, and the costs will be borne by the state: *Provided, also*, That should the supervisor find during the inspection of a mine, or portion of a mine, such dangerous condition existing therein that in his opinion any delay in removing the workmen from such dangerous places might cause loss of life or serious personal injury to the employee, the supervisor shall have the right to temporarily withdraw all persons from such dangerous places until the foregoing provisions of this section can be carried into effect.

(4) Whenever he is notified of any loss of life in or about the mine, or whenever an explosion or other serious accident occurs, the supervisor shall immediately go or send his deputy to the scene of the accident to investigate and to render every possible assistance.

(5) The supervisor or his deputy shall make a record of the circumstances attending each accident investigated, which record shall be preserved in the files of the department. To enable the supervisor or his deputy to make such investigation and record, they shall have power to compel the attendance of witnesses and to administer oaths or affirmations to them. The costs of such investigations shall be paid by the state. [1973 1st ex.s. c 52 § 6; 1965 c 8 § 43.22.210. Prior: 1917 c 36 § 9; RRS § 8644. Formerly RCW 43.22.190, part, 43.22.210 through 43.22.240.]

Effective date—1973 1st ex.s. c 52: See note following RCW 43.22.010.

43.22.260 Supervisor of industrial relations—Appointment—Personnel. The director of labor and industries shall appoint and depute an assistant director, to be known as the supervisor of industrial relations, who shall be the state mediator, and have charge and supervision of the division of industrial relations.

With the approval of the director, he may appoint an assistant to be known as the industrial statistician, and an assistant to be known as the supervisor of employment standards and may appoint and employ such assistant mediators, experts, clerks, and other assistants as may be necessary to carry on the work of the division. [1973 2nd ex.s. c 16 § 11; 1973 1st ex.s. c 154 § 82; 1965 c 8 § 43.22.260. Prior: 1921 c 7 § 77; RRS § 10835.]

Severability—1973 2nd ex.s. c 16: See RCW 49.12.900.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

43.22.270 Powers and duties. The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;

(2) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(3) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(4) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(5) To, with the assistance of the supervisor of employment standards, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of employees employed in business and industry in accordance with the provisions of chapter 49.12 RCW;

(6) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(7) To exercise such other powers and perform such other duties as may be provided by law. [1973 2nd ex.s. c 16 § 12; 1973 1st ex.s. c 154 § 83; 1965 c 8 § 43.22.270. Prior: 1921 c 7 § 81; RRS 10839.]

Severability—1973 2nd ex.s. c 16: See RCW 49.12.900.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Apprenticeships: Chapter 49.04 RCW.

Arbitration of disputes: Chapter 49.08 RCW.

Public employees' collective bargaining, arbitration of disputes: RCW 41.56.100.

Wage collection for aggrieved employees: RCW 49.48.040.

43.22.280 Industrial welfare committee. The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the supervisor of safety, the industrial statistician, and the supervisor of employment standards shall constitute the industrial welfare committee, of which the director shall be chairman, and the supervisor of employment standards shall be executive secretary, which shall exercise such powers and perform such duties as are prescribed by law. [1973 2nd ex.s. c 16 § 4; 1973 1st ex.s. c 154 § 84; 1965 c 8 § 43.22.280. Prior: 1921 c 7 § 82; RRS § 10840.]

Severability—1973 2nd ex.s. c 16: See RCW 49.12.900.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Female and child labor: Chapter 49.12 RCW.

Furnishing statistics to: RCW 49.12.125.

Minimum wages for women and minors: Chapter 49.12 RCW.

Powers and duties of industrial welfare committee: Chapter 49.12 RCW.

43.22.290 Reports by employers. Every owner, operator, or manager of a factory, workshop, mill, mine, or other establishment where labor is employed, shall make to the department, upon blanks furnished by it, such reports and returns as the department may require, for the purpose of compiling such labor statistics as are authorized by this chapter, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the director, and shall certify to the correctness thereof.

In the reports of the department no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section, such information being deemed confidential, and not for the purpose of disclosing personal affairs, and any officer, agent, or employee of the department violating this provision shall be fined a sum not exceeding five hundred dollars, or be imprisoned for not more than one year. [1965 c 8 § 43.22.290. Prior: 1901 c 74 § 3; RRS § 7588.]

43.22.300 Compelling attendance of witnesses and testimony—Penalty. The director may issue subpoenas, administer oaths and take testimony in all matters relating to the duties herein required, such testimony to be taken in some suitable place in the vicinity to which testimony is applicable.

Witnesses subpoenaed and testifying before any officer of the department shall be paid the same fees as witnesses before a superior court, such payment to be made from the funds of the department.

Any person duly subpoenaed under the provisions of this section who wilfully neglects or refuses to attend or testify at the time and place named in the subpoena, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days. [1965 c 8 § 43.22.300. Prior: 1901 c 74 § 4; RRS § 7589.]

43.22.310 Access to plants—Penalty for refusal. The director or any employee of the department of labor and industries may enter any factory, mill, office, workshop, or public or private works at any time for the purpose of gathering facts and statistics as provided by this chapter, and examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places and make a record thereof, and any owner or occupant of such factory, mill, office or workshop, or public or private works, or his agent who refuses to allow an inspector or employee of the department to enter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed ninety days. [1965 c 8 § 43.22.310. Prior: 1901 c 74 § 5; RRS § 7590.]

43.22.330 Biennial report. The director of labor and industries shall submit to the governor on or before the first Monday in January of each year in which the legislature regularly convenes a report of business transacted by the department during the preceding two year period, together with such statistics and information as he deems of public interest and such recommendations as he believes merit consideration in the interest of improved administration. [1965 c 8 § 43.22.330. Prior: (i) 1901 c 74 § 2; RRS § 7587. (ii) 1901 c 74 § 7; RRS § 7592.]

43.22.340 Mobile homes, commercial coaches and recreational vehicles—Rules and regulations governing safety of body and frame design and plumbing, heating and electrical equipment—Compliance required. The director of labor and industries shall prescribe and enforce rules and regulations governing safety of body and frame design, and the installation of plumbing, heating, and electrical equipment in mobile homes, commercial coaches and/or recreational vehicles: *Provided*, That the director shall not prescribe or enforce rules and regulations governing the body and frame design of recreational vehicles until after the American National Standards Institute shall have published standards and specifications upon this subject. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety for body and frame design and plumbing, heating, and electrical installations, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe body and frame design, construction, plumbing, heating, electrical, and other equipment and shall correlate with and, so far as practicable, conform to the then current standards and specifications of the American National Standards Institute standards A119.1 for mobile homes and commercial coaches and A119.2 for recreational vehicles. It shall be unlawful for any person to lease, sell or offer for sale, within this state, any mobile homes, commercial coaches and/or recreational vehicles manufactured after January 1, 1968, containing plumbing, heating, electrical, or other equipment, and after July 1, 1970 body and frame design or construction unless such equipment meets the requirements of the rules and regulations provided for herein. [1970 ex.s. c 27 § 1; 1969 ex.s. c 229 § 1; 1967 c 157 § 1.]

43.22.345 Mobile homes, commercial coaches and recreational vehicles—Penalty for violation. Any person violating the provisions of RCW 43.22.340 as amended by section 1, chapter 229, Laws of 1969 ex.s. shall be guilty of a misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. [1969 ex.s. c 229 § 4.]

43.22.350 Mobile homes, commercial coaches and recreational vehicles—Compliance insignia—Fee schedule—Out-of-state sales. (1) In compliance with any applicable provisions of this chapter, the director of the department of labor and industries shall establish a schedule of fees, whether on the basis of plan approval

or inspection, for the issuance of an insigne which indicates that the mobile home, commercial coach and/or recreational vehicle complies with the provisions of RCW 43.22.340 through 43.22.410.

(2) Insignia are not required on mobile homes, commercial coaches and/or recreational vehicles manufactured within this state for sale outside this state which are sold to persons outside this state. [1970 ex.s. c 27 § 2; 1967 c 157 § 2.]

43.22.360 Mobile homes, commercial coaches and recreational vehicles—Plans and specifications—Submission—Approval—Change or alterations approval. Plans and specifications of each model or production prototype of a mobile home, commercial coach and/or recreational vehicle showing body and frame design, construction, plumbing, heating and electrical specifications and data shall be submitted to the department of labor and industries for approval and recommendations with respect to compliance with the regulations and standards of each of such agencies. When plans have been submitted and approved as aforesaid, no changes or alterations shall be made to body and frame design, construction, plumbing, heating or electrical installations or specifications shown thereon in any mobile home, commercial coach or recreational vehicle without prior written approval of the department of labor and industries. [1970 ex.s. c 27 § 3; 1967 c 157 § 3.]

43.22.370 Mobile homes, commercial coaches and recreational vehicles—Leased, sold or manufactured in state prior to July 1, 1968—Compliance not required—Exception. Any mobile home, commercial coach and/or recreational vehicle leased or sold in Washington and manufactured prior to July 1, 1968, which has not been inspected prior to its sale and which does not meet the requirements prescribed will not be required to comply with said requirements except for alterations or installations referred to in RCW 43.22.360. [1970 ex.s. c 27 § 4; 1969 ex.s. c 229 § 2; 1967 c 157 § 4.]

43.22.380 Mobile homes, commercial coaches and recreational vehicles—Manufactured for use outside state—Compliance not required—Exception. Used mobile homes, commercial coaches and/or recreational vehicles manufactured for use outside this state which do not meet the requirements prescribed and have been used for six months or more will not be required to comply with said requirements except for alterations or installations referred to in RCW 43.22.360. [1970 ex.s. c 27 § 5; 1967 c 157 § 5.]

43.22.390 Mobile homes, commercial coaches and recreational vehicles—Insigne of approval, when required. Mobile homes, commercial coaches and/or recreational vehicles subject to the provisions of RCW 43.22.340 through 43.22.410, and mobile homes, commercial coaches and/or recreational vehicles upon which alterations of body and frame design, construction or installations of plumbing, heating or electrical

equipment referred to in RCW 43.22.360 are made after July 1, 1968, shall have affixed thereto such insigne of approval. [1970 ex.s. c 27 § 6; 1967 c 157 § 6.]

43.22.400 Mobile homes, commercial coaches and recreational vehicles—Meeting standards of other states at least equal to this state. If the director of the department of labor and industries determines that the standards for body and frame design, construction and the plumbing, heating and electrical equipment installed in mobile homes, commercial coaches and/or recreational vehicles by the statutes or rules and regulations of other states are at least equal to the standards prescribed by this state, he may so provide by regulation. Any mobile home, commercial coach and/or recreational vehicle which a state listed in such regulations has approved as meeting its standards for body and frame design, construction and plumbing, heating and electrical equipment shall be deemed to meet the standards of the director of the department of labor and industries, if he determines that the standards of such state are actually being enforced. [1970 ex.s. c 27 § 7; 1967 c 157 § 7.]

43.22.410 Mobile homes, commercial coaches and recreational vehicles—Meeting requirements of chapter deemed compliance with county or city ordinances. Any mobile home, commercial coach and/or recreational vehicle that meets the requirements prescribed under RCW 43.22.340 shall not be required to comply with any ordinances of a city or county prescribing requirements for body and frame design, construction or plumbing, heating and electrical equipment installed in mobile homes, commercial coaches and/or recreational vehicles. [1970 ex.s. c 27 § 8; 1967 c 157 § 8.]

43.22.420 Mobile home and recreational vehicle advisory board. There is hereby created a mobile home and recreational vehicle advisory board consisting of eight members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules and regulations pertaining to the manufacture of mobile homes, commercial coaches and recreational vehicles. The members of the mobile home and recreational vehicle advisory board shall be selected and appointed as follows: One member shall be an employee or officer of a mobile home manufacturing company; one member shall be an employee or officer of a travel trailer manufacturing company; one member shall be an employee, officer or distributor of a company engaged in the manufacture of component parts affecting the plumbing apparatus and equipment; one member shall be an employee, officer or distributor of a company engaged in the manufacture of electrical material, equipment or appliances; one member shall be a distributor or manufacturer of heating equipment, material

or devices; one member shall be an employee, officer, owner, or operator of a mobile home park; and one member shall represent that segment of the general public owning or leasing mobile homes, commercial coaches and/or recreational vehicles. The chief supervisor for the mobile home, commercial coach and recreational vehicle section within the department of labor and industries shall be a member of the advisory board and shall act as secretary. The regular term of each member shall be four years: *Provided, however,* The original board shall be appointed for the following terms: The first term of the member representing a manufacturer of mobile homes and of the member representing the general public shall be four years; the member representing the manufacturer of travel trailers shall serve three years; the member representing the manufacturer or distributor of plumbing component parts shall serve three years; the member representing the manufacturer or distributor of electrical apparatus and equipment shall serve two years; the manufacturer or distributor of heating equipment and appliances shall serve one year. The governor shall fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. The chief supervisor or any person acting as chief supervisor for the mobile home, commercial coach and recreational vehicle section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall be paid per diem in accordance with RCW 43.03.050 and mileage in accordance with RCW 43.03.060 which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries. [1971 ex.s. c 82 § 1; 1970 ex.s. c 27 § 9; 1969 ex.s. c 229 § 3.]

43.22.430 RCW 43.22.340 and 43.22.350 through 43.22.420 not to apply to common carrier equipment. RCW 43.22.340 and 43.22.350 through 43.22.420 shall not apply to common carrier equipment. [1970 ex.s. c 27 § 10.]

43.22.450 Factory built housing and commercial structures, regulating installation of—Definitions. Whenever used in RCW 43.22.450 through 43.22.490:

(1) "Department" means the Washington state department of labor and industries;

(2) "Approved" means approved by the department;

(3) "Factory built housing" means any structure designed primarily for human occupancy other than a mobile home the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site;

(4) "Install" means the assembly of factory built housing or factory built commercial structures at a building site;

(5) "Building site" means any tract, parcel or subdivision of land upon which factory built housing or a factory built commercial structure is installed or is to be installed;

(6) "Local enforcement agency" means any agency of the governing body of any city or county which enforces laws or ordinances governing the construction of buildings;

(7) "Commercial structure" means a structure designed or used for human habitation, or human occupancy for industrial, educational, assembly, professional or commercial purposes. [1973 1st ex.s. c 22 § 1; 1970 ex.s. c 44 § 1.]

43.22.455 Factory built housing and commercial structures, regulating installation of—Housing must be approved, have department insignia—Significance of insignia—Modification of housing during installation must be approved. No factory built housing or factory built commercial structure shall be installed on a building site in this state after the effective date of the regulations adopted pursuant to RCW 43.22.480 unless it is approved and bears the insignia of approval of the department.

(1) Any factory built housing or factory built commercial structure bearing an insignia of approval of the department shall be deemed to comply with any laws, ordinances or regulations enacted by any city or county or any local enforcement agency which govern the manufacture and construction of factory built housing or factory built commercial structures or on-site housing.

(2) No factory built housing or factory built commercial structure which has been approved by the department shall be in any way modified prior to, or during installation by a manufacturer or installer unless approval of such modification is first made by the department. [1973 1st ex.s. c 22 § 2; 1970 ex.s. c 44 § 2.]

43.22.460 Factory built housing and commercial structures, regulating installation of—Certain requirements reserved to local jurisdictions. Local land use requirements, building setbacks, side and rear yard requirements, site development and property line requirements, and review and regulation of zoning requirements are specifically reserved to local jurisdictions notwithstanding anything contained in RCW 43.22.450 through 43.22.490. [1970 ex.s. c 44 § 3.]

43.22.465 Factory built housing and commercial structures, regulating installation of—Injunctive process, procedure. The department may obtain from a superior court having jurisdiction, a temporary injunction enjoining the installation of factory built housing or factory built commercial structures on any building site upon affidavit of the department that such factory built housing or factory built commercial structures do not conform to the requirements of RCW 43.22.450 through 43.22.490 or to the rules adopted pursuant to RCW 43.22.450 through 43.22.490. The affidavit must set forth such violations in detail. The injunction may be made

permanent, in the discretion of the court. [1973 1st ex.s. c 22 § 3; 1970 ex.s. c 44 § 4.]

43.22.470 Factory built housing and commercial structures, regulating installation of—Delegation of inspection duty to local agency. The department shall have the authority to delegate all or part of its duties of inspection to a local enforcement agency. [1970 ex.s. c 44 § 5.]

43.22.475 Factory built housing and commercial structures, regulating installation of—Advisory board—Members—Appointment—Qualification—Duties—Per diem and travel reimbursement. The governor shall appoint a factory built housing and factory built commercial structures advisory board consisting of eleven members. Members appointed shall be broadly representative of the industries and professions involved in the development and construction of factory built housing or factory built commercial structures and shall include representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, legislative bodies of local government and the general public. The factory built housing and factory built commercial structures advisory board shall periodically review the rules promulgated under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department when it deems changes advisable. Members shall receive a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in attending upon the duties of the board, and in addition thereto, shall be entitled to reimbursement for travel expenses as provided in RCW 43.03.060, as now or hereafter amended. [1973 1st ex.s. c 22 § 4; 1970 ex.s. c 44 § 6.]

43.22.480 Factory built housing and commercial structures, regulating installation of—Rules and regulations—Enforcement—Scope—Standards—Fees for administration and enforcement. The department shall prescribe and enforce rules and regulations which protect the health, safety, and property of the people of this state by assuring that all factory built housing or factory built commercial structures are structurally sound and that the plumbing, heating, electrical, and other components thereof are reasonably safe. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety and structural soundness and in promulgating such rules and regulations the department shall consider, so far as practicable the standards and specifications contained in: The uniform building code (1970), published by the international conference of building officials; the uniform plumbing code (1970), published by the international association of plumbing and mechanical officials; the uniform mechanical code (1970), published by the international conference of building officials and the international association of plumbing and mechanical officials; and the national electrical code (1971), published by the national fire protection

association. Updated issues of these codes and amendments to such codes shall be considered by the department.

The department shall set a schedule of fees which will cover the costs incurred by the department in the administration and enforcement of RCW 43.22.450 through 43.22.490. [1973 1st ex.s. c 22 § 5; 1970 ex.s. c 44 § 7.]

43.22.485 Factory built housing and commercial structures, regulating installation of—Recognizing out-of-state standards, enforcement, as department approved. If the director of the department determines that the standards for factory built housing or factory built commercial structures prescribed by statute, rule or regulation of another state are at least equal to the regulations prescribed under RCW 43.22.450 through 43.22.490, and that such standards are actually enforced by such other state, he may provide by regulation that factory built housing or factory built commercial structures approved by such other state shall be deemed to have been approved by the department. [1973 1st ex.s. c 22 § 6; 1970 ex.s. c 44 § 8.]

43.22.490 Factory built housing and commercial structures, regulating installation of—Violation as misdemeanor—Penalty. Any person who violates any of the provisions of RCW 43.22.450 through 43.22.490 or any rules or regulations adopted pursuant to RCW 43.22.450 through 43.22.490 is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. [1970 ex.s. c 44 § 9.]

Chapter 43.23 DEPARTMENT OF AGRICULTURE

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Agricultural and horticultural crops, director to regulate protection of and establish quarantine measures: RCW 15.04.020.

Agricultural enabling act of 1955, powers and duties under, generally: Chapter 15.66 RCW.

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Agricultural fairs and youth shows, director's duties relating to: Chapter 15.76 RCW.

Agricultural pest districts: Chapter 17.12 RCW.

Animal carcasses, disposal: Chapter 16.68 RCW.

Animal health: Chapter 16.36 RCW.

Animal remedy act, director's duties under: Chapter 15.52 RCW.

Annual report of director to agricultural experiment station: RCW 15.64.020.

Antifreeze, duties: Chapter 19.04 RCW.

Apiaries act: Chapter 15.60 RCW.

Apiculture division: RCW 15.60.010.

Apple advertising commission: Chapter 15.24 RCW.

Bakeries and bakery products, duties concerning: Chapters 69.08, 69.11, 69.12 RCW.

Bang's disease: Chapter 16.40 RCW.

Chief assistants: RCW 43.17.040.

Cold storage food lockers: Chapter 19.32 RCW.

Commercial feed law, director's duties relating to: Chapter 15.53 RCW.

Commission merchants: Chapter 20.01 RCW.

Commodity commission, director as ex officio member of: RCW 15.66.110.

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Conservation advisory board: RCW 15.68.140.

Conservation research at northwest Washington nursery, director's duties relating to: Chapter 15.69 RCW.

Control of pet animals infected with diseases communicable to humans, director's duties: Chapter 16.70 RCW.

Crop credit associations: Chapter 31.16 RCW.

Dairies and dairy products, director's duties relating to: Chapter 15.32, 15.36 RCW.

Dairy products commission, director as ex officio member of: RCW 15.44.020.

Department created: RCW 43.17.010.

Drugs, food and cosmetics act: Chapter 69.04 RCW.

Ecological commission, departmental representation at meetings of: RCW 43.21A.170.

Eggs and egg products, duties concerning: Chapter 69.24 RCW.

Fairs commission, director as ex officio member and chairman of: RCW 15.76.170.

Farm labor, director may aid in obtaining and employment of: RCW 15.64.010.

Farm labor, unemployment compensation: RCW 50.04.150.

Farm labor contractors: Chapter 19.30 RCW.

Farm marketing act, powers and duties under, generally: Chapter 15.64 RCW.

Filled dairy products, director's duties relating to: Chapter 15.38 RCW.

Food, drug and cosmetic act, duties under: Chapter 69.04 RCW.

Fruit commission, director as ex officio member: RCW 15.28.020.

Grades and packs, generally, standards of, duties relating to: Chapters 15.04, 15.17 RCW.

Honey, enforcement powers and duties: Chapter 69.28 RCW.

Horse racing funds, disposition: RCW 67.16.100.

Horticultural plants and facilities, inspection and licensing of, duties relating to: RCW 15.04.030, Chapter 15.13 RCW.

Inspection, duties relating to generally: Chapter 15.04 RCW.

Inspectors to enforce and carry out Title 15 RCW, appointment by: RCW 15.04.020, 15.04.040, 15.04.060–15.04.070.

Livestock identification: Chapter 16.57 RCW.

Livestock markets: Chapter 16.65 RCW.

Macaroni and macaroni products, duties concerning: Chapter 69.16 RCW.

Marketing, director's duties relating to: Chapters 15.64, 15.65, 15.66 RCW.

Meat inspection: Chapter 16.49A RCW.

Milk, fluid milk act, director's duties relating to: Chapter 15.36 RCW.

Milk and milk products for animal food act, duties relating to: Chapter 15.37 RCW.

Nurserymen and nursery dealers, duties relating to: RCW 15.04.030.

Oath: RCW 43.17.030.

Office maintained at state capitol: RCW 43.17.050.

Oleomargarine, 1949 act, director to enforce: RCW 15.40.040.

Pesticide application act: Chapter 17.21 RCW.

Pesticide control act, director's duties under: Chapter 15.58 RCW.

Planting stock act, powers and duties relating to: Chapter 15.14 RCW.

Poisons, enforcement of caustic or corrosive poison act: RCW 69.36.040.

Poisons, enforcement of chapter relating to: RCW 69.40.025.

Powers and duties generally: RCW 15.04.020–15.04.030, 43.17.030, Chapter 43.23 RCW.

Predatory animals, cooperation with United States Fish and Wildlife Service: RCW 77.24.100.

Predatory birds, controlled by: RCW 15.04.110, 15.04.120.

Rule making power: RCW 43.17.060.

Rural rehabilitation program, director's duties relating to: Chapter 15.70 RCW.

Seed law, director's duties relating to: Chapter 15.49 RCW.

Soil conservation: Chapter 89.08 RCW.

State fairs commission: Chapter 15.76 RCW.

State trade fairs, duties relating to: RCW 43.31.790–43.31.860.

Thermal power plant site evaluation council, director a member: RCW 80.50.030.

Vacancy: RCW 43.17.020, 43.17.040.

Weighing commodities in highway transport—Weighmasters, director's duties relating to: Chapter 15.80 RCW.

Wheat commission act, director's duties relating to: Chapter 15.63 RCW.

43.23.005 Assistant director—Appointment—Powers and duties. The director of agriculture may appoint an assistant director to act as deputy director who shall assist the director in the administration of the affairs of the department and who shall have charge and general supervision of the department in the absence or disability of the director. [1967 c 240 § 14.]

43.23.010 Divisions of department. The department of agriculture shall be organized into six divisions, to be known as, (1) the division of agricultural development, (2) the division of plant industry, (3) the division of animal industry, (4) the division of dairy and food, (5) the division of grain and agricultural chemicals, and (6) the division of regulatory services.

The director of agriculture shall have charge and general supervision of the department and may assign the supervision and administration duties not specified herein to the division which in his judgment can most efficiently carry on those functions. [1967 c 240 § 1; 1965 c 8 § 43.23.010. Prior: 1951 c 170 § 1; 1921 c 7 § 83; RRS § 10841.]

Severability—1967 c 240: "If any provision of this 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." [1967 c 240 § 52.] This applies to RCW 15.13.010–15.13.030, 15.13.045, 15.13.095, 15.13.200, 15.24.010–15.24.050, 15.24.090–15.24.110, 15.44.033, 15.53.9018, 15.53.9026, 16.57.010, 16.57.105, 16.57.220, 16.57.275, 19.32.050, 20.01.010, 20.01.030, 20.01.385, 20.01.475, 22.09.010, 43.23.005–43.23.110, 43.23.150, 43.23.160, 69.12.050, 69.16.050, 69.20.040, 69.24.220 and 69.24.260.

Division of apiculture: RCW 15.60.010.

43.23.015 Divisions of department—Reassignment of division functions—Additional divisions may be established. The director may, at his discretion, reassign any of the functions delegated to the various divisions of the department under the provisions of this chapter or any other law to any other division of the department. The director of agriculture may, if it will best serve the said public interest as herein described, establish when necessary additional divisions by adopting the necessary regulations in the manner provided for under chapter 34.04 RCW as enacted or hereafter amended. Such additional divisions shall have the same authority and powers as those divisions specifically named and established under the provisions of this chapter. The director may assign one or more of the various functions assigned to those divisions specifically named under the provisions of this chapter to said divisions established by regulation, or any other duties hereafter delegated to the department by law. [1967 c 240 § 15.]

43.23.020 Supervisor of agricultural development—Appointment—Personnel. The director of agriculture shall appoint and deputize an assistant director to be known as the supervisor of agricultural development, who shall have charge and supervision of the division of agricultural development.

With the approval of the director, he may appoint and employ such inspectors and clerical and other assistants, as may be necessary to carry on the work of the division. [1967 c 240 § 2; 1965 c 8 § 43.23.020. Prior: 1921 c 7 § 84; RRS § 10842.]

43.23.030 Powers and duties. The director of agriculture, through the division of agricultural development, shall exercise all the powers and perform all the duties relating to the development of markets, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor as such matters relate to the production, distribution and sale of agricultural commodities. [1967 c 240 § 3; 1965 c 8 § 43.23.030. Prior: (i) 1921 c 7 § 90; RRS § 10848. (ii) 1937 c 90 § 10; RRS § 10847-1.]

Commercial fertilizers: Chapter 15.54 RCW.

Fair commission: Chapter 15.76 RCW.

Farm marketing: Chapters 15.64, 15.65, 15.66 RCW.

Grain and terminal warehouses: Chapter 22.09 RCW.

Quarantine: Chapter 17.24 RCW.

Seed law: Chapter 15.49 RCW.

Weeds: Chapters 17.04, 17.06, 17.08 RCW.

43.23.040 Supervisor of plant industry—Appointment—Personnel. The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of plant industry, who shall have charge and supervision of the division of plant industry.

With the approval of the director, he may appoint and deputize such inspectors and employ such clerical and other assistants, as may be necessary to carry on the work of the division. [1967 c 240 § 4; 1965 c 8 § 43.23.040. Prior: 1921 c 7 § 85; RRS § 10843.]

43.23.050 Powers and duties. The director of agriculture, through the division of plant industry, shall:

(1) Exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural plants and products;

(2) Enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests. [1967 c 240 § 5; 1965 c 8 § 43.23.050. Prior: 1921 c 7 § 91; RRS § 10849.]

Horticultural pests and diseases: Chapter 15.08 RCW.

Horticultural plants and facilities: Chapter 15.13 RCW.

43.23.060 Supervisor of animal industry—Appointment—Personnel. The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of animal industry, who shall have charge and supervision of the division of animal industry. Such supervisor of animal industry shall be an experienced veterinarian.

With the approval of the director, he may appoint and deputize such veterinarians, testers, and inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division. [1967 c 240 § 6; 1965 c 8 § 43.23.060. Prior: 1921 c 7 § 86; RRS § 10844.]

43.23.070 Powers and duties. The director of agriculture, through the division of animal industry, shall exercise all the powers and perform all duties prescribed by law relating to diseases among domestic animals and the quarantine and destruction of diseased animals.

He shall enforce and supervise the administration of all laws relating to meat inspection, the prevention, detection, control and eradication of diseases of domestic animals, and all other matters relative to the diseases of livestock and their effect upon the public health. [1967 c 240 § 7; 1965 c 8 § 43.23.070. Prior: 1943 c 56 § 1; 1921 c 7 § 92; Rem. Supp. 1943 § 10850.]

Animal health: Chapter 16.36 RCW.

Bang's disease: Chapter 16.40 RCW.

Dairies and dairy products: Chapters 15.32, 15.36 RCW.

Diseased animals: Chapters 16.36, 16.40, 16.44 RCW.

Registration of estrays: Chapter 16.28 RCW.

Stallions and jacks: Chapter 16.16 RCW.

43.23.080 Supervisor of dairy and food—Appointment—Personnel. The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of dairy and food, who shall have charge and supervision of the division of dairy and food.

With the approval of the director, he may appoint and deputize such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division. [1967 c 240 § 8; 1965 c 8 § 43.23.080. Prior: 1921 c 7 § 87; RRS § 10845.]

43.23.090 Powers and duties. The director of agriculture, through the division of dairy and food, shall exercise all powers and perform all duties prescribed by

law with respect to the inspection of foods, food products, drinks, milk and milk products, and dairies and dairy products and the components thereof.

He shall enforce and supervise the administration of all laws relating to foods, food products, drinks, milk and milk products, dairies and dairy products, and their inspection, manufacture, and sale. [1967 c 240 § 9; 1965 c 8 § 43.23.090. Prior: 1921 c 7 § 93; RRS § 10851.]

Bakeries and bakery products: Chapters 69.08, 69.11, 69.12 RCW.

Commercial feed law: Chapter 15.53 RCW.

Confectioners: Chapter 69.20 RCW.

Eggs and egg products: Chapter 69.24 RCW.

Food, drugs and cosmetics: Chapter 69.04 RCW.

Honey: Chapter 69.28 RCW.

Macaroni and macaroni products: Chapter 69.16 RCW.

43.23.100 Supervisor of grain and agricultural chemicals—Appointment—Personnel. The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of grain and agricultural chemicals, who shall have charge and supervision of the division of grain and agricultural chemicals.

With the approval of the director, he may appoint and deputize such inspectors, and employ such clerical and other assistants, as may be necessary to carry on the work of the division. [1967 c 240 § 10; 1965 c 8 § 43.23.100. Prior: 1921 c 7 § 88; RRS § 10846.]

43.23.110 Powers and duties. The director of agriculture, through the division of grain and agricultural chemicals, shall exercise all powers and perform all duties prescribed by law with respect to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides.

He shall enforce and supervise the administration of all laws relating to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides. [1967 c 240 § 11; 1965 c 8 § 43.23.110. Prior: 1921 c 7 § 94; RRS § 10852.]

Weighing commodities in highway transport: Chapter 15.80 RCW.

Weights and measures: Chapters 19.92, 19.94 RCW.

43.23.120 Bulletins and reports. The director of agriculture shall publish and distribute bulletins and reports embodying information upon the subjects of agriculture, horticulture, livestock, dairying, foods and drugs and other matters pertaining to his department. [1965 c 8 § 43.23.120. Prior: (i) 1919 c 126 § 1, part; 1913 c 60 § 6, part; RRS § 2724, part. (ii) 1921 c 7 § 89, part; RRS § 10847, part.]

43.23.130 Biennial report. The director of agriculture shall make a report to the governor, at least thirty days before the commencement of each biennial session of the legislature, containing an account of all matters pertaining to his department and its administration, which shall be printed and published in the manner provided by law. [1965 c 8 § 43.23.130. Prior: (i) 1919 c

126 § 1, part; 1913 c 60 § 6, part; RRS § 2724, part. (ii) 1921 c 7 § 89, part; RRS § 10847, part.]

43.23.150 Supervisor of regulatory services—Appointment—Personnel. The director of agriculture shall appoint and deputize an assistant director, to be known as the supervisor of regulatory services, who shall have charge and supervision of the division of regulatory services.

The director, subject to the provisions of chapter 41.06 RCW, may appoint and deputize such assistants, officers, inspectors and other employees as may be necessary to carry on the work of the division, and all such officers so appointed shall have the authority generally vested in a peace officer. [1967 c 240 § 12. Prior: 1965 c 8 § 43.23.150; prior: 1951 c 170 § 2.]

43.23.160 Powers and duties. The director of agriculture, through the division of regulatory services shall exercise all the powers and perform all the duties prescribed by law relating to commission merchants, livestock identification, livestock brand registration and inspection.

He shall enforce and supervise the administration of all laws relating to commission merchants, livestock identification and shall have the power to enforce all laws relating to any division under the supervision of the director of agriculture. [1967 c 240 § 13. Prior: 1965 c 8 § 43.23.160; prior: 1951 c 170 § 3.]

Chapter 43.24

DEPARTMENT OF MOTOR VEHICLES

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Reviser's note: Throughout this chapter "department of licenses" and "director of licenses" have been changed to "department of motor vehicles" and "director of motor vehicles" by authority of chapter 156, Laws of 1965 (Chapter 46.01 RCW) which transferred the powers, duties and functions of the department and director of licenses to the department and director of motor vehicles, and by authority of

section 41, chapter 170, Laws of 1965 ex.s. (RCW 43.24.022) which vested the powers, duties and functions of the director of licenses under Titles 18 and 21 RCW and chapter 43.24 RCW in the director of motor vehicles.

Accountants: Chapter 18.04 RCW.

Acting without license, penalty: RCW 9.37.030.

Applications for licenses, discrimination to require disclosure of race or religion in: RCW 43.01.100, 43.01.110.

Architects: Chapter 18.08 RCW.

Attorneys: Chapter 2.48 RCW.

Auctioneers, jewelry and appliances: Chapter 18.12 RCW.

Barber colleges: RCW 18.15.090.

Barbers: Chapter 18.15 RCW.

Barbershops: RCW 18.15.065.

Basic science certificates: Chapter 43.74 RCW.

Boarding homes: Chapter 18.20 RCW.

Certified public accountants: Chapter 18.04 RCW.

Chiropody: Chapter 18.22 RCW.

Chiropractic: Chapter 18.25 RCW.

Civil defense workers, licensing requirements waived during emergency: RCW 38.52.180.

Corporation doing business without license, penalty: RCW 9.24.040.

Cosmetology: Chapter 18.18 RCW.

Dental hygienist: Chapter 18.29 RCW.

Dentistry: Chapter 18.32 RCW.

Department created: RCW 46.01.020, 43.17.010.

Dispensing opticians: Chapter 18.34 RCW.

Drivers' training schools, director's powers and duties relating to: Chapter 46.82 RCW.

Druggists, retail and wholesale: Chapter 18.64 RCW.

Drugless healing: Chapter 18.36 RCW.

Drugstore owners: Chapter 18.64 RCW.

Embalmers: Chapter 18.39 RCW.

Engineers and land surveyors: Chapter 18.43 RCW.

For-hire vehicles, certificates and operators' permits, director's powers and duties relating to: Chapter 46.72 RCW.

Funeral directors: Chapter 18.39 RCW.

Gambling commission, administrator and staff for: RCW 9.46.080.

Haircutting: Chapter 18.15 RCW.

Hairdressing: Chapter 18.18 RCW.

House trailer excise tax, duties of director: Chapter 82.50 RCW.

Land surveyors: Chapter 18.43 RCW.

Lawyers: Chapter 2.48 RCW.

Licensed public accountants: Chapter 18.04 RCW.

Marine recreation land act, duties: Chapter 43.99 RCW.

Massachusetts trusts, rules and regulations by director: RCW 23.90.040(5).

Medical disciplinary board, duties concerning licensing of physicians and surgeons: Chapter 18.72 RCW.

Midwifery: Chapter 18.50 RCW.

Motor vehicles

accident reports, tabulation and analysis of to be available to: RCW 46.52.060.

administration by director of motor vehicles: RCW 46.01.030, 46.01.040.

agents of: RCW 46.01.100, 46.01.110.

amateur radio operators with special license plates, director to furnish lists of: RCW 46.16.340.

annual reports to governor: RCW 46.01.290.

certified copies of departmental records relating to, department to furnish: RCW 46.01.250.

departmental records relating to, destruction of: RCW 46.01.260.

emergency vehicle operators, director to approve: RCW 46.08.060.

financial responsibility act, director's powers and duties under: Chapter 46.29 RCW.

general powers of director: RCW 46.01.130.

lighting and other vehicle equipment, director's powers and duties relating to: Chapter 46.37 RCW.

motor vehicle dealer's licenses, director's powers and duties relating to: Chapter 46.70 RCW.

motor vehicle excise tax, duties concerning: Chapter 82.44 RCW.

motor vehicle fuel tax, duties concerning: Chapter 82.36 RCW.

motor vehicle fund moneys distributed to: RCW 46.68.090.

motor vehicle revenue, director's powers and duties relating to: Chapter 46.68 RCW.

motor vehicle transporters' licenses, director's powers and duties relating to: Chapter 46.76 RCW.

motor vehicle wreckers' licensing, director's powers and duties relating to: Chapter 46.80 RCW.

safety responsibility act, director's powers and duties relating to: Chapter 46.29 RCW.

vehicle and operator licensing, rules and regulations for: RCW 46.01.110.

Nurses

practical nurses: Chapter 18.78 RCW.

registered nurses: Chapter 18.88 RCW.

Oath of director: RCW 43.17.030.

Offices of department maintained at state capitol: RCW 43.17.060.

Opticians, dispensing: Chapter 18.34 RCW.

Optometrists: Chapter 18.53 RCW.

Osteopathy and surgery: Chapter 18.57 RCW.

Pharmacists: Chapter 18.64 RCW.

Pharmacy, state board of pharmacy, duties concerning: RCW 18.64.005.

Physical therapists: Chapter 18.74 RCW.

Physicians and surgeons: Chapter 18.71 RCW.

Powers and duties of director: RCW 43.17.030, 43.24.020, chapter 46.01 RCW.

Psychologists: Chapter 18.83 RCW.

Public accountants: Chapter 18.04 RCW.

Real estate brokers and salesmen: Chapter 18.85 RCW.

Rules and regulations of department: RCW 43.17.060, 46.01.110.

Seal: RCW 46.01.170.

Sanitarians: Chapter 18.90 RCW.

Securities act, licensing requirements: Chapter 21.20 RCW.

State commission on equipment, director as member of: RCW 46.37.005.

Traffic violations, citation and record of juvenile forwarded to director: RCW 13.04.120.

Vacancies in department: RCW 43.17.020, 43.17.040.

Veterans, motor vehicle license issued free to disabled: RCW 73.04.110.

Veterans' preferences, qualifications for: RCW 73.04.090.

Veterinarians: Chapter 18.92 RCW.

43.24.001 Department of motor vehicles—Creation—Director—Powers, duties and functions—Personnel. See chapter 46.01 RCW.

43.24.010 Authority of director—Personnel. The director of motor vehicles shall have charge and general supervision of the department of motor vehicles.

He may appoint such clerical and other assistants as may be necessary to carry on the work of the department and deputize one or more of such assistants to perform duties in the name of the director. [1965 c 100 § 1; 1965 c 8 § 43.24.010. Prior: 1921 c 7 § 95; RRS § 10853.]

Director of motor vehicles, appointment and qualifications: RCW 43.17.020, 46.01.090.

Personnel of department of motor vehicles: RCW 46.01.130, 46.01.200.

43.24.020 Powers and duties—Generally. The director of motor vehicles shall administer all laws with respect to the examination of applicants for, and the issuance of, licenses to persons to engage in any business, profession, trade, occupation, or activity.

This shall include the administration of all laws pertaining to the regulation of securities and speculative investments. [1965 c 100 § 2; 1965 c 8 § 43.24.020. Prior: (i) 1921 c 7 § 96; RRS § 10854. (ii) 1921 c 7 § 104; RRS § 10862. (iii) 1929 c 133 § 1; RRS § 5852–24.]

Powers, duties and functions of director and department of motor vehicles: Chapter 46.01 RCW.

43.24.022 Powers, duties and functions as to licensing of businesses, professions and regulation of securities vested in director. The director of motor vehicles is the successor in interest to the director of licenses and is vested with all powers, duties and functions formerly vested in the director of licenses pursuant to Title 18 RCW, Title 21 RCW and chapter 43.24 RCW. [1965 ex.s. c 170 § 41.]

43.24.024 Powers, duties and functions as to licensing of businesses, professions and regulation of securities vested in director—Delegation of authority to division of professional licensing. The director of motor vehicles may delegate to the administrative head of the division of professional licensing of the department of motor vehicles authority to promulgate rules and regulations relating to the licensing of persons engaged in businesses and professions and to the administration of laws pertaining to the regulation of securities. The director may delegate the authority to issue and sign licenses, certificates, permits and renewals thereof pertaining to those activities transferred to the professional licensing division of the department of motor vehicles pursuant to RCW 46.01.050. [1965 ex.s. c 170 § 42.]

43.24.026 Business and professional administration created—Transfer of powers, duties and functions to—Divisions of securities, real estate and professional licensing. See RCW 46.01.050, 46.01.055.

43.24.030 "License" defined. The word "license" shall be construed to mean and include license, certificate of registration, certificate of qualification, certificate of competency, certificate of authority, and any other instrument, by whatever name designated, authorizing the practice of a profession or calling, the carrying on of a business or occupation, or the doing of any act required by law to be authorized by the state. [1965 c 8 § 43.24.030. Prior: 1921 c 7 § 98; RRS § 10856.]

43.24.040 Forms to be prescribed. The director of motor vehicles shall prescribe the various forms of applications, certificates, and licenses required by law. [1965 c 8 § 43.24.040. Prior: 1921 c 7 § 97; RRS § 10855.]

Application forms—Licenses—Mention of race or religion prohibited: RCW 43.01.100, 43.01.110.

Director to prescribe forms for applications, licenses, certificates: RCW 46.01.160.

43.24.060 Examinations. The director of motor vehicles shall, from time to time, fix such times and places for holding examinations of applicants as may be convenient, and adopt general rules and regulations prescribing the method of conducting examinations.

The governor, from time to time, upon the request of the director of motor vehicles, shall appoint examining committees, composed of three persons possessing the qualifications provided by law to conduct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required.

The committees shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written, or partly oral and partly written, and shall make and file with the director of motor vehicles lists, signed by all the members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants.

Each member of a committee shall receive twenty-five dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and his actual and necessary traveling expenses, as provided for state officials and employees generally in chapter 43.03 RCW. [1965 c 100 § 3; 1965 c 8 § 43.24.060. Prior: 1921 c 7 § 99; RRS § 10857.]

43.24.080 Issuance of licenses. At the close of each examination the department of motor vehicles shall prepare the proper licenses, where no further fee is required to be paid, and issue licenses to the successful applicants signed by the director and notify all successful applicants, where a further fee is required, of the fact that they are entitled to receive such license upon the payment of such further fee to the department of motor vehicles and notify all applicants who have failed to pass the examination of that fact. [1965 c 100 § 4; 1965 c 8 § 43.24.080. Prior: 1921 c 7 § 101; RRS § 10859.]

43.24.085 License fees for businesses and professions—Policy—Minimums and maximums—Determination. It shall be the policy of the state of Washington to determine license fees for businesses and professions on the following basis:

(a) There shall be a minimum fee of five dollars for any vocation. Those vocations which normally work for others shall be in this classification. Variations in fees by vocation shall be in multiples of five dollars as authorized by the legislature.

(b) There shall be a minimum fee of fifteen dollars for professions or proprietary vocations. Each vocational group as set up by law shall have fees increased to cover the costs of that group as determined by the director: *Provided*, That no fee shall exceed twenty-five dollars except those specifically authorized by the legislature: *Provided, further*, That licensees over sixty-five

years of age and retired or residing out-of-state shall pay only fifty percent of the standard fee for their classification. [1971 ex.s. c 266 § 21.]

43.24.090 Examination of handicapped persons. Any person taking any written examination prescribed or authorized by law, for a license or permit to practice any trade, occupation, or profession, who, because of any handicap, is unable to write the examination himself, may dictate it to and have it written or typed by another, to the same effect as though the examination were written out by himself. Any expense connected therewith shall be borne by the person taking the examination. [1965 c 8 § 43.24.090. Prior: 1947 c 143 § 1; Rem. Supp. 1947 § 8265-20.]

43.24.110 Revocation of licenses—Hearings. Whenever there is filed with the director of motor vehicles any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of motor vehicles shall request the governor to appoint, and the governor shall appoint, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. The decision of any two members of such committee shall be the decision of the committee.

The appointed members of the committee shall receive twenty-five dollars per day for each day spent in the performance of their duties and in going to and returning from the place of hearing, and their actual and necessary traveling expenses, as provided for state officials and employees generally in chapter 43.03 RCW. [1965 c 100 § 5; 1965 c 8 § 43.24.110. Prior: 1921 c 7 § 103; RRS § 10861.]

43.24.115 Director's duties as to refusal, revocation or suspension of licenses—Performance by assistants. The director may deputize one or more of his assistants to perform his duties with reference to refusal, revocation or suspension of licenses, including the power to preside at hearings and to render decisions therein subject to the approval of the director. [1965 c 100 § 6.]

43.24.120 Appeal. Any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall have a right of appeal from the decision of the director of motor vehicles to the superior court of Thurston county, which shall be taken, prosecuted, heard, and determined in the manner provided by law for appeals from justices' courts to superior courts.

No appeal shall lie from the decision of the superior court of Thurston county on appeals from the director of motor vehicles, but the decision may be reviewed as to matters of law by the supreme court or the court of appeals upon writs of review sued out in the manner

provided by law. [1971 c 81 § 112; 1965 c 8 § 43.24.120. Prior: 1921 c 7 § 106; RRS § 10864.]

43.24.130 License moratorium for persons in service. Notwithstanding any provision of law to the contrary, the license of any person licensed by the director of motor vehicles to practice a profession or engage in an occupation, if valid and in force and effect at the time the licensee entered service in the armed forces or the merchant marine of the United States, shall continue in full force and effect so long as such service continues, unless sooner suspended, canceled, or revoked for cause as provided by law. The director shall renew the license of every such person who applies for renewal thereof within six months after being honorably discharged from service upon payment of the renewal fee applicable to the then current year or other license period. [1965 c 8 § 43.24.130. Prior: 1945 c 112 § 1; 1943 c 108 § 1; RRS § 10864-1.]

43.24.140 Extension of licensing period authorized—Rules and regulations, manner and content. Notwithstanding any provision of law to the contrary, the director of motor vehicles may, from time to time, extend the duration of a licensing period for the purpose of staggering renewal periods. Such extension of a licensing period shall be by rule or regulation of the department of motor vehicles adopted in accordance with the provisions of chapter 34.04 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period. [1971 c 52 § 1.]

Chapter 43.27A

DEPARTMENT OF WATER RESOURCES

Sections

- 43.27A.015 Powers, duties and functions of department of water resources, director thereof, transferred to department of ecology.
- 43.27A.020 Definitions.
- 43.27A.075 Delegation of director's powers and duties to assistant directors.
- 43.27A.080 Powers, duties, functions of certain state agencies transferred to department—Columbia basin division.
- 43.27A.090 Powers and duties of department.
- 43.27A.120 Department of natural resources to exercise mining powers and duties of department of conservation.
- 43.27A.130 Department of natural resources to exercise geology powers and duties of department of conservation.
- 43.27A.180 Agencies abolished.
- 43.27A.190 Regulatory orders to prevent violations—Issuance.
- 43.27A.200 Review of regulatory orders—Hearings.
- 43.27A.210 Hearings.
- 43.27A.220 "Person" defined.
- 43.27A.900 Liberal construction.
- 43.27A.910 Severability—1967 c 242.

County water systems, approval: RCW 36.94.100.

Thermal power plant site evaluation council, director a member: RCW 80.50.030.

43.27A.015 Powers, duties and functions of department of water resources, director thereof, transferred to department of ecology. See RCW 43.21A.060.

43.27A.020 Definitions. As used in this chapter, and unless the context indicates otherwise, words and phrase shall mean:

"Department" means the department of water resources;

"Director" means the director of the department of water resources;

"State agency" and "state agencies" mean any branch, department or unit of state government, however designated or constituted;

"Water resources" means all waters above, upon, or beneath the surface of the earth, located within the state and over which the state has sole or concurrent jurisdiction.

"Beneficial use" means, but its meaning shall not be limited to: Domestic water supplies; irrigation; fish, shellfish, game, and other aquatic life; recreation; industrial water supplies; generation of hydroelectric power; and navigation.

"Council" means the water resources advisory council. [1967 c 242 § 2.]

43.27A.075 Delegation of director's powers and duties to assistant directors. The director of the department of water resources may, by appropriate regulation, delegate any of the powers and duties vested in him as director of the department of water resources, other than the adoption, amendment or rescission of rules or regulations, to any of the three assistant directors heading the divisions of the department as provided for in RCW 43.27A.070. [1969 ex.s. c 284 § 10.]

Reviser's note: RCW 43.27A.070 was repealed by 1970 ex.s. c 62 § 30.

Severability—1969 ex.s. c 294: See note following RCW 90.48.290.

43.27A.080 Powers, duties, functions of certain state agencies transferred to department—Columbia basin division. The department shall exercise the powers, duties and functions, through divisions as provided for in RCW 43.27A.070 of the following state agencies or division of state agencies, and public officials, and all their powers, duties and functions are transferred to the department of water resources:

(1) The division of reclamation of the department of conservation;

(2) The division of water resources of the department of conservation;

(3) The division of flood control of the department of conservation;

(4) The division of power resources of the department of conservation;

(5) The Columbia basin commission;

(6) The weather modification board;

All other powers, duties or functions now vested in the department of conservation or the director thereof are transferred to the department of water resources, except those powers which are expressly transferred to some other agency of the state by this chapter. The director in exercising the powers, duties and functions of the

Columbia basin commission as set forth in chapter 43.49 RCW may create and maintain in the department a Columbia basin division. [1967 c 242 § 8.]

Reviser's note: RCW 43.27A.070 was repealed by 1970 ex.s. c 62 § 30.

43.27A.090 Powers and duties of department. Notwithstanding, and in addition to powers, duties, and functions previously transferred to the department under this chapter, the department shall be empowered as follows:

(1) To represent the state at, and fully participate in, the activities of any basin or regional commission, interagency committee, or any other joint interstate or federal-state agency, committee or commission, or publicly financed entity engaged in the planning, development, administration, management, conservation or preservation of the water resources of the state.

(2) To prepare the views and recommendations of the state of Washington on any project, plan or program relating to the planning, development, administration, management, conservation and preservation of any waters located in or affecting the state of Washington, including any federal permit or license proposal, and appear on behalf of, and present views and recommendations of the state at any proceeding, negotiation or hearing conducted by the federal government, interstate agency, state or other agency.

(3) To cooperate with, assist, advise and coordinate plans with the federal government and its officers and agencies, and serve as a state liaison agency with the federal government in matters relating to the use, conservation, preservation, quality, disposal or control of water and activities related thereto.

(4) To cooperate with appropriate agencies of the federal government and/or agencies of other states, to enter into contracts, and to make appropriate contributions to federal or interstate projects and programs and governmental bodies to carry out the provisions of this chapter.

(5) To apply for, accept, administer and expend grants, gifts and loans from the federal government or any other entity to carry out the purposes of this chapter and make contracts and do such other acts as are necessary insofar as they are not inconsistent with other provisions hereof.

(6) To develop and maintain a coordinated and comprehensive state water and water resources related development plan, and adopt, with regard to such plan, such policies as are necessary to insure that the waters of the state are used, conserved and preserved for the best interest of the state. There shall be included in the state plan a description of developmental objectives and a statement of the recommended means of accomplishing these objectives. To the extent the director deems desirable, the plan shall integrate into the state plan, the plans, programs, reports, research and studies of other state agencies.

(7) To assemble and correlate information relating to water supply, power development, irrigation, watersheds, water use, future possibilities of water use and

prospective demands for all purposes served through or affected by water resources development.

(8) To assemble and correlate state, local and federal laws, regulations, plans, programs and policies affecting the beneficial use, disposal, pollution, control or conservation of water, river basin development, flood prevention, parks, reservations, forests, wildlife refuges, drainage and sanitary systems, waste disposal, water works, watershed protection and development, soil conservation, power facilities and area and municipal water supply needs, and recommend suitable legislation or other action to the legislature, the congress of the United States, or any city, municipality, or to responsible state, local or federal executive departments or agencies.

(9) To cooperate with federal, state, regional, interstate and local public and private agencies in the making of plans for drainage, flood control, use, conservation, allocation and distribution of existing water supplies and the development of new water resource projects.

(10) To encourage, assist and advise regional, and city and municipal agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and coordinate local water resources activities, programs, and plans.

(11) To promulgate such rules and regulations as are necessary to carry out the purposes of this chapter.

(12) To hold public hearings, and make such investigations, studies and surveys as are necessary to carry out the purposes of the chapter.

(13) To subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and require the production of any books or papers when the department deems such measures necessary in the exercise of its rule-making power or in determining whether or not any license, certificate, or permit shall be granted or extended. [1967 c 242 § 9.]

43.27A.120 Department of natural resources to exercise mining powers and duties of department of conservation. The department of natural resources shall exercise the powers, duties, and functions of the director of the department of conservation with respect to mining powers, duties, and functions as set forth in RCW 43.21.060, 43.21.070, 43.21.080, and 43.21.090, and Title 78 RCW, and such powers, duties, and functions are hereby transferred to the department of natural resources. [1967 c 242 § 14.]

43.27A.130 Department of natural resources to exercise geology powers and duties of department of conservation. The department of natural resources shall exercise the powers, duties, and functions of the director of the department of conservation with respect to the powers, duties, and functions concerning geology as set forth in RCW 43.21.050 and chapter 43.92 RCW, and such powers, duties, and functions are hereby transferred to the department of natural resources: *Provided*, That nothing in this section shall be construed to prohibit the department of water resources from making complete inventories of the state's water resources and

entering into such agreements with the director of the United States geological survey as will insure that investigations and surveys are carried on in an economical manner. [1967 c 242 § 15.]

43.27A.180 Agencies abolished. On July 1, 1967, the following state agencies are abolished:

- (1) Weather modification board
- (2) Columbia basin commission
- (3) Power advisory committee
- (4) Department of conservation. [1967 c 242 § 20.]

43.27A.190 Regulatory orders to prevent violations—Issuance. Notwithstanding and in addition to any other powers granted to the department of water resources, whenever it appears to the director of the department of water resources, or to an assistant authorized by the director to issue regulatory orders under this section, that a person is violating or is about to violate any of the provisions of the following:

- (1) Chapter 90.03 RCW; or
- (2) Chapter 90.44 RCW; or
- (3) Chapter 86.16 RCW; or
- (4) Chapter 43.37 RCW; or
- (5) Chapter 43.27A RCW; or
- (6) Any other chapter or statute the director of the department of water resources is charged with administering; or

(7) A rule or regulation adopted, or a directive or order issued by the department of water resources relating to subsections (1) through (6) of this section; the director of the department of water resources, or an authorized assistant, may cause a written regulatory order to be served upon said person either personally, or by registered or certified mail delivered to addressee only with return receipt requested and acknowledged by him. The order shall specify the provision of the statute, rule, regulation, directive or order alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. The regulation of a headgate or controlling works as provided in RCW 90.03.070, by a watermaster, stream patrolman, or other person so authorized by the director of the department of water resources, shall constitute a regulatory order within the meaning of this section. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, except for regulations under RCW 90.03.070 which shall become effective when a written notice is attached as provided therein, and shall become final unless review thereof is requested as provided in RCW 43.27A.200. This section is supplementary to and shall not lessen any of the regulatory and enforcement powers of the department of water resources. [1969 ex.s. c 284 § 7.]

Severability—1969 ex.s. c 284: See note following RCW 90.48.290.

43.27A.200 Review of regulatory orders—Hearings. Any person feeling aggrieved by a regulatory order issued pursuant to RCW 43.27A.190 shall be entitled to review thereof upon request as follows:

(1) Review of the following categories of orders enumerated in subsections (a), (b), (c) and (d) of this subsection (1) shall be available in superior court pursuant and subject to the provisions of RCW 90.03.080 and shall include:

(a) An order which relates to the right to divert, withdraw or otherwise make beneficial use of waters of a water source which has been adjudicated pursuant to RCW 90.03.110 through 90.03.240 or RCW 90.44.220 and 90.44.230; or

(b) An order which relates to the performance of an activity, or the construction or operation of a facility or improvement by a person without a permit, certificate, license or other authorization or approval of the department of water resources when the same is required to be obtained from the department by the person by statute, including but not limited to RCW 90.03.250, 90.03.350, 90.03.370, 90.03.380, 90.44.050, 86.16.080, or 43.37.080, prior to said performance, construction or operation; or

(c) An order which relates to the violation of a term or condition of a permit or certificate, license or other authorization or approval issued by the department of water resources; or

(d) An order which relates to a water use condition constituting an emergency which threatens the public safety or welfare;

(2) Review of all regulatory orders issued pursuant to RCW 43.27A.190, other than those described in RCW 43.27A.200(1), shall be available through administrative hearings conducted by the department of water resources. A hearing shall be granted by the director of the department of water resources if the requester submits a written request to the director by certified or registered mail for a hearing and the same is received by, or mailed to the director within thirty days from the date of receipt of the order. No such request shall be entertained unless it contains the following:

(a) The requester's name and address;

(b) The date of the order for which the request for review is taken;

(c) A statement of the substance of the order complained of;

(d) A clear, separate and concise statement of each and every error which the requester alleges to have been committed by the department;

(e) A clear and concise statement of facts upon which the requester relies to sustain his statements of error; and

(f) A statement setting forth the relief sought.

All hearings shall be before the director or a hearing officer appointed by the director. Any party to a hearing held hereunder who feels aggrieved by a final order issued by the director of the department of water resources after a hearing may obtain review thereof in a superior court. All hearings and judicial review authorized hereunder shall be subject to the provisions of chapter 34.04 RCW pertaining to contested cases.

In the event a regulatory or final order issued pursuant to RCW 43.27A.190 or 43.27A.200 is not complied with, the attorney general, upon request of the department of water resources, shall bring an action in the superior court of the county where the violation occurred or potential violation is about to occur to obtain such judicial relief as necessary, including injunctive relief, to insure that said order is complied with. [1969 ex.s. c 284 § 8.]

43.27A.210 Hearings. Any person, corporation, association or government agency feeling aggrieved by any order, decision or determination of the department of water resources, other than a regulatory order issued pursuant to RCW 43.27A.190 or 43.27A.200, who is not otherwise expressly entitled to a hearing before the department of water resources prior or subsequent to the issuance of any such order, decision or determination shall be entitled to a hearing under the provisions of this section upon request. No request shall be entertained unless it contains the same information and statements as required in a written request for a hearing as set forth in RCW 43.27A.200(2), and is delivered to the department's office in Olympia either personally or by registered or certified mail, within thirty days following the rendition of the order, decision or determination by said department.

Any party to this proceeding shall be entitled to have a final order of the department reviewed by the superior court. The proceedings authorized hereunder shall be construed as "contested cases" within the meaning of chapter 34.04 RCW and said RCW chapter shall apply to all phases of the hearing and the judicial review granted in this section. [1969 ex.s. c 284 § 9.]

Severability—1969 ex.s. c 284: See note following RCW 90.48.290.

43.27A.220 "Person" defined. Whenever the word "person" is used in RCW 43.27A.190 through 43.27A.210, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever. [1969 ex.s. c 284 § 11.]

Severability—1969 ex.s. c 284: See note following RCW 90.48.290.

43.27A.900 Liberal construction. The rule of strict construction shall have no application to this chapter, but the same shall be liberally construed, in order to carry out the purposes and objectives for which this chapter is intended. [1967 c 242 § 22.]

43.27A.910 Severability—1967 c 242. If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of this chapter, or the application to other persons or circumstances, is not affected. [1967 c 242 § 21.]

Chapter 43.30

DEPARTMENT OF NATURAL RESOURCES

Sections

- 43.30.010 Purpose.
- 43.30.020 Definitions.
- 43.30.030 Department created.
- 43.30.040 Board of natural resources—Composition.
- 43.30.050 Administrator of department.
- 43.30.060 Supervisor of natural resources—Appointment.
- 43.30.070 Powers, duties, functions of certain state agencies transferred to department—Agencies abolished.
- 43.30.080 Department to exercise certain powers and duties—Director of conservation and development.
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- 43.30.110 Department to exercise certain powers and duties—Secretary of state.
- 43.30.120 Department to exercise certain powers and duties—Director of licenses, tax commission with respect to log patrols.
- 43.30.130 Department to exercise certain powers and duties—Commissioner of public lands.
- 43.30.140 Department to exercise certain powers and duties—Sustained yield forests.
- 43.30.150 Powers and duties of board—Personnel—Advisory committees—Organization—Expenses.
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- 43.30.310 Rules and regulations pertaining to public use of state lands—Enforcement—Penalty.
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Accreted lands, jurisdiction, powers and duties: RCW 43.51.685.

Agricultural pesticide advisory board, departmental representation: RCW 17.21.230.

Categories of trails—Policy statement as to certain state lands: RCW 67.32.080.

Commissioner of public lands: Chapters 43.12, 79.01 RCW.

Disposition of ATV registration fees: RCW 46.09.110.

Distribution of snowmobile registration fees: RCW 46.10.080.

Ecological commission, departmental representation at meetings of: RCW 43.21A.170.

Forests and forest products: Title 76 RCW.

Multiple use concept in management and administration of state-owned lands: Chapter 79.68 RCW.

Public lands: Title 79 RCW.

Purchasing committee, membership on: RCW 43.19.1902.

Refunds from motor vehicle fund of amounts taxed as ATV fuel—Distribution—Use: RCW 46.09.170.

Thermal power plant site evaluation council, membership: RCW 80.50.030.

Treasurer's duty to refund snowmobile fuel tax to general fund—Crediting—Use: RCW 46.10.150.

Youth development and conservation corps: Chapter 43.51 RCW.

43.30.010 Purpose. The purpose of this chapter is to provide for more effective and efficient management of the forest and land resources in the state by consolidating into a department of natural resources certain powers, duties and functions of the division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board, all state sustained yield forest committees, director of conservation and development, state capitol committee, director of licenses, secretary of state, tax commission and commissioner of public lands. [1965 c 8 § 43.30.010. Prior: 1957 c 38 § 1.]

Names of department and director of conservation and development changed to department and director of ecology: RCW 43.17.010, 43.17.020.

Names of department and director of licenses changed to department and director of motor vehicles: RCW 43.17.010, 43.17.020.

Tax commission abolished, powers and duties transferred to department of revenue: 1967 ex.s. c 26 § 7; see note following RCW 82.01.050.

43.30.020 Definitions. For the purpose of this chapter, except where a different interpretation is required by the context:

(1) "Department" means the department of natural resources;

(2) "Board" means the board of natural resources;

(3) "Administrator" means the administrator of the department of natural resources;

(4) "Supervisor" means the supervisor of natural resources;

(5) "Agency" and "state agency" means any branch, department, or unit of the state government, however designated or constituted;

(6) "Commissioner" means the commissioner of public lands. [1965 c 8 § 43.30.020. Prior: 1957 c 38 § 2.]

43.30.030 Department created. The department of natural resources is hereby created, to consist of a board of natural resources, an administrator and a supervisor. [1965 c 8 § 43.30.030. Prior: 1957 c 38 § 3.]

43.30.040 Board of natural resources—Composition. The board shall consist of five members: The governor, the superintendent of public instruction, the commissioner of public lands, the dean of the college of forestry of the University of Washington and the director of the institute of agricultural sciences of Washington State University. [1965 c 8 § 43.30.040. Prior: 1957 c 38 § 4.]

43.30.050 Administrator of department. The commissioner of public lands shall be the administrator of the department. [1965 c 8 § 43.30.050. Prior: 1957 c 38 § 5.]

43.30.060 Supervisor of natural resources—Appointment. The supervisor shall be appointed by the administrator with the advice and consent of the board. He shall serve at the pleasure of the administrator. [1965 c 8 § 43.30.060. Prior: 1957 c 38 § 6.]

43.30.070 Powers, duties, functions of certain state agencies transferred to department—Agencies abolished. The department shall exercise the powers, duties and functions of the following state agencies, and the said agencies are hereby abolished and all of their powers, duties and functions are transferred to the department of natural resources: The division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board and all state sustained yield forest committees. [1965 c 8 § 43.30.070. Prior: 1957 c 38 § 7.]

43.30.080 Department to exercise certain powers and duties—Director of conservation and development. The department shall exercise the powers, duties and functions of the director of conservation and development with respect to forestry powers, duties and functions as set forth in Title 76 RCW, and such powers, duties and functions are hereby transferred to the department. [1965 c 8 § 43.30.080. Prior: 1957 c 38 § 8.]

43.30.090 Department to exercise certain powers and duties—State capitol committee. The department shall exercise the powers, duties and functions of the state capitol committee with respect to capitol building lands and resources thereon as set forth in RCW 79.24.010 through 79.24.090, and such powers, duties and functions are hereby transferred to the department. [1965 c 8 § 43.30.090. Prior: 1957 c 38 § 9.]

43.30.100 Department to exercise certain powers and duties—Director of licenses and other agencies with respect to Christmas trees. The department shall exercise the powers, duties and functions of the director of licenses and all other state agencies with respect to the harvesting and export of Christmas trees, as set forth in chapter 19.12 RCW, and such powers, duties and functions are hereby transferred to the department. [1965 c 8 § 43.30.100. Prior: 1957 c 38 § 10.]

43.30.110 Department to exercise certain powers and duties—Secretary of state. The department shall exercise all of the powers, duties and functions of the secretary of state with respect to: (1) Booming companies, under the provisions of chapter 76.28 RCW; (2) log driving companies, under the provisions of chapter 76.32 RCW; (3) log marks and brands, under the provisions of chapter 76.36 RCW, and such powers, duties and functions are hereby transferred to the department. [1965 c 8 § 43.30.110. Prior: 1957 c 38 § 11.]

43.30.120 Department to exercise certain powers and duties—Director of licenses, tax commission with respect to log patrols. The department shall exercise the powers, duties and functions of the director of licenses and the tax commission of the state of Washington with

respect to log patrols, as set forth in chapter 76.40 RCW, and such powers, duties and functions are hereby transferred to the department. [1965 c 8 § 43.30.120. Prior: 1957 c 38 § 12.]

43.30.130 Department to exercise certain powers and duties—Commissioner of public lands. The department shall exercise all of the powers, duties and functions now vested in the commissioner of public lands and such powers, duties and functions are hereby transferred to the department: *Provided*, That nothing herein contained shall effect his ex officio membership on any committee provided by law. [1965 c 8 § 43.30.130. Prior: 1957 c 38 § 13.]

43.30.140 Department to exercise certain powers and duties—Sustained yield forests. All sustained yield forests established by RCW 79.56.010 shall be managed and administered by the department of natural resources. [1965 c 8 § 43.30.140. Prior: 1957 c 38 § 14.]

43.30.150 Powers and duties of board—Personnel—Advisory committees—Organization—Expenses. The board shall:

(1) Perform all the duties relating to appraisal, appeal, approval and hearing functions heretofore performed by the board of state land commissioners, the state forest board and the capitol committee to the extent such functions are transferred to the department;

(2) Establish policies to insure that the acquisition, management and disposition of all lands and resources within the department's jurisdiction are based on sound principles designed to achieve the maximum effective development and use of such lands and resources consistent with laws applicable thereto;

(3) Constitute the board of appraisers provided for in article 16, section 2 of the state Constitution;

(4) Constitute the commission on harbor lines provided for in article 15, section 1 of the state Constitution as amended;

(5) Hold regular monthly meetings at such times as it may determine, and such special meetings as may be called by the chairman or majority of the board membership upon written notice to all members thereof: *Provided*, That the board may dispense with any regular meetings, except that the board shall not dispense with two consecutive regular meetings;

(6) Adopt and enforce such rules and regulations as may be deemed necessary and proper for carrying out the powers, duties and functions imposed upon it by this chapter;

(7) Employ and fix the compensation of such technical, clerical and other personnel as may be deemed necessary for the performance of its duties;

(8) Appoint such advisory committees as it may deem appropriate to advise and assist it to more effectively discharge its responsibilities. The members of such committees shall receive no compensation, but shall be entitled to reimbursement for actual and necessary expenses in attending committee meetings on the same basis as state officers and employees generally;

(9) Meet and organize within thirty days after March 6, 1957 and on the third Monday of each January following a state general election at which the elected ex officio members of the board are elected. The board shall select its own chairman. The commissioner of public lands shall be the secretary of the board. The board may select a vice chairman from among its members. In the absence of the chairman and vice chairman at a meeting of the board, the members shall elect a chairman pro tem. No action shall be taken by the board except by the agreement of at least three members. The department and the board shall maintain its principal office at the capital;

(10) Be entitled to reimbursement individually for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided by law for state officers and employees generally. [1965 c 8 § 43.30.150. Prior: 1957 c 38 § 15.]

43.30.160 Powers and duties of administrator—Personnel. The administrator shall have responsibility for performance of all the powers, duties and functions of the department except those specifically assigned to the board. In the performance of his powers, duties and functions, the administrator shall conform to policies established by the board, and may employ and fix the compensation of such personnel as may be required to perform the duties of his office. [1965 c 8 § 43.30.160. Prior: 1957 c 38 § 16.]

43.30.170 Powers and duties of supervisor—Personnel—Bond. The supervisor shall:

(1) Be charged with the direct supervision of the department's activities as delegated to him by the administrator;

(2) Perform his duties in conformance with the policies established by the board;

(3) Organize the department, with approval of the administrator, into such subordinate divisions as he may deem appropriate for the conduct of its operations;

(4) Employ and fix the compensation of such technical, clerical and other personnel as may be required to carry on activities under his supervision;

(5) Delegate by order any of his powers, duties and functions to one or more deputies or assistants as he may desire;

(6) Furnish before entering upon his duties a surety bond payable to the state in such amount as may be determined by the board, conditioned for the faithful performance of his duties and for his accounting of all moneys and property of the state that may come into his possession or under his control by virtue of his office. [1965 c 8 § 43.30.170. Prior: 1957 c 38 § 17.]

43.30.180 Oaths may be administered by supervisor and deputies. The supervisor and his duly authorized deputies may administer oaths. [1965 c 8 § 43.30.180. Prior: 1957 c 38 § 18.]

43.30.190 Validation of acts of other agencies. Neither the abolishment or transfer of any agency, nor any transfer of powers, duties and functions, as provided in

this chapter, shall affect the validity of any act performed by such agency or any officer or employee thereof prior to the taking effect of this chapter. [1965 c 8 § 43.30.190. Prior: 1957 c 38 § 19.]

43.30.200 Administrator to report to legislature and governor—To recommend legislation. The administrator shall submit to the governor and to the legislature, on or before the last day of December immediately preceding each regular session of the legislature and at other times when required by the governor, a written report of the work of the department, including a statement of the expenditures thereof, with such recommendations for legislation as the department may deem advisable for the better management of the lands, forests, and other natural resources of the state. [1965 c 8 § 43.30.200. Prior: 1957 c 38 § 20.]

43.30.210 Administrator may designate substitute for member of board, commission, etc. When any officer, member, or employee of an agency abolished by provisions of this chapter is, under provisions of existing law, designated as a member ex officio of another board, commission, committee, or other agency, and no provision is made in this chapter with respect to a substitute, the administrator shall designate the officer or other person to serve hereafter in that capacity. [1965 c 8 § 43.30.210. Prior: 1957 c 38 § 21.]

43.30.220 Disposition of property, records, etc., of abolished or transferred agencies. Upon the taking effect of this chapter and the organization of the department, the responsible head of each agency abolished or transferred in whole or in part to the department by this chapter, shall deliver to the department all books, documents, records, papers, files, or other writings, all cabinets, furniture, office equipment, motor vehicles, and other tangible property and all funds in its custody or under its control, used or held in the exercise of the powers and the performance of the duties and functions so transferred, along with all pending business before such agency: *Provided*, That, if the books, documents, records, papers, files and other writings pertaining to a function transferred by this chapter to the department from agencies not abolished by this chapter are considered by the head of the agency from which such transfer is made to be essential to the performance of duties retained by such agency, the agency head may deliver to the department certified copies of such books, documents, records, papers, files and other writings. [1965 c 8 § 43.30.220. Prior: 1957 c 38 § 22.]

43.30.230 Transfer of appropriations of agencies abolished. The appropriations made to the various agencies abolished by this chapter shall be transferred to and made available to the department of natural resources. Appropriations for the exercise of powers, duties and functions transferred to the department from agencies that are not abolished by this chapter shall be transferred to and made available to the department in accordance with the provisions of RCW 43.30.240. [1965 c 8 § 43.30.230. Prior: 1957 c 38 § 23.]

43.30.240 Transfer of equipment, funds, appropriations from agencies not abolished—Apportionment by director of budget. The transfer of equipment, funds and appropriations from agencies that are not abolished by this chapter to the department, as provided in RCW 43.30.220 and 43.30.230, shall be accomplished in accordance with apportionments among the several agencies by the director of the budget, who shall have due consideration to the total of the appropriations to the several agencies, the size and nature of the functions to be transferred and the feasibility of segregating such equipment to the various functions. The director of the budget shall certify such apportionments to the agencies affected and to the state auditor, the state treasurer and department of general administration, each of whom shall make the appropriate transfers and adjustments in their funds and appropriation accounts and equipment records in accordance with such certification. [1965 c 8 § 43.30.240. Prior: 1957 c 38 § 24.]

43.30.250 Property transactions, restrictive conveyances, highway purpose—Existing law to continue. Nothing in this chapter shall be interpreted as changing existing law with respect to:

(1) Property given to a state agency on restrictive conveyance with provision for reversion to the grantor or for the vesting of title in another if and when such property is not used by the agency concerned for the stipulated purposes;

(2) Land or other property acquired by any state agency for highway purposes. [1965 c 8 § 43.30.250. Prior: 1957 c 38 § 25.]

43.30.260 Real property—Services and facilities available to other state agencies, cost. Upon request by any state agency vested by law with the authority to acquire or manage real property, the department shall make available to such agency the facilities and services of the department of natural resources with respect to such acquisition or management, upon condition that such agency reimburse the department for the costs of such services. [1965 c 8 § 43.30.260. Prior: 1957 c 38 § 26.]

43.30.270 Employees—Applicability of merit system. All employees of the department of natural resources shall be governed by any merit system which is now or may hereafter be enacted by law governing such employment. [1965 c 8 § 43.30.270. Prior: 1957 c 38 § 27.]

43.30.280 Natural resources equipment fund—Authorized—Purposes—Expenditure. A revolving fund in the custody of the state treasurer, to be known as the natural resources equipment fund, is hereby created to be expended by the department of natural resources without appropriation solely for the purchase of equipment, machinery, and supplies for the use of the department and for the payment of the costs of repair and maintenance of such equipment, machinery, and supplies. [1965 c 8 § 43.30.280. Prior: 1963 c 141 § 1.]

43.30.290 Natural resources equipment fund—Reimbursement. The natural resources equipment fund shall be reimbursed by the department of natural resources for all moneys expended from it. Reimbursement may be prorated over the useful life of the equipment, machinery, and supplies purchased by moneys from the fund. Reimbursement may be made from moneys appropriated or otherwise available to the department for the purchase, repair and maintenance of equipment, machinery, and supplies and shall be prorated on the basis of relative benefit to the programs. For the purpose of making reimbursement, all existing and hereafter acquired equipment, machinery, and supplies of the department shall be deemed to have been purchased from the natural resources equipment fund. [1965 c 8 § 43.30.290. Prior: 1963 c 141 § 2.]

43.30.300 Outdoor recreation—Construction, operation and maintenance of primitive facilities—Right of way and public access—Use of state and federal outdoor recreation funds. The department of natural resources is authorized:

(1) To construct, operate, and maintain primitive outdoor recreation facilities on lands under its jurisdiction which are of primitive character when deemed necessary by the department to achieve maximum effective development of such lands and resources consistent with the purposes for which the lands are held. This authority shall be exercised only after review by the interagency committee for outdoor recreation and determination by the committee that the department is the most appropriate agency to undertake such construction, operation and maintenance. Such review is not required for authority exercised under the provisions of RCW 76.04.210.

(2) To acquire right of way and develop public access to lands under the jurisdiction of the department of natural resources and suitable for public outdoor recreation.

(3) To receive and expend funds from federal and state outdoor recreation funding measures for the purposes of RCW 43.30.300 and 79.08.109. [1967 ex.s. c 64 § 1.]

Construction—1967 ex.s. c 64: "Nothing in this act shall be construed as affecting the jurisdiction or responsibility of any other state or local governmental agency, except as provided in section 1 of this act." [1967 ex.s. c 64 § 4.]

Severability—1967 ex.s. c 64: "If any provision of sections 1 through 4 of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 64 § 3.]

The foregoing annotations apply to RCW 43.30.300 and 79.08.109. "Section 1 of this act" is codified as RCW 43.30.300.

Exchange of lands to secure private lands for parks and recreation purposes: RCW 79.08.109.

Interagency committee for outdoor recreation: Chapter 43.99 RCW.

43.30.310 Rules and regulations pertaining to public use of state lands—Enforcement—Penalty. For the promotion of the public safety and the protection of public property, the department of natural resources may, in accordance with chapter 34.04 RCW, issue, promulgate, adopt, and enforce rules and regulations

pertaining to use by the public of state-owned lands and property which are administered by the department.

A violation of any rule or regulation adopted under this section shall constitute a misdemeanor.

The commissioner of public lands and such of his employees as he may designate shall be vested with police powers when enforcing:

(1) The rules and regulations of the department adopted under this section; or

(2) The general criminal statutes or ordinances of the state or its political subdivisions where enforcement is necessary for the protection of state-owned lands and property. [1969 ex.s. c 160 § 1.]

43.30.350 Department of natural resources to exercise mining and geology powers and duties of department of conservation. See RCW 43.27A.120 and 43.27A.130.

Chapter 43.31

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

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Joint committee on nuclear energy: Chapter 44.39 RCW.

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Nuclear energy development and promotion: RCW 70.98.040.

Oath: RCW 43.17.030.

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Rules and regulations: RCW 43.17.060.

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Thermal power plant site evaluation council, director a member: RCW 80.50.030.

World fair commission, director as member: RCW 43.96A.040.

Youth development and conservation committee, membership: RCW 43.51.520.

43.31.010 Declaration of policy. It is hereby declared to be the public policy of the legislature of the state of Washington to continue, and to accelerate the orderly growth of the economy of the state; not only to preserve, but also to increase the economic well-being of its citizens and its commerce: The legislature thereby determines that it is in the public interest, for the public good and the general welfare of the citizens of the state to establish a department of commerce and economic development. Through research and promotion the department shall foster the most desirable growth and diversification of industry and commerce possible, and the attraction of visitors to the state. [1965 c 8 § 43.31-.010. Prior: 1957 c 215 § 1.]

43.31.020 Department established. There is established a department of state government to be known as the department of commerce and economic development. [1965 c 8 § 43.31.020. Prior: 1957 c 215 § 2.]

43.31.030 Director—Appointment, term, salary. The executive head of the department shall be the director of commerce and economic development. He shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. [1965 c 8 § 43.31.030. Prior: 1961 c 307 § 6; 1957 c 215 § 3.]

43.31.040 Divisions of department—Supervisors, managers, executive directors, assistants. The department of commerce and economic development shall be organized into divisions, including (1) the industrial development division, (2) the tourist promotion division, (3) the research division, (4) the nuclear energy development division, to be known as the "office of nuclear energy development," (5) the foreign trade division, to be known as the "office of foreign trade," and others as required.

The director of commerce and economic development may appoint such division supervisors, managers, or executive directors, and clerical supervisors and other assistants as may be necessary for the general administration of the department. [1967 c 221 § 2; 1965 c 10 § 2; 1965 c 8 § 43.31.040. Prior: 1957 c 215 § 4.]

Severability—1967 c 221: See note following RCW 43.31.350.

43.31.050 Powers and duties—Tourist promotion division. The director of commerce and economic development, through the tourist promotion division shall:

(1) Conduct promotion of the state, other than that carried on or planned by the various departments or other political subdivisions within the state, for the purpose of attracting visitors to the state, and encouraging tourist expansion in the state;

(2) Formulate, supervise, and carry out a continuous factual information program for the promotion of the state;

(3) Assemble and distribute such data, statistics, information, and exhibits as will publicize and popularize the advantages of the state;

(4) Take active steps by sending representatives to other areas and by inviting representatives from other areas for the purpose of attracting visitors, inviting conferences and conventions, and sportsmen and tourists to the state of Washington;

(5) The department of commerce and economic development may publish or encourage the private publication of a magazine named by it and shall also publish maps, pamphlets and other descriptive material designed to carry out the purposes of this chapter. The department of commerce and economic development shall fix the price to be paid for annual subscriptions to, for single copies of, and the discount to be allowed dealers of the magazine. The publication may be distributed free of charge to libraries, schools, chambers of commerce and to such hotels, tourist agencies, visitors and prospective visitors and to such other persons or agencies, and in such quantities, as the department deems beneficial in carrying out the purposes of this chapter. In no case shall the number of free copies each

month exceed ten percent of the total number of paid subscriptions. [1965 c 8 § 43.31.050. Prior: 1957 c 215 § 5.]

43.31.060 Powers and duties—Industrial development division. The director of commerce and economic development, through the industrial development division, shall:

(1) Gather, maintain and disseminate available information concerning plant industrial sites throughout the state and the advantages of locating industries within the state;

(2) Serve local communities in planning for and acquiring a greater industrial development;

(3) Act as the state's official liaison agency between persons interested in locating business firms in Washington, and state and local groups seeking new business (in such capacity, the division shall maintain the confidential nature of the negotiations it conducts as requested by the persons contemplating location in this state);

(4) Conduct an active program, by sending representatives to other areas, of providing information on industrial and business sites, contacting potential new business and industry, and in other ways to expand the business and industrial base of the state of Washington. [1965 c 8 § 43.31.060. Prior: 1957 c 215 § 6.]

43.31.070 Powers and duties—Division of research. The director of commerce and economic development through the division of research shall initiate, conduct, and maintain research for the purpose of guiding and accomplishing a coordinated and economically far-sighted development of the state. He shall establish a research reference service to collate and coordinate information available from private and governmental sources, to undertake market feasibility studies on existing products and by-products which are or could be developed in the state. He shall assist in creating and maintaining a shelf of public work projects to aid the state in case of an economic recession. [1965 c 8 § 43.31.070. Prior: 1957 c 215 § 7.]

43.31.080 Powers and duties—General. Notwithstanding any duties and powers specifically enumerated in RCW 43.31.050, 43.31.060, and 43.31.070, the director is authorized, empowered, and directed to do any and all other acts necessary to accomplish the purposes of this chapter as specified in RCW 43.31.010. [1965 c 8 § 43.31.080. Prior: 1957 c 215 § 8.]

43.31.090 Advisory council—Appointment, term, vacancies, expenses. To aid and advise the director in the performance of his functions as specified in this chapter, an advisory council shall be appointed by the governor, such council to be composed of not more than fifteen members, all of whom shall be residents of this state, representing such geographical and economic areas the governor shall determine will best further the purposes of this chapter. Terms of council members shall not exceed two years and shall continue until their successors are appointed. Vacancies shall be filled in the

same manner as original appointments. Members shall receive no per diem but shall receive reimbursement for actual subsistence and traveling expenses incurred in the performance of their duties. [1965 c 8 § 43.31.090. Prior: 1959 c 228 § 1; 1957 c 215 § 9.]

43.31.100 Advisory council—Powers and duties. The advisory council shall receive reports periodically from the department and shall meet to advise, guide and assist the director in establishing the policies of the department. [1965 c 8 § 43.31.100. Prior: 1957 c 215 § 10.]

43.31.110 Additional advisory groups—Appointment, vacancies, expenses. The director may from time to time establish such additional advisory groups as in his discretion are necessary for the carrying out of this chapter. Members of and vacancies in, such advisory groups, shall be filled by appointments by the director. Members shall receive no per diem but shall receive reimbursement for actual subsistence and traveling expenses incurred in the performance of their duties. [1965 c 8 § 43.31.110. Prior: 1957 c 215 § 11.]

43.31.120 Director may request assistance from state agencies, departments, officials—Expenses. The director is authorized to request information and assistance from all other agencies, departments and officials of the state and may reimburse such agencies, departments or officials when any such request imposes any additional expenses upon any such agency, department or official. [1965 c 8 § 43.31.120. Prior: 1957 c 215 § 12.]

43.31.130 Director, supervisors, staff may travel—Expenses. The director and the supervisor of any division may travel throughout the state or other states and may contact other states and agencies in the performance of their duties. The director and supervisors shall receive no per diem, but shall receive reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode, in lieu of other provisions made by law for reimbursement of their expenses as such state employees, not to exceed twenty-five dollars, per day. The director is authorized to delegate similar authority to other members of his staff who shall then be reimbursed for their expenses in the same manner as herein provided for the director and division supervisors. [1965 c 8 § 43.31.130. Prior: 1957 c 215 § 13.]

43.31.140 Acceptance of contributions, grants, gifts—Disbursements—Purpose. In furthering the purposes of this chapter, the director may accept contributions, grants or gifts in cash or otherwise from persons, associations, or corporations, such contributions to be disbursed in the same manner as money appropriated by the legislature: *Provided*, That the donor of such gifts may stipulate the purpose for which they shall be expended. [1965 c 8 § 43.31.140. Prior: 1957 c 215 § 14.]

43.31.150 Federal grants, matching funds or other funds, donations—Acceptance, disbursements. The department of commerce and economic development may accept and disburse federal grants or federal matching or other funds or donations from any source when made, granted or donated for a purpose covered by this chapter. [1965 c 8 § 43.31.150. Prior: 1957 c 215 § 15.]

43.31.160 Biennial reports to governor and legislature. The director shall submit to the governor and the legislature a biennial report on the activities, growth, progress, problems and costs of the programs of the department and its divisions, and on recommendations for future program and needed legislation including legislation designed to encourage investment of risk venture capital in this state. [1965 c 8 § 43.31.160. Prior: 1957 c 215 § 16.]

43.31.170 Division of progress and industry development abolished—Powers and duties of supervisor transferred to director of commerce and economic development. From and after the first day of April, 1957, the division of progress and industry development of the department of conservation and development is abolished and the director of the department of commerce and economic development shall exercise all the powers, duties and functions theretofore vested in and required to be exercised by the supervisor of progress and industry development of the department of conservation and development. [1965 c 8 § 43.31.170. Prior: 1957 c 215 § 17.]

43.31.180 Division of progress and industry development abolished—Disposal of property, records, etc.—Pending matters, completion—Validation of acts performed. Upon the taking effect of this chapter, the director of conservation and development shall immediately deliver to the director of commerce and economic development all books, documents, records, papers, files, or other writings, all cabinets, furniture, office equipment, and other tangible property, and all funds in his custody or under his control used or held by the division of progress and industry development of the department of conservation and development. Neither the abolition of the division of progress and industry development of the department of conservation and development nor the transfer of powers and duties as provided in this chapter to the director of commerce and economic development shall affect the validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this chapter from the division of progress and industry development of the department of conservation and development to the department of commerce and economic development which at the time of transfer have not been completed may be undertaken and completed by the director of commerce and economic development, who is authorized, empowered, and directed to promulgate any and all orders, rules, and regulations necessary to accomplish this purpose. [1965 c 8 § 43.31.180. Prior: 1957 c 215 § 18.]

43.31.200 Local and state planning—Authorized studies. The department of commerce and economic development, through its appropriate division, shall have the responsibility for studying the following matters and for submitting its findings and recommendations to the governor and legislature:

(1) Legal changes necessary for the establishment of adequate metropolitan and local levels of government;

(2) The various methods of adopting forms of government for metropolitan areas;

(3) Voting procedures to be employed if local determination is used as the method of adoption;

(4) The need for adjustments in area, organization, functions and finance of reorganized governments;

(5) Interstate areas that include a part of the territory of this state;

(6) State advisory and technical services and administrative supervision to governments in local areas;

(7) The effects upon local areas of present and proposed national, state and local government programs, including but not limited to grants-in-aid;

(8) The means of facilitating greater coordination of existing and contemplated policies of the national, state and local governments and of private associations and individuals that affect local areas;

(9) The legal changes that are necessary for the establishment of metropolitan target zone authorities adequate for emergency services purposes, and the measure required for the organization and operation of such authorities. [1974 1st ex.s. c 171 § 42; 1965 c 8 § 43.31.200. Prior: 1963 c 161 § 1.]

Cities and towns, planning: Chapter 35.63 RCW.

County planning: Chapter 36.70 RCW.

43.31.210 Local and state planning—Coordinating and advisory services—State comprehensive plan—Personnel. The department of commerce and economic development, through the appropriate division, in order to facilitate municipal, urban, metropolitan and regional planning, and to encourage such areas to maintain a continuing and adequate program for planning shall serve generally as a consultative, coordinating and advisory agency for aiding such planning bodies, directly, or in securing planning assistance, consultative services and technical aid which may include surveys, land use, demographic and economic studies, comprehensive plans, urban renewal plans and other plans. The department through the division, shall serve generally as a consultative, coordinating and advisory agency for state departments or agencies for planning and shall be responsible for the preparation of a state comprehensive plan. The director shall employ competent, qualified, technical personnel and such other personnel as may be required to administer RCW 43.31.200 through 43.31.230. [1965 c 8 § 43.31.210. Prior: 1963 c 161 § 2.]

43.31.220 Local and state planning—Aid from federal and local government—Rules and regulations. The director, through the appropriate division, may accept contributions, grants, or other financial assistance from the government of the United States for, or in aid of, any planning program. The director shall promulgate

such rules and regulations, in accordance with the procedures set forth in chapter 34.04 RCW, enter into such agreements, prescribe such conditions, perform such other lawful act as may be necessary to secure the financial aid and cooperation of the government of the United States and local planning bodies to implement any planning program. [1965 c 8 § 43.31.220. Prior: 1963 c 161 § 3.]

43.31.230 Local and state planning—Powers conferred by RCW 43.31.210 and 43.31.220 are supplemental. The powers conferred by RCW 43.31.210 and 43.31.220 are in addition and supplemental to the powers conferred by any other state or local law, and nothing herein contained shall be construed as limiting or restricting any other powers of the department, the state, or any political subdivision thereof. [1965 c 8 § 43.31.230. Prior: 1963 c 161 § 4.]

43.31.280 Nuclear energy—Purposes. It is the intent of the legislature that the state through the department of commerce and economic development shall:

(1) Encourage, promote and cooperate in the development of the use of nuclear energy for peaceful and productive purposes;

(2) Translate the state's nuclear resources and position in the nuclear energy field from an exclusive federal base to one with a healthy private enterprise component;

(3) Stimulate the nuclear possibilities of the state by catalyzing the interest of industry; agriculture and education around the state's nuclear resources and opportunities;

(4) Acquire and operate property and facilities for the primary purpose of maintaining title or interest as the catalytic agent for activity and direct operation of nuclear energy facilities and byproducts thereof by others;

(5) Encourage the transfer of property and facilities to others who will directly operate nuclear facilities and processes, ensuring perpetual surveillance by the state where required by agreement with the federal government. [1965 c 10 § 1.]

Nuclear energy and radiation: Chapter 70.98 RCW.

43.31.290 Nuclear energy—Promotion and development—Personnel—Executive director of office of nuclear energy development. The department of commerce and economic development through the appropriate division, in order to foster the state's economic growth, shall encourage, promote, and cooperate in the development of the use of nuclear energy for peaceful and productive purposes, and shall coordinate all nuclear development activities engaged in by state agencies and departments. The director shall appoint personnel with sufficient scientific and administrative qualifications to further these purposes and to perform the duties and exercise the powers of the department in this regard. The person appointed as supervisor or manager of the division of nuclear energy development shall be known as the executive director of the office of nuclear energy development. [1965 c 10 § 3.]

Department as state agency for promotion and development of nuclear energy: RCW 70.98.040.

43.31.300 Nuclear energy—Powers and duties—Division and office of nuclear energy development. The director of commerce and economic development through the division of nuclear energy development, known as the office of nuclear energy development, shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) Expend such state funds as may be appropriated by the legislature in order to acquire, develop and operate land and facilities which the director believes will foster the development of the state's nuclear economic potential. Such acquisition may be by lease, dedication, purchase, or other arrangement: *Provided*, however, That nothing herein shall be deemed to authorize the state to acquire nuclear facilities or property to engage in competition with organizations or persons. The leasing from the Atomic Energy Commission of one thousand acres of land lying within the boundaries of the Hanford works near Richland, Washington, in a lease executed on September 10, 1964, is an example of the proper exercise of powers within the purposes of this chapter.

(2) Lease, sublease, or sell real and personal properties to public or private bodies on a competitive basis and at a fair market value when the director believes that such transactions will foster the development of the state's nuclear economic potential.

The director may, however, on a competitive basis lease real and personal properties at less than fair market value on a short term basis if he believes that the long term gain to the state's economic growth justifies such an agreement. Where the lease or sale requires the lessee or purchaser to use the premises for the operation of a specific type of activity, the notice to bidders shall specify the type of business activity required. Final selection among bidders shall, subject to the provisions herein, be by the director with the advice and consent of the governor's advisory council on nuclear energy and radiation.

(3) Enter into contracts with state and private institutions within the state for the carrying out of basic research in such uses of nuclear energy as may be helpful to the economic development of the state.

(4) Assure the maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state of Washington against nuclear incidents that may occur on privately or state controlled nuclear facilities.

(5) Assume responsibility for perpetual surveillance and/or maintenance of radioactive materials held for waste management purposes at any publicly or privately operated facility located within the state, in the event the parties operating such facilities abandon said responsibility, and whenever the federal government or any of its agencies has not assumed said responsibility.

In order to finance such perpetual surveillance and maintenance as the director may undertake, he may

collect fees from private or public parties holding radioactive materials for waste management purposes at a total charge of not less than five cents per cubic foot of space occupied by materials so held, stored, or buried: *Provided*, That in the event the estimated total of such fees will be insufficient to defray the estimated cost of administration of this responsibility for any next ensuing fiscal biennium, the director may prescribe additional fees, not exceeding fifty cents per cubic foot, as may be necessary to defray estimated waste management expenses for future fiscal bienniums. All such fees, when received by the director, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account, in the nature of a revolving fund, which may be designated "perpetual maintenance fund," to be disbursed on authorization of the director, or his designated representative. Disbursement shall be made in the manner prescribed by chapter 42.24 RCW, and shall be subject to post audit by the state auditor. No appropriations shall be required to permit expenditures and payment of obligations from such fund, but the condition of the fund and its administration by the director shall be reported biennially to the legislature. Moneys in the perpetual maintenance fund shall be invested by the state finance committee in the manner as other state moneys: *Provided, however*, That any interest accruing as a result of investment shall accrue to the perpetual maintenance fund.

Additional moneys as may be specifically appropriated by the legislature, or received from any public or private source, may be placed in the perpetual maintenance fund. The perpetual maintenance fund shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations.

(6) Enter into an agreement with the federal government or any of its authorized agencies to assume perpetual surveillance and/or maintenance of lands leased or purchased from the federal government or any of its authorized agencies and used as a burial or storage site for radioactive wastes. [1965 c 10 § 5.]

Additional powers and duties of department as state agency for promotion and development of nuclear energy: RCW 70.98.040.

Advisory council on nuclear energy and radiation: RCW 70.98.070.

43.31.310 Nuclear energy—Liberal construction. This act shall be liberally construed to the end that the acquisition, development and operation of land and facilities will be for the purpose of the state maintaining its title or interest as the catalytic agent for operation of nuclear energy facilities and byproducts thereof for basic research and a healthy private enterprise component. [1965 c 10 § 8.]

Reviser's note: "This act" (1965 c 10) consists of RCW 43.31.280 through 43.31.330 and the 1965 amendments to RCW 43.31.040 and 70.98.040.

43.31.320 Nuclear energy—Provisions cumulative—Rights preserved. The provisions of this act shall be cumulative and shall not impair or supersede the powers or rights of any person, firm or corporation

or political subdivision of the state of Washington under any other law. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power, are hereby preserved and such rights shall not be impaired or modified by any of the provisions of this act or any of the powers granted by this act. [1965 c 10 § 9.]

Reviser's note: "this act" (1965 c 10) consists of RCW 43.31.280 through 43.31.330 and the 1965 amendments to RCW 43.31.040 and 70.98.040.

43.31.330 Nuclear energy—Severability—1965 c 10. If any provision of this 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. [1965 c 10 § 7.]

Reviser's note: "this act" (1965 c 10) consists of RCW 43.31.280 through 43.31.330 and the 1965 amendments to RCW 43.31.040 and 70.98.040.

43.31.350 Office of foreign trade—Intent. It is the intent of the legislature that the state through the department of commerce and economic development shall:

(1) Promote, encourage, and cooperate in the development of foreign trade by the state of Washington;

(2) Advise, inform, and assist citizens of the state regarding foreign market potentials and operational procedures of foreign trade;

(3) Stimulate the business and professional community of the state to actively engage in the promotion and development of foreign trade;

(4) Foster closer ties between the state and foreign countries to the end that social, cultural, and economic barriers to trade may be reduced to a minimum. [1967 c 221 § 1.]

Severability—1967 c 221: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the act to other persons or circumstances is not affected." [1967 c 221 § 5.] This applies to RCW 43.31.040, and 43.31.350 through 43.31.370.

43.31.360 Office of foreign trade—Development of foreign trade—Personnel—Director. The department of commerce and economic development shall through the office of foreign trade, in furtherance of its stated objectives of continuing and accelerating the growth of the economy and enhancing the economic well-being of its citizens and its commerce, encourage, promote, and cooperate in the development of existing and potential sources of foreign trade. Pursuant to chapter 41.06 RCW, the state civil service law, the director shall appoint personnel with such qualifications as are necessary to carry out the purposes of RCW 43.31.040 and 43.31.350 through 43.31.370. The person appointed as supervisor or manager of the office of foreign trade shall be known as the executive director of the office of foreign trade. [1967 c 221 § 3.]

Severability—1967 c 221: See note following RCW 43.31.350.

43.31.370 Office of foreign trade—Powers and duties. The department of commerce and economic development through the office of foreign trade is hereby designated the agency of state government for the promotion and development of foreign trade and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

(1) To study the potential marketability of various agricultural, natural resource, and manufacturing commodities of this state in foreign trade;

(2) To collect, prepare, and analyze foreign and domestic market data;

(3) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;

(4) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of RCW 43.31.040 and 43.31.350 through 43.31.370;

(5) To encourage and promote the movement of foreign and domestic goods through the ports of Washington;

(6) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state as a foreign trade center;

(7) To assist and to make Washington agricultural, natural resource, and manufacturing concerns more aware of the potentials of foreign trade and to encourage production of those commodities which will have high export potentials and appeal;

(8) To administer state participation in state or international trade fairs;

(9) To coordinate the trade promotional activities of federal, state, and local public agencies, as well as civic organizations. [1967 c 221 § 4.]

Severability—1967 c 221: See note following RCW 43.31.350.
State trade fairs: RCW 43.31.790-43.31.860.

43.31.400 Western interstate nuclear compact—Entered into—Terms. The western interstate nuclear compact is hereby enacted into law and entered into by the state of Washington as a party, and is in full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

ARTICLE I. POLICY AND PURPOSE

The party states recognize that the proper employment of scientific and technological discoveries and advances in nuclear and related fields and direct and collateral application and adaptation of processes and techniques developed in connection therewith, properly correlated with the other resources of the region, can assist substantially in the industrial progress of the West and the further development of the economy of the region. They also recognize that optimum benefit from nuclear and related scientific or technological resources, facilities and skills requires systematic encouragement, guidance, assistance, and promotion from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing

basis. It is the purpose of this compact to provide the instruments and framework for such a cooperative effort in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

ARTICLE II. THE BOARD

(a) There is hereby created an agency of the party states to be known as the "Western Interstate Nuclear Board" (hereinafter called the Board). The Board shall be composed of one member from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

(c) The Board shall have a seal.

(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint and fix the compensation of an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, and such other personnel as the Board may direct, shall be bonded in such amounts as the Board may require.

(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, or its institutions or subdivisions, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The Board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials

and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this paragraph or upon any borrowing pursuant to paragraph (g) of this Article, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Board.

(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said state. The Board may issue such additional reports as it may deem desirable.

ARTICLE III. FINANCES

(a) The Board shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Each of the Board's requests for appropriations pursuant to a budget of estimated expenditures shall be apportioned equally among the party states. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II(h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II(h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to meet the same.

(d) Any expenses and any other costs for each member of the Board in attending Board meetings shall be met by the Board.

(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Board.

(f) The accounts of the Board shall be open at any reasonable time for inspection to persons authorized by the Board, and duly designated representatives of governments contributing to the Board's support.

ARTICLE IV. ADVISORY COMMITTEES

The Board may establish such advisory and technical committees as it may deem necessary, membership on which may include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, State and Federal Government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

ARTICLE V. POWERS

The Board shall have power to—

(a) Encourage and promote cooperation among the party states in the development and utilization of nuclear and related technologies and their application to industry and other fields.

(b) Ascertain and analyze on a continuing basis the position of the West with respect to the employment in industry of nuclear and related scientific findings and technologies.

(c) Encourage the development and use of scientific advances and discoveries in nuclear facilities, energy, materials, products, by-products, and all other appropriate adaptations of scientific and technological advances and discoveries.

(d) Collect, correlate, and disseminate information relating to the peaceful uses of nuclear energy, materials, and products, and other products and processes resulting from the application of related science and technology.

(e) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

(f) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspects of:

1. Nuclear industry, medicine, or education, or the promotion or regulation thereof.

2. Applying nuclear scientific advances or discoveries, and any industrial commercial or other processes resulting therefrom.

3. The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, by-products, installations, or wastes, or to

safety in the production, use and disposal of any other substances peculiarly related thereto.

(g) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations or research in any of the scientific, technological or industrial fields to which this compact relates.

(h) Undertake such nonregulatory functions with respect to non-nuclear sources of radiation as may promote the economic development and general welfare of the West.

(i) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

(j) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or local laws or ordinances of the party states or their subdivisions in nuclear and related fields, as in its judgment may be appropriate. Any such recommendations shall be made through the appropriate state agency, with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

(k) Consider and make recommendations designed to facilitate the transportation of nuclear equipment, materials, products, byproducts, wastes, and any other nuclear or related substances, in such manner and under such conditions as will make their availability or disposal practicable on an economic and efficient basis.

(l) Consider and make recommendations with respect to the assumption of and protection against liability actually or potentially incurred in any phase of operations in nuclear and related fields.

(m) Advise and consult with the federal government concerning the common position of the party states or assist party states with regard to individual problems where appropriate in respect to nuclear and related fields.

(n) Cooperate with the Atomic Energy Commission, the National Aeronautics and Space Administration, the Office of Science and Technology, or any agencies successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

(o) Act as licensee, contractor or sub-contractor of the United States Government or any party state with respect to the conduct of any research activity requiring such license or contract and operate such research facility or undertake any program pursuant thereto, provided that this power shall be exercised only in connection with the implementation of one or more other powers conferred upon the Board by this compact.

(p) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

(q) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the

work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents.

The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

Any nuclear incident plan in force pursuant to this paragraph shall designate the official or agency in each party state covered by the plan who shall coordinate requests for aid pursuant to Article VI of this compact and the furnishing of aid in response thereto.

Unless the party states concerned expressly otherwise agree, the Board shall not administer the summoning and dispatching of aid, but this function shall be undertaken directly by the designated agencies and officers of the party states.

However, the plan or plans of the Board in force pursuant to this paragraph shall provide for reports to the Board concerning the occurrence of nuclear incidents and the requests for aid on account thereof, together with summaries of the actual working and effectiveness of mutual aid in particular instances.

From time to time, the Board shall analyze the information gathered from reports of aid pursuant to Article VI and such other instances of mutual aid as may have come to its attention, so that experience in the rendering of such aid may be available.

(r) Prepare, maintain, and implement a regional plan or regional plans for carrying out the duties, powers, or functions conferred upon the Board by this compact.

(s) Undertake responsibilities imposed or necessarily involved with regional participation pursuant to such cooperative programs of the federal government as are useful in connection with the fields covered by this compact.

ARTICLE VI. MUTUAL AID

(a) Whenever a party state, or any state or local governmental authorities therein, request aid from any other party state pursuant to this compact in coping with a nuclear incident, it shall be the duty of the requested state to render all possible aid to the requesting state which is consonant with the maintenance of protection of its own people.

(b) Whenever the officers or employees of any party state are rendering outside aid pursuant to the request of another party state under this compact, the officers or employees of such state shall, under the direction of the authorities of the state to which they are rendering aid, have the same powers, duties, rights, privileges and immunities as comparable officers and employees of the state to which they are rendering aid.

(c) No party state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on their part while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

(d) All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

(e) Any party state rendering outside aid pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such requests: *Provided*, That nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving party state without charge or cost.

(f) Each party state shall provide for the payment of compensation and death benefits to injured officers and employees and the representatives of deceased officers and employees in case officers or employees sustain injuries or death while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer or employee was regularly employed.

ARTICLE VII. SUPPLEMENTARY AGREEMENTS

(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify the purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate.

No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

(d) The provisions of this Article shall apply to supplementary agreements and activities thereunder, but

shall not be construed to repeal or impair any authority which officers or agencies of party states may have pursuant to other laws to undertake cooperative arrangements or projects.

ARTICLE VIII. OTHER LAWS AND RELATIONS

Nothing in this compact shall be construed to—

(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress; nor limit, diminish, affect, or otherwise impair jurisdiction exercised by any officer or agency of a party state, except to the extent that the provisions of this compact may provide therefor.

(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

(d) Permit or authorize the Board to own or operate any facility, reactor, or installation for industrial or commercial purposes.

ARTICLE IX. ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

(a) Any or all of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law: *Provided*, That it shall not become initially effective until enacted into law by five states.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by the Board and the duly constituted authorities of Guam or American Samoa, as the case may be. However, such participation shall not include the furnishing or receipt of mutual aid pursuant to Article VI, unless that Article has been enacted or otherwise adopted so as to have the full force and effect of law in the jurisdiction affected. Neither Guam nor American Samoa shall be entitled to voting participation on the Board, unless it has become a full party to the compact.

ARTICLE X. SEVERABILITY AND CONSTRUCTION

The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the Constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant thereto shall be liberally construed to effectuate the purposes thereof. [1969 c 9 § 1.]

Severability—1969 c 9: "If any provision of this 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." [1969 c 9 § 6.] This applies to RCW 43.31.400 through 43.31.420.

43.31.405 Western interstate nuclear compact—State board member—Appointment, term—May designate representative. The board member from Washington shall be appointed by and shall serve at the pleasure of the governor. The board member may designate another person as his representative to attend meetings of the board. [1969 c 9 § 2.]

43.31.410 Western interstate nuclear compact—State and local agencies and officers to cooperate. All departments, agencies and officers of this state and its subdivisions are directed to cooperate with the board in the furtherance of any of its activities pursuant to the compact. [1969 c 9 § 3.]

43.31.415 Western interstate nuclear compact—Bylaws, amendments to, filed with secretary of state. Pursuant to Article II (j) of the compact, the western interstate nuclear board shall file copies of its bylaws and any amendments thereto with the secretary of state of the state of Washington. [1969 c 9 § 4.]

43.31.420 Western interstate nuclear compact—Application of state laws, benefits, when persons dispatched to another state. The laws of the state of Washington and any benefits payable thereunder shall apply and be payable to any persons dispatched to another state pursuant to Article VI of the compact. If the aiding personnel are officers or employees of the state of Washington or any subdivisions thereof, they shall be entitled to the same workmen's compensation or other benefits in case of injury or death to which they

would have been entitled if injured or killed while engaged in coping with a nuclear incident in their jurisdictions of regular employment. [1969 c 9 § 5.]

43.31.500 Provisions relating to Seattle world fair—Declaration of purpose. The department of commerce and economic development has been created to accelerate the orderly growth of the economy of the state and to increase its commerce and the economic well-being of its citizens. The Alaska-Yukon-Pacific Exposition held in Seattle in 1909 did much to foster the development of the state to the position of eminence which it now enjoys. In the nearly half a century which has elapsed since the Alaska-Yukon-Pacific Exposition, this state has progressed markedly in agriculture, trade, and manufacturing, and the University of Washington on whose site the exposition was held has become one of the great universities of the world. It is therefore fitting that another exposition be held in the state of Washington and that the department of commerce and economic development be authorized to acquire a site and buildings, equipment and appurtenances thereto, suitable for an exposition and for other state purposes, and that the department, with the approval of the commission, be authorized to program, promote and produce a world fair or exposition that will be of economic benefit to the state and all of its citizens.

The department shall cooperate with the world fair commission to the end that the exposition to be conducted by the world fair commission shall become a memorable success. [1965 c 8 § 43.31.500. Prior: 1961 c 152 § 1; 1957 c 174 § 1.]

43.31.510 Provisions relating to Seattle world fair—Acquisition and development of site and buildings declared state purpose. The acquisition and development of a site and the purchase, construction, or acquisition by any lawful means of buildings, equipment and appurtenances therefor, suitable for use for a world fair or exposition and for the future use by the state in promoting and fostering its commerce and economic development, and the construction of any structures necessary for the development of exhibits and the programming, promotion and successful production of the world fair or exposition is declared to be a state purpose. [1965 c 8 § 43.31.510. Prior: 1961 c 152 § 2; 1957 c 174 § 2.]

43.31.520 Provisions relating to Seattle world fair—Department authorized to acquire and develop site and buildings in Seattle and undertake other activities—Approval and authorization of world fair commission. The department of commerce and economic development is authorized and directed, in the furtherance of the purposes for which it was created, and in furtherance of the purposes of RCW 43.31.500 through 43.31.640, and the provisions of this act [1961 c 152; 1957 c 174], to acquire a site in the city of Seattle in the vicinity of the civic center and to develop the same and to construct or otherwise acquire buildings or any other necessary structures together with such furnishings, equipment and appurtenances as may be required, for

use for a world fair or exposition and for such use thereafter as shall promote and foster the commerce and economic development of this state.

The department, with the authorization of the world fair commission, is further directed to undertake such activities as are deemed necessary to effectuate the purposes of this act [1961 c 152; 1957 c 174], to the end that a successful world fair or exposition is produced.

The department is further authorized to make all necessary plans and surveys for such acquisition and construction, and any such plans shall be subject to the approval of the world fair commission. [1965 c 8 § 43.31.520. Prior: 1961 c 152 § 3; 1957 c 174 § 3.]

43.31.525 Provisions relating to Seattle world fair—Department authorized to dispose of property—Approval of world fair commission—Consideration—Deposit of proceeds. The department of commerce and economic development, with the approval of the commission, is authorized to sell or otherwise dispose of any property acquired or constructed by it under the provisions of RCW 43.31.500 through 43.31.640: *Provided*, That the sale price, or valuable consideration to be received with or without interest, shall not be less than one hundred percent of the purchase price of the real property acquired by the state for fair purposes and fifty percent of the construction cost of the principal state building constructed for world fair or exposition use by the department: *Provided further*, That proceeds of the sale as herein provided shall be deposited in the world fair bond redemption fund created under the provisions of RCW 43.31.620. [1965 c 8 § 43.31.525. Prior: 1961 c 152 § 4; 1959 c 310 § 1.]

43.31.530 Provisions relating to Seattle world fair—Department to cooperate with governmental agencies—Eminent domain. The department is enjoined to cooperate in all respects with the world fair commission, with the city of Seattle and with other departments, agencies, political subdivisions and municipal corporations of this state. The department and the world fair commission may cooperate with the government of the United States and with the governments or agencies of other states or foreign countries, or their lesser subdivisions to the extent required to secure their participation in the world fair or in the future uses of the site and buildings.

In furtherance of the purposes of RCW 43.31.500 through 43.31.640 the department may exercise the right of eminent domain as provided in chapter 8.04 RCW. [1965 c 8 § 43.31.530. Prior: 1957 c 174 § 4.]

43.31.540 Provisions relating to Seattle world fair—Authority to temporarily convey site and buildings for world fair. The department is authorized to lease or otherwise temporarily convey the site and buildings herein provided for, for the use of the world fair commission in conducting such fair or exposition. [1965 c 8 § 43.31.540. Prior: 1957 c 174 § 5.]

43.31.550 Provisions relating to Seattle world fair—Limited obligation bonds authorized. To provide funds for plans and surveys, for the acquisition and development of a site and the purchase, construction or acquisition by any lawful means of permanent type buildings, equipment and appurtenances thereto to be used for an exposition and for future use by the state, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of seven million five hundred thousand dollars.

Issuance, sale, and retirement of the bonds shall be under the general supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for issuance of coupon or registered bonds to be dated, issued, and sold at such time or times and in such amount or amounts as may be necessary to finance the program authorized by RCW 43.31.500 through 43.31.640.

Each bond shall be made payable at any time not exceeding thirty years from date of issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. Bonds shall be payable at such places and be in such denominations as the committee prescribes. [1965 c 8 § 43.31.550. Prior: 1957 c 174 § 6.]

43.31.560 Provisions relating to Seattle world fair—Signatures on bonds or coupons—Bonds negotiable. Bonds shall be signed either manually or with a printed facsimile signature by the governor and the state auditor under the seal of the state, and any coupons attached to the bonds shall be signed by the same officers, whose signatures thereon may be in printed facsimile.

All such bonds shall be fully negotiable. [1965 c 8 § 43.31.560. Prior: 1957 c 174 § 7.]

43.31.570 Provisions relating to Seattle world fair—Sale of bonds—Bonds as legal investment and security. The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it deems sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits. [1965 c 8 § 43.31.570. Prior: 1957 c 174 § 8.]

43.31.580 Provisions relating to Seattle world fair—Registration of bonds. Any of such bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone

or as to both principal and interest, under such regulations as the state treasurer may prescribe. [1965 c 8 § 43.31.580. Prior: 1957 c 174 § 9.]

43.31.590 Provisions relating to Seattle world fair—Bonds not a general obligation—Payment. Bonds issued under the provisions of RCW 43.31.500 through 43.31.640 shall distinctly state that they are not a general obligation of the state of Washington, but are payable in the manner provided in RCW 43.31.500 through 43.31.640 from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937 as now or hereafter amended. The bonds and interest thereon shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim upon the portion of the corporation fees so collected and deposited to the credit of the world fair bond redemption fund as provided in RCW 23.60.200. [1965 c 8 § 43.31.590. Prior: 1957 c 174 § 10.]

Reviser's note: Chapter 70, Laws of 1937 and RCW 23.60.200 referred to above are affected by chapter 53, Laws of 1965 which enacts a new corporations code effective July 1, 1967. Section 166 thereof repeals them subject to the savings and continuation provision contained in section 165 which reads as follows: "Nothing contained in this act shall be construed as an impairment of any obligation of the state as evidenced by bonds held for any purpose, and subsections 2 and 13 of section 135, subsections 1 and 2 of section 136, and sections 137, 138, 139, 140, 141, 142, 146, and 147 shall be deemed to be a continuation of chapter 70, Laws of 1937, as amended, for the purpose of payment of:

(1) world's fair bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, and

(2) outdoor recreation bonds authorized by referendum bill number 11 (chapter 12, Laws of 1963 extraordinary session), approved by the people on November 3, 1964."

43.31.600 Provisions relating to Seattle world fair—World fair fund created—Composition—Use—Investment. There is hereby created within the state treasury a special fund to be known as the world fair fund in which shall be deposited all moneys arising from the sale of such bonds. Such moneys shall be available only for the purpose of plans and surveys for site and buildings, the acquisition of a site in the city of Seattle in the vicinity of the civic center and the purchase, construction, or acquisition by any lawful means of permanent type buildings, equipment and appurtenances therefor suitable for an exposition and for such use thereafter as shall promote and foster the commerce and economic development of this state, and for the payment of the expense incurred in the printing, issuance and sale of such bonds.

The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities: *Provided*, That such investment will not impede the orderly progress of the project authorized by RCW 43.31.500 through 43.31.640. The interest from such investments shall be deposited to the credit of the world fair bond redemption fund. [1965 c 8 § 43.31.600. Prior: 1957 c 174 § 11.]

43.31.610 Provisions relating to Seattle world fair—Appropriation. For the purpose of carrying out the provisions of RCW 43.31.500 through 43.31.640, there is hereby appropriated to the state department of

commerce and development from the world fair fund the sum of seven million five hundred thousand dollars. [1965 c 8 § 43.31.610. Prior: 1957 c 174 § 12.]

43.31.620 Provisions relating to Seattle world fair—Undertaking to impose corporation fees—Use, proration, of one-half of proceeds. As a part of the sale of the bonds herein authorized, the state undertakes to continue to impose the license and other fees on domestic and foreign corporations prescribed by and at the rates authorized in chapter 70, Laws of 1937 as last amended by the 1957 legislature and to use and prorate in the order set forth below, one-half of the proceeds of such fees, as follows:

(1) To pay into the world fair bond redemption fund hereby created as a special fund within the state treasury, such sums as shall be needed to pay the interest on all outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961.

(2) To pay into the outdoor recreational bond redemption fund such sums as shall be needed to pay the interest on all bonds authorized by chapter 43.98 RCW and outstanding.

(3) All of said one-half of the proceeds of such fees remaining after making the payments required under the preceding paragraphs (1) and (2), shall be deposited in the world fair bond redemption fund until all of the outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, have been paid. After payment and retirement of the aforesaid world fair bonds all of the said one-half of the proceeds of such fees shall be deposited in the outdoor recreational bond redemption fund for payment of the principal of and interest on all of the bonds authorized by chapter 43.98 RCW. [1965 c 8 § 43.31.620. Prior: 1963 ex.s. c 12 § 8; 1957 c 174 § 13.]

Reviser's note: (1) 1963 ex.s. c 12 authorized the issuance of general obligation bonds for outdoor recreational purposes (see chapter 43.98 RCW) and also amended RCW 43.31.620 and 43.31.740 relative to the proration of corporation fees as between world fair bonds and bonds authorized for outdoor recreational purposes. The issuance of bonds for the latter purpose is conditioned upon the consent of the world fair bond holders (see RCW 43.98.090).

(2) See note following RCW 43.31.590.

43.31.630 Provisions relating to Seattle world fair—Fees not exclusive method for payment of bonds. The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized herein and RCW 43.31.500 through 43.31.640 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington. [1965 c 8 § 43.31.630. Prior: 1957 c 174 § 14.]

43.31.640 Provisions relating to Seattle world fair—Proceedings to compel deposit and payment of funds. The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the

deposit and payment of funds as provided in RCW 23.60.200 and by the provisions of RCW 43.31.500 through 43.31.640. [1965 c 8 § 43.31.640. Prior: 1957 c 174 § 15.]

Reviser's note: See note following RCW 43.31.590.

43.31.660 Provisions relating to Seattle world fair—Declaration of necessity for additional funds. Increased costs for the erection of necessary structures and for the programming, promotion and production of the world fair or exposition since the enactment of the world fair bond issue authorized by the 1957 legislature makes necessary additional money with which to take the necessary steps to insure the successful production of the world fair or exposition. [1965 c 8 § 43.31.660. Prior: 1961 c 152 § 6.]

43.31.670 Provisions relating to Seattle world fair—Additional limited obligation bonds authorized. To provide additional funds for the programming, promotion and production of the world fair or exposition in addition to bonds authorized to be sold by RCW 43.31.550 there shall be issued and sold limited obligation bonds of the state of Washington in the sum of three million dollars. Issuance, sale and retirement of the bonds shall be under the general supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for issuance of coupon or registered bonds to be dated, issued and sold at such time or times in such amount or amounts as may be necessary to finance the program as authorized under this act [1961 c 152]. Each bond shall be made payable at any time not exceeding thirty years from the date of issuance with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be payable at such places and in such denominations as the state finance committee may prescribe. [1965 c 8 § 43.31.670. Prior: 1961 c 152 § 7.]

43.31.680 Provisions relating to Seattle world fair—Signatures on bonds and coupons—Bonds negotiable. Bonds shall be signed either manually or with a printed facsimile signature by the governor and the state auditor under the seal of the state, and any coupons attached to the bonds shall be signed by the same officers, whose signatures thereon may be in printed facsimile.

All such bonds shall be fully negotiable. [1965 c 8 § 43.31.680. Prior: 1961 c 152 § 8.]

43.31.690 Provisions relating to Seattle world fair—Sale of bonds—Bonds as legal investment and security. The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it deems sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits. [1965 c 8 § 43.31.690. Prior: 1961 c 152 § 9.]

43.31.700 Provisions relating to Seattle world fair—Registration of bonds. Any of such bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone or as to both principal and interest, under such regulations as the state treasurer may prescribe. [1965 c 8 § 43.31.700. Prior: 1961 c 152 § 10.]

43.31.710 Provisions relating to Seattle world fair—Bonds not a general obligation—Payment. Bonds issued under the provisions of this act [1961 c 152] shall distinctly state that they are not a general obligation of the state of Washington, but are payable in the manner provided in this act [1961 c 152] from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937 as now or hereafter amended. The bonds and interest thereon shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, upon the portion of the corporation fees so collected and deposited to the credit of the world fair bond redemption fund as provided in RCW 43.31.620. [1965 c 8 § 43.31.710. Prior: 1961 c 152 § 11.]

Reviser's note: See note following RCW 43.31.590.

43.31.720 Provisions relating to Seattle world fair—Deposit of proceeds of sale—Use. All moneys arising from the sale of such bonds shall be deposited in the special fund in the state treasury known as the world fair fund created pursuant to RCW 43.31.600. Such moneys shall be available only for the purpose of programming, promoting and production of the world fair or exposition, and for the payment of the expenses incurred in the printing, issuance and sale of such bonds. The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities: *Provided*, That such investment will not impede the orderly progress of the project authorized by this act [1961 c 152]. The interest from such investments shall be deposited to the credit of the world fair bond redemption fund. [1965 c 8 § 43.31.720. Prior: 1961 c 152 § 12.]

43.31.730 Provisions relating to Seattle world fair—Appropriation. For the purposes of carrying out the provisions of sections one through eighteen of this act [1961 c 152] there is hereby appropriated to the state department of commerce and economic development from the world fair fund the sum of three million dollars. [1965 c 8 § 43.31.730. Prior: 1961 c 152 § 13.]

43.31.740 Provisions relating to Seattle world fair—Undertaking to impose corporation fees—Use, proration, of one-half of proceeds. As a part of the sale of the bonds herein authorized, the state undertakes to continue to impose the license and other fees on domestic and foreign corporations prescribed by and at the rates authorized in chapter 70, Laws of 1937 as last amended by the 1957 legislature and to use and prorate in the order set forth below, one-half of the proceeds of such fees, as follows:

(1) To pay into the world fair bond redemption fund hereby created as a special fund within the state treasury, such sums as shall be needed to pay the interest on all outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961.

(2) To pay into the outdoor recreational bond redemption fund such sums as shall be needed to pay the interest on all bonds authorized by chapter 43.98 RCW and outstanding.

(3) All of said one-half of the proceeds of such fees remaining after making the payments required under the preceding paragraphs (1) and (2), shall be deposited in the world fair bond redemption fund until all of the outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, have been paid. After payment and retirement of the aforesaid world fair bonds all of the said one-half of the proceeds of such fees shall be deposited in the outdoor recreational bond redemption fund for payment of the principal of and interest on all of the bonds authorized by chapter 43.98 RCW. [1965 c 8 § 43.31.740. Prior: 1963 ex.s. c 12 § 9; 1961 c 152 § 14.]

Reviser's note: See note following RCW 43.31.590.

43.31.750 Provisions relating to Seattle world fair—General powers of state officials—Agreements. The department of commerce and economic development, the officials thereof and all state officials and members of the world fair commission are empowered to do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the production of the world fair or exposition in Seattle. [1965 c 8 § 43.31.750. Prior: 1961 c 152 § 15.]

43.31.760 Provisions relating to Seattle world fair—Legislature may provide additional means for raising revenue. The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized herein and the provisions of this act [1961 c 152] shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington. [1965 c 8 § 43.31.760. Prior: 1961 c 152 § 16.]

43.31.770 Provisions relating to Seattle world fair—Proceedings to compel deposit and payment of funds. The owner and holder of each of said bonds or

the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as provided in RCW 43.31.620 and by the provisions of this act [1961 c 152]. [1965 c 8 § 43.31.770. Prior: 1961 c 152 § 17.]

43.31.790 State trade fairs—Declaration of purpose. The legislature hereby recognizes the economic benefits resultant from the participation in and presentation of state trade fairs; to a large degree the present export of state products from the ports of this state has resulted from state trade fair presentation or participation; as this state is the natural gateway to the Orient, participation in trade fairs in that area is essential to the furtherance of industrial markets of this state; Washington products must be put on view to the people of the state, this country, and the world; nothing serves this purpose more appropriately than state trade fairs, the support of which through state aid the legislature herewith proposes. [1965 c 148 § 1.]

Horse racing, state trade fair fund: RCW 67.16.100.

43.31.800 State trade fairs—Definitions. "Director" as used in RCW 43.31.790 through 43.31.860 and 67.16.100 means the director of commerce and economic development. [1965 c 148 § 2.]

State trade fair defined: RCW 43.31.850.

43.31.810 State trade fairs—State aid eligibility requirements. For the purposes of RCW 43.31.790 through 43.31.860 and 67.16.100 state trade fair organizations, to be eligible for state financial aid hereunder (1) must have had at least two or more years of experience in the presentation of or participation in state trade fairs, whether held in this state, another state or territory of the United States or a foreign country, however these need not be consecutive years; (2) must be able to provide, from its own resources derived from general admission or otherwise, funds sufficient to match the amount of state financial aid allotted. [1965 c 148 § 3.]

43.31.820 State trade fairs—Application for funds. The board of trustees of any state trade fair sponsored by any public agency, qualifying under the provisions of RCW 43.31.790 through 43.31.860 and 67.16.100, may apply to the director for moneys to carry on the continued development as well as the operation of said fair, said money to be appropriated from the state trade fair fund as provided for in RCW 67.16.100. [1965 c 148 § 4.]

43.31.830 State trade fairs—Certification of fairs—Allotments—Division and payment from state trade fair fund. It shall be the duty of the director to certify, from the applications received, the state trade fair or fairs qualified and entitled to receive funds under RCW 43.31.790 through 43.31.860 and 67.16.100. The director shall make annual allotments to state trade fairs determined qualified to be entitled to participate in the state trade fair fund and shall fix times for the division of and payment from the state trade fair fund:

Provided, That total payment to any one state trade fair shall not exceed thirty thousand dollars in any one year, where participation or presentation occurs within the United States, and forty thousand dollars in any one year, where participation or presentation occurs outside the United States. Upon certification of the allotment and division of fair funds by the director of commerce and economic development the treasurer shall proceed to pay the same to carry out the purposes of RCW 43.31.790 through 43.31.860 and 67.16.100. [1965 c 148 § 5.]

43.31.831 State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Initial transfer. The sum of one hundred twenty-seven thousand dollars shall be transferred from the state trade fair fund to the general fund on a date to be agreed upon by the director of the department of commerce and economic development and the state treasurer which date shall, in no event, be later than June 30, 1973. [1972 ex.s. c 93 § 1.]

43.31.832 State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Subsequent transfers. In addition to the sum transferred in RCW 43.31.831, additional funds determined to be surplus funds by the director of the department of commerce and economic development may be transferred from the state trade fair fund to the general fund upon the recommendation of the director of the department of commerce and economic development and the state treasurer. [1972 ex.s. c 93 § 2.]

State trade fair fund: RCW 67.16.100.

43.31.833 State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Construction. RCW 43.31.831 through 43.31.834 shall not be construed to interfere with the state financial aid made available under the provisions of RCW 43.31.790 through 43.31.860 regardless of whether such aid was made available before or after May 23, 1972. [1972 ex.s. c 93 § 3.]

43.31.834 State trade fairs—Transfer of surplus funds in state trade fair fund to general fund—Construction. RCW 43.31.831 through 43.31.834 shall be construed to supersede any provision of existing law to the contrary. [1972 ex.s. c 93 § 4.]

43.31.840 State trade fairs—Post audit of participating fairs—Reports. The director shall at the end of each year for which an annual allotment has been made, cause to be conducted, a post audit of all of the books and records of each state trade fair participating in the state trade fair fund. The purpose of such post audit shall be to determine how and to what extent each participating state trade fair has expended all of its funds.

The audit required by this section shall be a condition to future allotments of money from the state trade fair fund, and the director shall make a report of the findings of each post audit and shall use such report as

a consideration in an application for any future allocations. [1965 c 148 § 6.]

43.31.850 State trade fairs—State trade fair defined. State trade fair as used in RCW 43.31.790 through 43.31.860 and 67.16.100 shall mean a fair supported by public agencies basically for the purpose of introducing and promoting the sale of manufactured or cultural products and services of a given area, whether presented in this state, the United States or its territories, or in a foreign country. [1965 c 148 § 8.]

43.31.860 State trade fairs—Transfer of books, records, property, etc.—Validity of actions not affected—Completion of matters transferred. Upon the effective date of the transfer of functions provided in RCW 43.31.790 through 43.31.860 and 67.16.100, the director of agriculture shall immediately deliver to the director of commerce and economic development all books, documents, records, papers, files, or other writings and all funds in his custody or under his control used or held for the purpose of assisting state trade fairs. The transfer of functions to the director of commerce and economic development shall not affect the validity of any acts performed by the director of agriculture relating to state trade fairs prior to the effective date of RCW 43.31.790 through 43.31.860 and 67.16.100. All matters relating to the functions transferred under the provisions of RCW 43.31.790 through 43.31.860 and 67.16.100 which at the time of transfer have not been completed may be undertaken and completed by the director of commerce and economic development who is authorized, empowered, and directed to promulgate any and all orders, rules, and regulations necessary to accomplish this purpose. [1965 c 148 § 10.]

Effective date—1965 c 148: RCW 43.31.790 through 43.31.860 and the 1965 amendment to RCW 67.16.100 became effective March 20, 1965.

Chapter 43.31A ECONOMIC ASSISTANCE ACT OF 1972

Sections

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43.31A.010 Declarations. It is declared to be the public policy of the state of Washington to direct financial resources of this state toward the fostering of economic development through the stimulation of investment and job opportunity in order that the general welfare of the inhabitants of the state is served. The legislature further finds that reducing unemployment as soon as possible is of major concern to the economic welfare of the state.

It is further declared that such economic development should be fostered through provision of investment tax deferrals, construction of public facilities, the insurance of industrial mortgages, and technical assistance; that expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and to constitute a proper use of public funds, and that an economic assistance authority is needed which shall effect such development of economic opportunity. [1972 ex.s. c 117 § 1.]

43.31A.020 Economic assistance authority—Created—Membership—Chairman—Per diem—Rules and regulations. The economic assistance authority of the state, hereafter designated "authority", is hereby created to exercise those powers granted by this chapter.

The authority shall consist of eight members appointed by the governor, the director of the department of commerce and economic development, and two ex officio members as provided for herein. Of the appointive members two shall be city officials or representatives of cities, two shall be county officials or representatives of counties, and four shall be citizen members from the

public. The appointive members shall be broadly representative of geographic areas of this state. These members shall initially be appointed as follows: Two members for one-year terms, two members for two-year terms, two members for three-year terms, and two members for four-year terms. Each succeeding term shall be for four years. The two ex officio members shall be the directors of the planning and community affairs agency, the department of ecology, or their designees. The director of the department of commerce and economic development shall serve as chairman of the authority. Staff support shall be provided by the department of commerce and economic development.

All appointive members of the authority in the performance of their duties shall receive per diem as provided in RCW 43.03.050 and travel expenses as provided in RCW 43.03.060.

The authority shall adopt, promulgate, amend, or rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the authority in connection therewith. [1972 ex.s. c 117 § 2.]

43.31A.030 Vacancies—Removal of members. If a vacancy shall occur by death, resignation, or otherwise of appointive members of the authority, the governor shall fill the same for the unexpired term. Any member of the authority, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, according to the provisions of chapter 34.04 RCW. [1972 ex.s. c 117 § 3.]

43.31A.040 Conflicts of interest—Code of ethics. In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no authority member, appointive or otherwise, may participate in any decision on any authority contract in which he has any interests, direct or indirect, with any firm, partnership, corporation, or association which would be the recipient of any authority aid whether by way of grant, loan, insurance, or other authority assistance. In any instance where such participation occurs, the authority shall void the transaction, and the involved member shall be subject to whatever further sanctions may be provided by law. In addition, the authority shall frame and adopt a code of ethics for its members, which shall be designed to protect the state and its citizens from any unethical conduct by the authority. [1972 ex.s. c 117 § 4.]

43.31A.050 General powers and duties. In addition to powers and duties granted elsewhere in this chapter, the authority shall be authorized:

(1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) To adopt an official seal and alter the same at its pleasure;

(3) To contract with such consultants as may be necessary or desirable for its purposes and to fix their compensation and to utilize the services of other governmental agencies;

(4) To accept from any federal agency loans or grants for the planning or financing of any project and to enter into an agreement with such agency respecting such loans or grants;

(5) To conduct examinations and investigations and take testimony at public or private hearings of any matter material for its information that will assist in determinations related to exercise of the authority's lawful powers;

(6) To accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on the terms and conditions thereof which are not in conflict with the provisions of this chapter;

(7) To establish such procedures, rules, and regulations consistent with the purposes of this chapter as necessary;

(8) To do all acts and things necessary or convenient to carry out the powers expressly granted or implied in this chapter. [1972 ex.s. c 117 § 5.]

43.31A.060 Consistency with plans, programs and policies of other agencies condition to approval of project. In all instances in which the authority shall consider providing public facilities construction grants or loans, investment tax deferrals, and industrial mortgage payment insurance as authorized in this chapter, the authority shall give its approval only when the project for which the economic assistance is sought will be consistent with the plans, programs, and policies of state agencies and/or local governmental units within whose jurisdiction the project is located. [1972 ex.s. c 117 § 6.]

43.31A.070 Grants and loans to political subdivisions and Indian tribes—Authorized—Purposes. The authority is authorized to make direct grants and/or loans to political subdivisions of the state and Indian tribes recognized as such by the federal government, for the purpose of assisting such organizations in financing the cost of public facilities, including the cost of acquisition and development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of such facilities. [1972 ex.s. c 117 § 7.]

43.31A.080 Projects for which grants or loans may be used—Priority. Public facilities grants or loans shall be used to fund those projects which will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities: *Provided*, That the authority shall initially consider projects which (1) are scheduled to go to bid within three months of approval of the project by the authority, and (2) are scheduled to reach fifty percent of peak employment within six months from the date of letting the bid. [1972 ex.s. c 117 § 8.]

43.31A.090 Amounts available for grants and loans—Economic assistance areas—Designation—Redefined areas—Criteria—Areas not designated.

(1) Not less than two-thirds of the amount to be available to the public facilities construction loan and grant revolving account within any biennium shall be made available by the authority for public facilities grants and loans to those areas which have been designated by the secretary of the United States department of commerce as redevelopment areas and to those counties in which the rate of increase in population is less than fifteen percent between the two prior decennial federal census figures available for the counties of this state. Such designated areas for the purposes of this chapter shall be known as economic assistance areas. Thereafter, the authority may from time to time redefine the initially designated economic assistance areas. The authority shall base its determination of redefined economic assistance areas on one or more of the following criteria:

(a) The rate of unemployment in the area, as determined by appropriate annual statistics for the most recent available calendar year, is six percent or more and has been at least (i) fifty percent above the national average for three of the preceding four calendar years, or (ii) seventy-five percent above the national average for two of the preceding three calendar years, or (iii) one hundred percent above the national average for one of the preceding two calendar years, and has averaged at least six percent for those qualifying time periods; or

(b) The rate of increase in population is less than fifteen percent between the two prior decennial federal census figures available for the counties of this state; or

(c) The area is a federal Indian reservation manifesting economic distress as based on unemployment, low income levels, and other evidence of economic underdevelopment.

(2) No more than one-third of the amount estimated to be available to the public facilities construction loan and grant revolving account within any biennium may be made available by the authority to areas not designated economic assistance areas for public facilities grants and loans when the project for which such funds are sought satisfy one or more of the following criteria:

(a) Provides for greater balance in the distribution of economic opportunity within that region; or

(b) Provides for greater equity in the distribution of economic opportunities for state residents relative to such factors as racial, ethnic, or social group, and educational or skill levels; or

(c) Provides for continued economic diversification leading to greater seasonal or cyclical stability. [1972 ex.s. c 117 § 9.]

43.31A.100 Special impact areas. In addition to economic assistance areas, the authority may declare any county, city, or community as a special impact area wherein the authority determines that the loss, removal, curtailment, or closing of a major source or sources of employment, including the loss, removal, curtailment, or closing of a major state institution, has caused or will cause an unusual and severe rise in unemployment. Such designation as a special impact area shall be for a

period of two years from such time of designation. Special impact areas shall be eligible as an economic assistance area for public facilities grants and loans as provided in RCW 43.31A.090. The authority, through the department of commerce and economic development, further, shall with agencies of the federal government, appropriate agencies of state government and local city, county, and community officials develop projects and programs which will assist in alleviating such unemployment. [1972 ex.s. c 117 § 10.]

43.31A.110 Public facilities grants and loans—

Conditions. Public facilities grants or loans by the authority shall be subject to the following conditions:

(1) The moneys in the public facilities construction loan and grant revolving account are to be used solely to fulfill commitments arising from loans and grants authorized in RCW 43.31A.070. The total outstanding amount which the authority may dispense at any time pursuant to this section shall not exceed the moneys available for grants and loans from said account;

(2) Financial assistance through such grants or loans may be used directly or indirectly for any facility for public purposes, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities;

(3) On contracts made for public facilities loans the authority shall determine the interest rate which advances shall bear, such interest rate not to exceed ten percent per annum, and the authority shall provide such reasonable terms and conditions for repayment of advances as it may determine; said loans not to exceed twenty years in duration. [1972 ex.s. c 117 § 11.]

43.31A.120 Repayments of advances. Repayments of advances made pursuant to such contracts for public facilities construction loans shall be paid into the public facilities construction loan and grant revolving account. [1972 ex.s. c 117 § 12.]

43.31A.130 Investment projects—Definitions—

Criteria. As used in RCW 43.31A.140 through 43.31A.180:

(1) "Eligible investment project" shall mean construction of new buildings or major improvements to existing buildings and the machinery installed in such buildings in the course of such construction or major improvements, when said buildings and machinery are used or are to be used for activities defined in RCW 82.04.120 (the definition of the term "to manufacture"): *Provided*, That an investment project undertaken by a business as defined in RCW 82.16.010(5) (an electrical utility) shall not be eligible: *Provided further*, That one or more [of] the following criteria must be met:

(a) The investment project is or will be located in an economic assistance area or special impact area;

(b) A minimum of twenty percent of the employees at the plant complex for which the deferral is requested shall be of a minority race;

(c) The plant complex shall be within an industry classification which is not currently a major employing

industry in the county in which the plant complex is located. The industry classification of the plant complex shall be determined by the standard industrial classification as assigned by the department of employment security. The major employing industries in a county shall be the two manufacturing sectors, as defined by the two-digit standard industrial classification, which employed the greatest number of persons on an annual average basis in the most recent calendar year for which such information is available from the department of employment security.

(2) "Buildings" shall mean and include only those structures used or to be used to house or shelter manufacturing activities. The term shall include plant offices and warehouses or other facilities for the storage of raw material or finished goods when such facilities are an essential or an integral part of a factory, mill, or manufacturing plant and such factory, mill, or manufacturing plant is used or to be used in the business of manufacture for sale or commercial or industrial use of an article, substance, or commodity. Where a building is used partly for manufacturing and partly for other purposes the applicable tax deferral shall be determined by apportionment of the costs of construction under such rules as the department of revenue shall provide;

(3) "Machinery" shall mean all industrial fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation;

(4) "Major improvement" shall mean the expansion, modernization, or renovation of existing buildings wherein the costs are in excess of twenty-five percent of the true and fair value of the plant complex prior to the improvement;

(5) "Plant complex" shall mean land, machinery, and buildings adapted to industrial use as a single functional or operational unit for the assembling, processing, or manufacturing of finished or partially finished products from raw materials or fabricated parts. [1972 ex.s. c 117 § 13.]

43.31A.140 Investment projects—Eligibility—

Investment tax deferrals—Authorized—Amounts.

The authority shall certify the eligibility of investment projects, and the department of revenue shall grant investment tax deferrals for eligible investment projects in an amount not to exceed the state and local sales tax payable under chapters 82.08 and 82.14 RCW or the use tax payable under chapters 82.12 and 82.14 RCW on machinery, materials, labor, and services directly utilized in a certified eligible investment project undertaken by a firm engaged in or to be engaged in manufacturing. [1972 ex.s. c 117 § 14.]

43.31A.150 Investment projects—Application for

certification—Tax deferral certificate, issuance. Application for certification of an investment project shall be made to the authority in such a form and manner as the authority may prescribe, but in no case shall an application be accepted after initiation of the construction of the investment project. The application shall contain information regarding the location of the investment project, the firm's average employment in the state for

the prior year, estimated or actual new employment related to the project, estimated or actual costs, time schedules for completion and operation, and such other information as the authority may require. The authority shall rule on the application within sixty days, and the department of revenue shall issue an investment tax deferral certificate when the authority certifies that the criteria for an eligible investment project have been satisfied. [1972 ex.s. c 117 § 15.]

43.31A.160 Investment projects—Audit—Repayment schedule. The department of revenue shall conduct an audit of the project upon its completion in order to determine the total amount of tax deferral. Any tax found due on nonqualifying construction or purchases shall be immediately assessed and payable. The manufacturing firm will begin paying the deferred taxes three years after the date certified by the authority as the date on which the construction project has been operationally completed. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

<i>Repayment Year</i>	<i>Percent of Deferred Tax Repaid</i>
1	10%
2	15%
3	20%
4	25%
5	30%

[1972 ex.s. c 117 § 16.]

43.31A.170 Investment projects—Accelerated repayment schedule—Interest—Penalties—Insolvency. The department of revenue may authorize an accelerated repayment schedule upon request of the manufacturing firm. No interest by the state of Washington will be charged on any taxes so deferred for the period of deferral, although all other penalties and interest available to the department of revenue may be assessed and imposed for delinquent payments as are otherwise provided by law. The debt for deferred taxes will not be extinguished by insolvency or other failure of the firm. [1972 ex.s. c 117 § 17.]

43.31A.180 Investment projects—Rules and regulations. The department of revenue may adopt such rules and regulations as it deems necessary for the administration of the investment tax deferral provisions of this chapter. [1972 ex.s. c 117 § 18.]

43.31A.190 Investment projects—Reports by firm qualifying under RCW 43.31A.130 subsection(1)(b). Where a firm qualifies for a tax deferral under RCW 43.31A.130, subsection 1(b), the firm shall submit a report to the department of revenue on December 31st of each of the first seven years of the tax deferral. Such report shall contain information upon which the department of revenue may determine whether the firm is meeting the requirements of that subsection. If, on the

basis of the report or other information, the department of revenue finds that the firm is not meeting the requirements of that subsection, the amount of deferred taxes outstanding shall be immediately assessed and payable. If the firm fails to submit a report or submits an inadequate report, the department of revenue may declare the amount of deferred taxes outstanding to be immediately assessed and payable. [1972 ex.s. c 117 § 19.]

43.31A.200 Independent study board. The authority may establish an independent study board consisting of governmental and nongovernmental experts to investigate the effects of governmental programming, procurement, scientific, technical, and other related policies for economic assistance. Members of the board may be compensated in accordance with provisions for advisory councils to the department of commerce and economic development. The authority shall report the board's findings and recommendations to the governor and the legislature for the better coordination of such policies. [1972 ex.s. c 117 § 20.]

43.31A.210 Industrial projects—Definitions. For purposes of RCW 43.31A.220 through 43.31A.310:

(1) "Industrial project" means any building or other real estate improvement and the land upon which it may be located, machinery and equipment including installation thereof, and all real properties deemed necessary for this use, including all property rights, easements, and franchises relating thereto and deemed necessary or convenient for operation, by (a) and industry for the manufacturing, processing, or assembling of raw materials or manufactured products, (b) research and development facilities for discovery, perfection, and/or evaluation of new processes or products, or (c) the construction, acquisition, rehabilitation, or improvements of tourist industry facilities and other facilities used by tourists when such facilities fill an established need in the overall development for expansion of a municipality's, county's, or region's tourist industry and/or convention business;

(2) "Mortgagor" means the original borrower under a mortgage and his successors and assigns;

(3) "Mortgagee" means the original lender under a mortgage, and his successors and assigns authorized by federal or state law and approved by the authority, including but not limited to trust companies, banks, and any other classes of lending agencies and institutions;

(4) "Mortgage" means a mortgage or deed of trust on an industrial project, and the term "first mortgage" means such classes of first liens as are commonly given to secure advances such as real estate contracts or real estate under the laws of the state of Washington, together with the credit instruments, if any, secured thereby;

(5) "Cost of project" means the cost of fair market value of construction, lands, property rights, easements, engineering, and any other necessary services. [1972 ex.s. c 117 § 21.]

Effective date—1972 ex.s. c 117: RCW 43.31A.210 through 43.31A.310 not effective until constitutional amendment approved. See RCW 43.31A.900.

43.31A.220 Industrial projects—Insuring of mortgage payments authorized—Conditions. The authority, upon application of a proposed mortgagee, may insure mortgage payments required by a first mortgage on any industrial project which at the date of application is located or is to be located within an economic assistance area or special impact area or meets criteria established in subsection (2) of RCW 43.31A.090, upon such terms and conditions as the authority may prescribe: *Provided*, That the aggregate amount of principal obligations of all mortgages so insured outstanding at any one time shall not exceed sixty million dollars. [1972 ex.s. c 117 § 22.]

Effective date—1972 ex.s. c 117: See RCW 43.31A.900.

43.31A.230 Industrial projects—Mortgage payment insurance—Approval. Mortgage payment insurance authorized under RCW 43.31A.220 may be approved where the authority finds that the establishment of the project will meet the general objectives of this chapter and that the project to which the mortgage shall apply is financially sound and there is a reasonable assurance of repayment. [1972 ex.s. c 117 § 23.]

43.31A.240 Industrial projects—Eligibility criteria for industrial mortgage payment insurance contract. To be eligible for industrial mortgage payment insurance contract under the provisions of this chapter, a mortgage:

(1) Shall be one which is to be made by a mortgagee approved by the authority as responsible and able to service the mortgage properly: *Provided*, That proprietary information required of an applicant to establish eligibility shall be considered privileged and confidential in nature;

(2) Shall not exceed three million dollars for any one previously delineated project, such amount not to exceed ninety percent of the reasonable cost of the project related to real property, and including initial service charges and appraisal, and inspection and other fees approved by the authority; and shall not exceed fifty percent of the cost of the project related to machinery and equipment without the approval of eighty percent of the members of the authority;

(3) Shall have a maturity satisfactory to the authority but not later than twenty-five years from the date of issuance of the insurance agreement, without the approval of eighty percent of the members of the authority, except in the case of machinery and equipment for which the maturity is to be no more than ten years from the date of the authority's insurance policy, without the approval of eighty percent of the members of the authority, but not beyond the normal life of the machinery and equipment;

(4) Shall contain complete amortization provisions, requiring periodic mortgage payments by the mortgagor which may include principal and interest payments,

cost of local property taxes and assessments for payments in lieu thereof, land lease rentals (if any), hazard insurance on the property, such mortgage insurance premiums as are required under RCW 43.31A.250, and such depreciation payments as may be necessary to maintain the integrity of the project until principal has been completely paid off, all as the authority from time to time may prescribe or approve;

(5) Shall contain such terms and provisions with respect to property insurance, repairs, alterations, payment of taxes and assessments, default reserves, delinquency charges, default remedies, anticipation of maturity, additional and secondary liens, and other matters as the authority may deem necessary;

(6) Shall have a maturity agreement that expires not later than six months after the initial term of the lease of the property on which the mortgage is granted: *Provided*, That this shall in no way preclude the prepayment of any mortgage so insured: *And further provided*, That such period is to permit the removal or dispensation of leasehold improvements. [1972 ex.s. c 117 § 24.]

43.31A.250 Industrial projects—Mortgage insurance premiums. The authority shall fix mortgage insurance premiums for each industrial project for the insurance of the first mortgage payments under the provisions of this chapter: *Provided*, That such premiums are to be computed as a percentage of the principal obligation of the mortgage outstanding at the beginning of each mortgage year. Such premiums shall be payable by the mortgagors or the mortgagees in such manner as shall be agreed to by the authority. The amount of such premiums shall be on the merits of an individual delineated project. The amount of such premiums need not be uniform among the various loans insured. If such premiums are not paid when due, such nonpayment shall constitute a default and mortgage insurance benefit shall terminate. [1972 ex.s. c 117 § 25.]

43.31A.260 Industrial projects—Default in mortgage installment payments—Procedure. Upon default in payment of any mortgage installment by the mortgagor of more than sixty days or as otherwise provided in the mortgage insurance agreement, the authority, after receiving notification, shall pay to or on behalf of the mortgagee or his order all installment sums required by the mortgage, exclusive of any acceleration provision, as and when such sums fall due, and not the agreement total amount of guaranteed mortgage for the entire policy period which might otherwise be construed to be due by reason of default. When a mortgagor does not meet mortgage payments insured by the authority by reason of vacancy of its industrial project, the authority for the purpose of safeguarding the mortgage insurance fund may grant the mortgagee permission to lease or rent the property to a tenant for a use other than that specified in RCW 43.31A.220. Such lease or rental may be temporary in nature, and shall be subject to such conditions as the authority may prescribe. The mortgagee shall take responsible steps to correct any default. In the case of a default which will likely continue for

more than ninety days, the mortgagee shall, in consultation with the authority, proceed to effect an orderly disposition of the property. [1972 ex.s. c 117 § 26.]

43.31A.270 Loans, etc., legal investment for financial institutions, trustees, etc.—Title insurance—Security requirements. Any loan secured by a first mortgage insured by the authority, any loan to a proposed mortgagor for the purpose of building or improving any industrial project owned by such proposed mortgagor, or any proposed mortgagee given advance commitment by the authority to insure mortgage payments required by a first mortgage upon a completed industrial project, shall be a legal investment for any trust company, bank, investment company, savings bank, savings and loan association, executor, administrator, guardian, conservator, trustee or other fiduciary, and pension, profit-sharing, or retirement fund: *Provided*, That such loans shall be in conformity with any laws, rules, or regulations governing banks, trust companies, mutual savings banks, or savings and loan associations, by any regulatory agency of the state of Washington or the federal government. When the real estate is mortgaged to secure real or personal property, security for such loans shall be unencumbered except for leases and easements.

A policy of title insurance shall be lodged with the mortgagee until the mortgage is paid. Loans to a proposed mortgagor for the purpose of building or improving industrial projects shall provide for advance at the discretion of the lender as the work progresses: *Provided*, That they shall not exceed the amount of the advance commitment to insure, shall have construction maturities of not more than twenty-four months unless eighty percent of the members of the authority approve a longer period, and shall be secured by a first mortgage. [1972 ex.s. c 117 § 27.]

43.31A.280 Industrial mortgage payment insurance revolving account. The industrial mortgage payment insurance revolving account shall be used by the authority for carrying out the industrial mortgage payment insurance provisions of this chapter. To this account shall be charged any and all expenses of the authority necessary to carry out the industrial mortgage payment insurance provisions of this chapter, including mortgage insurance payments required by loan defaults. To the account shall be credited all receipts of the account, including mortgage insurance premiums which the authority may receive under the industrial mortgage payment insurance provisions of this chapter. The mortgagor will be required to repay the state for all expenses incurred prior to loan closing and the finalizing of an insurance policy. These moneys shall be deposited in the industrial mortgage payment insurance account. The account shall be nonlapsing. [1972 ex.s. c 117 § 28.]

43.31A.290 Expenditures from and charges upon industrial mortgage payment insurance revolving account. The authority may expend out of the industrial mortgage payment insurance revolving account such moneys as may be necessary for any expenses of the authority required to carry out the industrial mortgage payment

insurance provisions of this chapter, including administrative, legal, actuarial, and other services. All such expenses incurred by the authority shall be paid by the authority and shall be charged to the account or to the appropriate industrial project or projects. [1972 ex.s. c 117 § 29.]

43.31A.300 Fidelity bonds. A fidelity bond in an amount determined by the authority shall be required for each staff member or consultant handling any insurance transaction. Bond premiums for staff members will be paid from the industrial mortgage payment insurance revolving account. [1972 ex.s. c 117 § 30.]

43.31A.310 Addition of moneys to the industrial mortgage payment insurance revolving account. If in the opinion of the authority the addition of moneys to the industrial mortgage payment insurance revolving account shall be required, the authority in writing shall request the state finance committee to provide sufficient moneys to maintain the account at a level deemed adequate by the authority. The state finance committee is authorized to issue anticipatory or arbitrage notes or bonds, or limited obligation bonds to satisfy the request of the authority for funds: *Provided*, That the total outstanding shall not exceed sixty million dollars. [1972 ex.s. c 117 § 31.]

43.31A.320 Accounts in general fund—Created or authorized—Investments—Reports. The following accounts are hereby created and authorized within the general fund of the state treasury: (1) The public facilities construction loan and grant revolving account; (2) the industrial mortgage payment insurance revolving account; and (3) whatever additional accounts may be required from time to time for carrying out the purposes of this chapter. These accounts shall be exclusive to the authority and where designated are nonlapsing and revolving.

Moneys in these accounts not needed currently to meet the expenses and obligations of the authority shall be invested in such manner as is provided by law for such temporarily available funds, and any interest earned shall be deposited in the respective accounts and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the authority advising the members of the authority of the status of any funds invested, the market value of the assets as of the date such statement is rendered, and the income received from the investments during the period covered by the report. [1972 ex.s. c 117 § 32.]

43.31A.330 Records of accounts—Audits—Reports. The authority shall keep proper records of accounts and shall be subject to audit by the state auditor. An annual accounting of the condition of the industrial mortgage payment insurance revolving account shall be made. Biennial reports on the activities of the authority shall be made by the chairman to the governor and the legislature. [1972 ex.s. c 117 § 33.]

43.31A.900 RCW 43.31A.210 through 43.31A.310 not effective until constitutional amendment approved. RCW 43.31A.210 through 43.31A.310 shall not be effective until the voters have approved a constitutional amendment authorizing the state to lend its credit for purposes as contemplated in this chapter. [1972 ex.s. c 117 § 34.]

43.31A.910 Severability—1972 ex.s. c 117. If any provision of this 1972 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. [1972 ex.s. c 117 § 35.]

43.31A.920 Short title. This act may be cited as the "Economic Assistance Act of 1972". [1972 ex.s. c 117 § 37.]

**Chapter 43.32
DESIGN STANDARDS COMMITTEE**

- Sections
43.32.010 Composition of committee.
43.32.020 Duties of committee.

43.32.010 Composition of committee. There is created a state design standards committee of seven members, six of which shall be appointed by the executive committee of the Washington state association of counties to hold office at its pleasure and the seventh to be the assistant state director of highways in charge of state aid. The members to be appointed by the executive committee of the Washington state association of counties shall be restricted to the membership of such association or to those holding the office and/or performing the functions of chief engineer in any of the several counties of the state. [1971 ex.s. c 85 § 6; 1965 c 8 § 43.32.010. Prior: 1949 c 165 § 2; RRS § 6450–8.]

Design standards committee for arterial streets: Chapter 35.78 RCW.

43.32.020 Duties of committee. On or before January 1, 1950, and from time to time thereafter the design standards committee shall adopt uniform design standards for the county primary road systems. [1965 c 8 § 43.32.020. Prior: 1949 c 165 § 3; RRS § 6450–8j.]

Design standards for county roads and bridges: Chapter 36.86 RCW.

**Chapter 43.33
FINANCE COMMITTEE—INVESTMENT
ADVISORY COMMITTEE**

- Sections
43.33.010 Composition of committee.
43.33.020 Powers and duties.
43.33.022 Washington public deposit protection commission, state finance committee constitutes, powers, duties and functions.
43.33.025 Investment of funds in farm, soil, water conservation loans.
43.33.030 Records—Office.
43.33.040 Rules and regulations—Chairman.
43.33.050 Investment advisory committee—Created—Membership—Vacancies—Meetings—Per diem—Expenses.

- 43.33.060 Investment advisory committee—Liability of members.
43.33.070 Investment advisory committee—Powers and duties.
43.33.080 Investment advisory committee—Review of state finance committee's investment transactions—Reports.
43.33.090 Investment advisory committee—Examination of accounts, files and records.
43.33.100 Authorized investments for state finance committee, boards and trustees—Power of trustees of funds to authorize state finance committee to make investments, etc.

Acquisition of highway property in advance of programmed construction, committee duties relating to: Chapter 47.12 RCW.

Bond issue of 1974 for capital improvements for institutions of higher education, committee's powers and duties: Chapter 28B.13 RCW.

Bond issues for highway construction, committee powers and duties relating to: Chapter 47.10 RCW.

Bonds, notes and other evidences of indebtedness, finance committee duties: Chapter 39.42 RCW.

Capital improvement bond issues, duties concerning: Chapter 43.83 RCW.

Committee created: RCW 43.17.070.

Community colleges

bonds for, finance committee advice and consent prerequisite to issuance: RCW 28B.50.409.

facilities aid—1972 bond issue: Chapter 28B.56 RCW.

refunding bonds for, finance committee powers and duties: RCW 28B.50.360, 28B.50.403–28B.50.407.

County funds, surplus, investment: RCW 36.33.180.

County held United States bonds, disposal: RCW 36.33.190.

Fiscal agencies: Chapter 43.80 RCW.

Housing for state offices, departments and institutions, duties as to bond issues: RCW 43.82.040.

Industrial insurance, investments: RCW 51.44.100.

Intoxicating liquor warehouses, acquisition: RCW 66.08.160.

Investment of state funds in general: Chapter 43.84 RCW.

Judges' retirement fund, duties: RCW 2.12.050, 2.12.070.

Nuclear energy, perpetual maintenance fund, investments: RCW 43.31.300.

School buildings and plants, state aid, duties concerning: RCW 28A.47.420, 28A.47.430.

State depositaries: Chapter 43.85 RCW.

State employees' retirement fund investments, duties: RCW 41.40.071, 41.40.075.

State patrol retirement fund investments, duties: RCW 43.43.170.

Steam electric generating plants bond issues, duties: RCW 43.21.310.

Teachers' retirement funds, investments, duties: RCW 41.32.200.

Veterans' bonus, duties concerning: Chapter 73.32 RCW.

Volunteer firemen's relief and pension fund, investments by, duties: RCW 41.24.030(5).

Washington State University Tree Fruit Research Center office-laboratory facility, financing, finance committee powers and duties: RCW 28B.30.600–28B.30.619.

43.33.010 Composition of committee. The state treasurer, the lieutenant governor, and the governor, ex officio, shall constitute the state finance committee. [1965 c 8 § 43.33.010. Prior: 1961 c 300 § 2; 1921 c 7 § 6, part; RRS § 10764, part.]

43.33.020 Powers and duties. The state finance committee shall exercise all the powers and perform all duties prescribed by law with respect to the investment and safekeeping of public funds. [1965 c 8 § 43.33.020. Prior: 1961 c 300 § 3; 1921 c 7 § 6, part; RRS § 10764, part.]

43.33.022 Washington public deposit protection commission, state finance committee constitutes, powers, duties and functions. See chapter 39.58 RCW.

43.33.025 Investment of funds in farm, soil, water conservation loans. The state finance committee is authorized to invest those funds which are not under constitutional prohibition in farm ownership and soil and water conservation loans fully guaranteed as to principal and interest under the Bankhead-Jones Farm Tenant Act administered by the United States department of agriculture. [1965 c 8 § 43.33.025. Prior: 1959 c 91 § 3.]

43.33.030 Records—Office. The state finance committee shall keep a full and complete public record of its proceedings in appropriate books of record, maintain appropriate offices, and employ such personnel as shall be necessary to perform its duties. [1965 c 8 § 43.33.030. Prior: 1961 c 300 § 4; 1907 c 12 § 2; RRS § 5537.]

43.33.040 Rules and regulations—Chairman. The state finance committee may make appropriate rules and regulations for the performance of its duties. The state treasurer shall act as chairman of the committee. [1965 c 8 § 43.33.040. Prior: 1907 c 12 § 3; RRS § 5538.]

43.33.050 Investment advisory committee—Created—Membership—Vacancies—Meetings—Per diem—Expenses. There is hereby created the investment advisory committee to consist of seven members to be appointed as hereinafter provided:

(1) One person shall be appointed annually by the Washington public employees' retirement board. One person shall be appointed annually by the board of trustees of the Washington state teachers' retirement system. The original members appointed pursuant to this subsection shall serve for one year, measured from July 1 of the year in which the appointment is made.

(2) Four persons shall be appointed by the state finance committee, who shall be considered experienced and qualified in the field of investments and shall not during the term of their appointment have a financial interest in or be employed by any investment brokerage or mortgage servicing firm doing business with the state finance committee or retirement board. The original members appointed by the state finance committee shall serve as follows: One member shall serve a one-year term; one member shall serve for a term of two years; one member shall serve for a term of three years; and one member shall serve for a term of four years. All subsequent state finance committee appointees shall serve for terms of four years. All such appointive terms shall commence on July 1 of the year in which appointment is made.

(3) One member of the public pension commission or its successor who shall be one of the members appointed by the governor and who shall be appointed to the investment advisory committee by the members of the

public pension commission for a two-year term from July 1 of each odd-numbered year.

All vacancies shall be filled for the unexpired term. Each member shall hold office until his successor has been appointed and any member may be reappointed for additional terms.

The investment advisory committee shall meet at least quarterly at such times as it may fix.

Each member shall receive fifty dollars for each day or portion thereof spent discharging his official duties as a member of the advisory committee and necessary expenses and other actual mileage or transportation costs as provided in RCW 43.03.060. [1973 1st ex.s. c 103 § 7.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.33.060 Investment advisory committee—Liability of members. No member of the investment advisory committee shall be liable for the negligence, default, or failure of any other person or other member of the committee to perform the duties of his office and no member of the committee shall be considered or held to be an insurer of the funds or assets of any retirement system nor shall any member be liable for actions performed with the exercise of reasonable diligence within the scope of his duly authorized activities as a member of the committee. [1973 1st ex.s. c 103 § 8.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.33.070 Investment advisory committee—Powers and duties. In addition to its other powers and duties as may be prescribed by law, the investment advisory committee shall:

(1) Make recommendations as to general investment policies, practices and procedures to the board of the Washington public employees' retirement system as constituted under RCW 41.40.030 and 41.26.050 and to the board of trustees of the Washington state teachers' retirement system, regarding those retirement funds for which they are designated trustees.

(2) Make recommendations as to general investment policies, practices and procedures regarding all other investment funds to the state finance committee.

Such boards of trustees and the state finance committee shall make the final decision regarding the advice and recommendations submitted by the investment advisory committee. [1973 1st ex.s. c 103 § 9.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.33.080 Investment advisory committee—Review of state finance committee's investment transactions—Reports. The investment advisory committee, in addition to its other duties, shall review the investment transactions of the state finance committee four times each year and at such additional times as it determines.

The investment advisory committee shall prepare a written report of its activities during each quarter. Each

report shall be submitted not more than thirty days after the end of the quarter to the state finance committee, each of the retirement systems, the public pension commission or its successor, the governor, and to any other person who has personally submitted a written request therefor. [1973 1st ex.s. c 103 § 10.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.33.090 Investment advisory committee—**Examination of accounts, files and records.** All accounts, files, and other records of the state finance committee and of each of the retirement systems are subject at any time or from time to time to such reasonable periodic, special, or other examinations by the investment advisory committee as the investment advisory committee deems necessary or appropriate. [1973 1st ex.s. c 103 § 11.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.33.100 Authorized investments for state finance committee, boards and trustees—**Power of trustees of funds to authorize state finance committee to make investments, etc.** See RCW 43.84.150.

Chapter 43.34 CAPITOL COMMITTEE

Sections

- 43.34.010 Composition of committee.
43.34.015 Secretary of committee—Committee records.
43.34.040 Buildings—Erection—Improvements.

Capitol building lands: Chapter 79.24 RCW.

Committee created: RCW 43.17.070.

East capitol site, powers and duties concerning: RCW 79.24.500.

Housing for state offices, duties: RCW 43.82.020.

43.34.010 Composition of committee. The governor, the lieutenant governor, and the commissioner of public lands, ex officio, shall constitute the state capitol committee. [1965 c 8 § 43.34.010. Prior: 1961 c 300 § 5; 1921 c 7 § 8; RRS § 10766.]

43.34.015 Secretary of committee—**Committee records.** The commissioner of public lands shall be the secretary of the state capitol committee, but the committee may appoint a suitable person as acting secretary thereof, and fix his compensation: *Provided*, That all records of the committee shall be filed in the office of the commissioner of public lands. [1965 c 8 § 43.34.015. Prior: 1959 c 257 § 45; 1909 c 69 § 1; RRS § 7897. Formerly RCW 79.24.080.]

43.34.040 Buildings—**Erection**—**Improvements.** The state capitol committee may erect one or more permanent buildings; one or more temporary buildings; excavate or partially excavate for any such building or buildings; partially erect any such building or buildings; make other temporary or permanent improvements wholly or in part; upon the capitol grounds belonging to the state and known as the "Sylvester site" or "Capitol place" in Olympia, Washington. [1965 c 8 § 43.34.040. Prior: 1933 ex.s. c 34 § 1; RRS § 7915-1.]

Chapter 43.37 WEATHER MODIFICATION

Sections

- 43.37.010 Definitions.
43.37.030 Powers and duties.
43.37.040 Promotion of research and development activities—
Contracts and agreements.
43.37.050 Hearing procedure.
43.37.060 Acceptance of gifts, donations, etc.
43.37.080 License and permit required.
43.37.090 Exemptions.
43.37.100 Licenses—Requirements, duration, renewal, fees.
43.37.110 Permits—Requirements—Hearing as to issuance.
43.37.120 Separate permit for each operation—Filing and publishing notice of intention—Activities restricted by permit and notice.
43.37.130 Notice of intention—Contents.
43.37.140 Notice of intention—Publication.
43.37.150 Financial responsibility.
43.37.160 Fees—Sanctions for failure to pay.
43.37.170 Records and reports—Open to public examination.
43.37.180 Revocation, suspension, modification of license or permit.
43.37.190 Liability of state denied—Legal rights of private persons not affected.
43.37.200 Penalty.
43.37.900 Revolving account abolished.
43.37.910 Effective date—1973 c 64.

Reviser's note: The weather modification board was abolished by 1967 c 242 § 20 [RCW 43.27A.180] and its powers, duties, and functions were transferred to the department of water resources by 1967 c 242 § 8 [RCW 43.27A.080]. The department of water resources was abolished by 1970 ex.s. c 62 § 26 [RCW 43.21A.300] and its powers, duties, and functions were transferred to the department of ecology by 1970 ex.s. c 62 § 6 [RCW 43.21A.060].

43.37.010 Definitions. As used in this chapter, unless the context requires otherwise:

- (1) "Department" means the department of ecology;
- (2) "Operation" means the performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year; or, in case the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, "operation" means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year;
- (3) "Research and development" means theoretical analysis exploration and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes;
- (4) "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere. [1973 c 64 § 1; 1965 c 8 § 43.37.010. Prior: 1957 c 245 § 1.]

43.37.030 Powers and duties. In the performance of its functions the department may, in addition to any other acts authorized by law:

(1) Establish advisory committees to advise with and make recommendations to the department concerning legislation, policies, administration, research, and other matters;

(2) Establish by regulation or order such standards and instructions to govern the carrying out of research or projects in weather modification and control as the department may deem necessary or desirable to minimize danger to health or property; and make such rules and regulations as are necessary in the performance of its powers and duties;

(3) Make such studies, investigations, obtain such information, and hold such hearings as the department may deem necessary or proper to assist it in exercising its authority or in the administration or enforcement of this chapter or any regulations or orders issued thereunder;

(4) Appoint and fix the compensation of such personnel, including specialists and consultants, as are necessary to perform its duties and functions;

(5) Acquire, in the manner provided by law, such materials, equipment, and facilities as are necessary to perform its duties and functions;

(6) Cooperate with public or private agencies in the performance of the department's functions or duties and in furtherance of the purposes of this chapter;

(7) Represent the state in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts relating to weather modification and control. [1973 c 64 § 2; 1965 c 8 § 43.37.030. Prior: 1957 c 245 § 3.]

43.37.040 Promotion of research and development activities—Contracts and agreements. The department shall exercise its powers in such manner as to promote the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an expanding fund of theoretical and practical knowledge in such fields. To this end the department may conduct, and make arrangements, including contracts and agreements, for the conduct of, research and development activities relating to:

(1) The theory and development of methods of weather modification and control, including processes, materials, and devices related thereto;

(2) Utilization of weather modification and control for agricultural, industrial, commercial, and other purposes;

(3) The protection of life and property during research and operational activities. [1973 c 64 § 3; 1965 c 8 § 43.37.040. Prior: 1957 c 245 § 4.]

43.37.050 Hearing procedure. In the case of hearings pursuant to RCW 43.37.180 the department shall, and in other cases may, cause a record of the proceedings to be taken and filed with the department, together with its findings and conclusions. For any hearing, the director of the department or a representative designated by

him is authorized to administer oaths and affirmations, examine witnesses, and issue, in the name of the department, notice of the hearing or subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place. [1973 c 64 § 4; 1965 c 8 § 43.37.050. Prior: 1957 c 245 § 5.]

43.37.060 Acceptance of gifts, donations, etc. (1) The department may, subject to any limitations otherwise imposed by law, receive and accept for and in the name of the state any funds which may be offered or become available from federal grants or appropriations, private gifts, donations, or bequests, or any other source, and may expend such funds, subject to any limitations otherwise provided by law, for the encouragement of research and development by a state, public, or private agency, either by direct grant, by contract or other cooperative means.

(2) All license and permit fees paid to the department shall be deposited in the state general fund. [1973 c 64 § 5; 1965 c 8 § 43.37.060. Prior: 1957 c 245 § 6.]

43.37.080 License and permit required. Except as provided in RCW 43.37.090, no person shall engage in activities for weather modification and control except under and in accordance with a license and a permit issued by the department authorizing such activities. [1973 c 64 § 6; 1965 c 8 § 43.37.080. Prior: 1957 c 245 § 8.]

43.37.090 Exemptions. The department, to the extent it deems practical, shall provide by regulation for exempting from license, permit, and liability requirements, (1) research and development and experiments by state and federal agencies, institutions of higher learning, and bona fide nonprofit research organizations; (2) laboratory research and experiments; (3) activities of an emergent character for protection against fire, frost, sleet, or fog; and (4) activities normally engaged in for purposes other than those of inducing, increasing, decreasing, or preventing precipitation or hail. [1973 c 64 § 7; 1965 c 8 § 43.37.090. Prior: 1957 c 245 § 9.]

43.37.100 Licenses—Requirements, duration, renewal, fees. (1) Licenses to engage in activities for weather modification and control shall be issued to applicants therefor who pay the license fee required and who demonstrate competence in the field of meteorology to the satisfaction of the department, reasonably necessary to engage in activities for weather modification and control. If the applicant is an organization, these requirements must be met by the individual or individuals who will be in control and in charge of the operation for the applicant.

(2) The department shall issue licenses in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter. Each license shall be issued for a period to expire at the end of the calendar year in which it is issued and, if the licensee possesses the

qualifications necessary for the issuance of a new license, shall upon application be renewed at the expiration of such period. A license shall be issued or renewed only upon the payment to the department of one hundred dollars for the license or renewal thereof. [1973 c 64 § 8; 1965 c 8 § 43.37.100. Prior: 1957 c 245 § 10.]

43.37.110 Permits—Requirements—Hearing as to issuance. The department shall issue permits in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter only:

(1) If the applicant is licensed pursuant to this chapter;

(2) If a sufficient notice of intention is published and proof of publication is filed as required by RCW 43.37.140;

(3) If the applicant furnishes proof of financial responsibility, as provided in RCW 43.37.150, in an amount to be determined by the department but not to exceed twenty thousand dollars;

(4) If the fee for a permit is paid as required by RCW 43.37.160;

(5) If the weather modification and control activities to be conducted under authority of the permit are determined by the department to be for the general welfare and public good;

(6) If the department has held an open public hearing in Olympia as to such issuance. [1973 c 64 § 9; 1965 c 8 § 43.37.110. Prior: 1961 c 154 § 2; 1957 c 245 § 11.]

43.37.120 Separate permit for each operation—Filing and publishing notice of intention—Activities restricted by permit and notice. A separate permit shall be issued for each operation. Prior to undertaking any weather modification and control activities the licensee shall file with the department and also cause to be published a notice of intention. The licensee, if a permit is issued, shall confine his activities for the permitted operation within the time and area limits set forth in the notice of intention, unless modified by the department; and his activities shall also conform to any conditions imposed by the department upon the issuance of the permit or to the terms of the permit as modified after issuance. [1973 c 64 § 10; 1965 c 8 § 43.37.120. Prior: 1961 c 154 § 3; 1957 c 245 § 12.]

43.37.130 Notice of intention—Contents. The notice of intention shall set forth at least all the following:

(1) The name and address of the licensee;

(2) The nature and object of the intended operation and the person or organization on whose behalf it is to be conducted;

(3) The area in which and the approximate time during which the operation will be conducted;

(4) The area which is intended to be affected by the operation;

(5) The materials and methods to be used in conducting the operation. [1965 c 8 § 43.37.130. Prior: 1957 c 245 § 13.]

43.37.140 Notice of intention—Publication. (1) The applicant shall cause the notice of intention, or that portion thereof including the items specified in RCW 43.37.130, to be published at least once a week for three consecutive weeks in a legal newspaper having a general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then in a legal newspaper having a general circulation and published within each of such counties. In case there is no legal newspaper published within the appropriate county, publication shall be made in a legal newspaper having a general circulation within the county;

(2) Proof of publication, made in the manner provided by law, shall be filed by the licensee with the department within fifteen days from the date of the last publication of the notice. [1973 c 64 § 11; 1965 c 8 § 43.37.140. Prior: 1961 c 154 § 4; 1957 c 245 § 14.]

43.37.150 Financial responsibility. Proof of financial responsibility may be furnished by an applicant by his showing, to the satisfaction of the department, his ability to respond in damages for liability which might reasonably be attached to or result from his weather modification and control activities in connection with the operation for which he seeks a permit. [1973 c 64 § 12; 1965 c 8 § 43.37.150. Prior: 1957 c 245 § 15.]

43.37.160 Fees—Sanctions for failure to pay. The fee to be paid by each applicant for a permit shall be equivalent to one and one-half percent of the estimated cost of such operation, the estimated cost to be computed by the department from the evidence available to it. The fee is due and payable to the department as of the date of the issuance of the permit; however, if the applicant is able to give to the department satisfactory security for the payment of the balance, he may be permitted to commence the operation, and a permit may be issued therefor, upon the payment of not less than fifty percent of the fee. The balance due shall be paid within three months from the date of the termination of the operation as prescribed in the permit. Failure to pay a permit fee as required shall be grounds for suspension or revocation of the license of the delinquent permit holder and grounds for refusal to renew his license or to issue any further permits to such person. [1973 c 64 § 13; 1965 c 8 § 43.37.160. Prior: 1957 c 245 § 16.]

43.37.170 Records and reports—Open to public examination. (1) Every licensee shall keep and maintain a record of all operations conducted by him pursuant to his license and each permit, showing the method employed, the type of equipment used, materials and amounts thereof used, the times and places of operation of the equipment, the name and post office address of each individual participating or assisting in the operation other than the licensee, and such other general information as may be required by the department and

shall report the same to the department at the time and in the manner required.

(2) The department shall require written reports in such manner as it provides but not inconsistent with the provisions of this chapter, covering each operation for which a permit is issued. Further, the department shall require written reports from such organizations as are exempted from license, permit, and liability requirements as provided in RCW 43.37.090.

(3) The reports and records in the custody of the department shall be open for public examination. [1973 c 64 § 14; 1965 c 8 § 43.37.170. Prior: 1957 c 245 § 17.]

43.37.180 Revocation, suspension, modification of license or permit. (1) The department may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The department may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of this chapter. Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds of the proposed suspension or revocation. The department may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provision of this chapter.

(2) The department may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the department that it is necessary for the protection of the health or the property of any person to make the modification proposed. [1973 c 64 § 15; 1965 c 8 § 43.37.180. Prior: 1957 c 245 § 18.]

43.37.190 Liability of state denied—Legal rights of private persons not affected. Nothing in this chapter shall be construed to impose or accept any liability or responsibility on the part of the state, the department, or any state officials or employees for any weather modification and control activities of any private person or group, nor to affect in any way any contractual, tortious, or other legal rights, duties, or liabilities between any private persons or groups. [1973 c 64 § 16; 1965 c 8 § 43.37.190. Prior: 1957 c 245 § 19.]

43.37.200 Penalty. Any person violating any of the provisions of this chapter or any lawful regulation or order issued pursuant thereto, shall be guilty of a misdemeanor; and a continuing violation is punishable as a separate offense for each day during which it occurs. [1965 c 8 § 43.37.200. Prior: 1957 c 245 § 20.]

43.37.900 Revolving account abolished. The weather modification board revolving account is hereby abolished. Any funds remaining in such account shall be transferred to the general fund. [1973 c 64 § 17.]

43.37.910 Effective date—1973 c 64. The effective date of this 1973 amendatory act shall be July 1, 1973. [1973 c 64 § 18.]

Chapter 43.38 TAX ADVISORY COUNCIL

Sections

43.38.010	Tax advisory council created—Appointment, compensation.
43.38.020	Powers and duties.
43.38.030	Examination of records.
43.38.040	Officers—Meetings—Executive secretary.
43.38.050	Expenditures.

43.38.010 Tax advisory council created—Appointment, compensation. There is hereby created a tax advisory council to consist of fifteen members to be appointed by the governor. Members shall be chosen who represent the major segments of the state's economy, and at least one member shall be chosen from each congressional district of the state. Members shall serve without pay at the pleasure of the governor but shall be paid necessary traveling expenses incurred in their travel to and from meetings of the council and shall receive fifteen dollars per day as subsistence while attending all meetings of the council. [1965 c 8 § 43.38.010. Prior: 1957 c 291 § 1.]

43.38.020 Powers and duties. The council shall survey and analyze all aspects of existing tax statutes and evaluate the administration, yield and effect thereof and shall make such recommendations to the governor relating to changes in administrative practices and existing laws concerning such taxes as the council shall agree upon. If the recommendations adopted by the council do not receive the unanimous approval of its members, the dissenting members shall have the privilege of submitting minority recommendations. [1965 c 8 § 43.38.020. Prior: 1957 c 291 § 2.]

43.38.030 Examination of records. Any member of the council or its staff designated by the chairman shall have the authority to examine, for official purposes, any records maintained by or in the possession of any official or agency which relate to matters of taxation. [1965 c 8 § 43.38.030. Prior: 1957 c 291 § 3.]

43.38.040 Officers—Meetings—Executive secretary. The governor shall designate one member to be chairman of the council. The council at its first meeting shall elect a vice chairman. Meetings shall be held at times and places determined by the chairman. The chairman shall appoint from the staff of the state tax commission, an executive secretary, whose salary shall be paid by the tax commission, who shall attend all meetings of the council and perform such duties as it shall direct. [1965 c 8 § 43.38.040. Prior: 1957 c 291 § 4.]

43.38.050 Expenditures. All expenditures of the council shall be paid upon vouchers approved by the chairman or vice chairman from the appropriation herein provided. [1965 c 8 § 43.38.050. Prior: 1957 c 291 § 5.]

Chapter 43.41
DIRECTOR OF PROGRAM PLANNING AND
FISCAL MANAGEMENT

Sections

- 43.41.030 Purpose.
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Reviser's note: Throughout this chapter the phrase "this 1969 amendatory act" or "this act" has been changed to "this chapter". The phrase also includes RCW 43.88.020, 43.88.025 and 41.06.075.

43.41.030 Purpose. 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 chapter 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. [1969 ex.s. c 239 § 1.]

43.41.040 Definitions. As used in this chapter, 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. [1969 ex.s. c 239 § 2.]

43.41.050 Office of program planning created—Transfer of powers, duties and functions. 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. [1969 ex.s. c 239 § 3.]

43.41.060 Director—Appointment—Salary—Vacancy—Delegation of powers and duties. 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 chapter. [1969 ex.s. c 239 § 4.]

43.41.070 Personnel. 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 chapter, such

employment is in accordance with the rules of the state civil service law, chapter 41.06 RCW. [1969 ex.s. c 239 § 5.]

43.41.080 Deputy and assistant directors. 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 RCW 41.06.075, 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. [1969 ex.s. c 239 § 6.]

43.41.090 State civil service law—Certain personnel of office of program planning and fiscal management exempted. See RCW 41.06.075.

43.41.100 Director's powers and duties. 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 chapter; he may act for the state in the initiation of or participation in any multi-governmental agency program relative to the purposes of this chapter; and he may accept gifts and grants, whether such grants be of federal or other funds. [1969 ex.s. c 239 § 8.]

43.41.110 Powers and duties of office of program planning and fiscal management. 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.

(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. [1969 ex.s. c 239 § 11.]

43.41.120 Advisory or coordinating councils. The director or the governor may establish such additional advisory or coordinating councils as may be necessary to carry out the purposes of this chapter. 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. [1969 ex.s. c 239 § 12.]

43.41.900 Transfer of employees. 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 chapter, shall be transferred to the jurisdiction of the office of program planning and fiscal management. 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 merit system. [1969 ex.s. c 239 § 13.]

43.41.910 Transfer of documents, property, records, etc. 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 chapter, 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 chapter 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. [1969 ex.s. c 239 § 14.]

43.41.920 Continuation of contacts and services. 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 chapter, 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. [1969 ex.s. c 239 § 15.]

43.41.930 Appropriations. 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 chapter shall on August 11, 1969 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. [1969 ex.s. c 239 § 16.]

43.41.940 Central budget agency abolished. On August 11, 1969, the central budget agency is abolished. [1969 ex.s. c 239 § 17.]

43.41.950 Saving—1969 ex.s. c 239. Nothing in this chapter 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 August 11, 1969. [1969 ex.s. c 239 § 18.]

43.41.960 Governor to determine questions concerning transfers of powers and duties—Allocations of funds. 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. [1969 ex.s. c 239 § 19.]

43.41.970 Federal requirements for receipt of federal funds. 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. No such ruling shall affect the operation of the remainder of this chapter. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which

are a necessary condition to the receipt of federal funds by the state. [1969 ex.s. c 239 § 20.]

43.41.980 Severability—1969 ex.s. c 239. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected. [1969 ex.s. c 239 § 21.]

Chapter 43.43

WASHINGTON STATE PATROL

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43.43.010 Patrol created. There shall be a department of state government known as the "Washington state patrol." The chief thereof shall be known as the chief of the Washington state patrol, and members thereof shall be known as Washington state patrol officers. [1965 c 8 § 43.43.010. Prior: 1933 c 25 § I; RRS § 6362-59.]

43.43.020 Appointment of personnel. The governor shall appoint the chief of the Washington state patrol, determine his compensation, and may remove him at will.

The chief shall appoint a sufficient number of competent persons to act as Washington state patrol officers, may remove them for cause, as provided in this chapter, and shall make promotional appointments, determine their compensation, and define their rank and duties, as hereinafter provided.

The chief may appoint employees of the Washington state patrol to serve as special deputies, with such restricted police authority as the chief shall designate as being necessary and consistent with their assignment to duty. Such appointment and conferral of authority shall not qualify said employees for membership in the

Washington state patrol retirement system, nor shall it grant tenure of office as a regular officer of the Washington state patrol. [1973 1st ex.s. c 80 § 1; 1965 c 8 § 43.43.020. Prior: 1949 c 192 § 1; 1933 c 25 § 3; Rem. Supp. 1949 § 6362-61.]

43.43.030 Powers and duties—Peace officers. The chief and other officers of the Washington state patrol shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally, and such other powers and duties as are prescribed by law. [1965 c 8 § 43.43.030. Prior: 1933 c 25 § 2; RRS § 6362-60.]

43.43.035 Governor and governor-elect—Security and protection—Duty to provide. The chief of the Washington state patrol is directed to provide security and protection for the governor and the governor's family to the extent and in the manner the governor and the chief of the Washington state patrol deem adequate and appropriate.

In the same manner the chief of the Washington state patrol is directed to provide security and protection for the governor-elect from the time of the November election. [1965 ex.s. c 96 § 1.]

43.43.037 Legislature—Security and protection—Duty to provide. The chief of the Washington state patrol is directed to provide such security and protection for both houses of the legislative building while in session as in the opinion of the speaker of the house and the president of the senate may be necessary therefor upon the advice of the respective sergeant-at-arms of each legislative body. [1965 ex.s. c 96 § 2.]

43.43.040 Disability of patrol officers. The chief of the Washington state patrol shall relieve from active duty Washington state patrol officers who, while in the performance of their official duties, or while on standby or available for duty, have been or hereafter may be injured or incapacitated to such an extent as to be mentally or physically incapable of active service: *Provided*, That: (1) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the officer receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability: *And provided further*, That an officer injured while engaged in wilfully tortious or criminal conduct shall not be entitled to disability benefits under this section.

(2) Should a disability beneficiary whose disability was not incurred in line of duty, prior to attaining age fifty, engage in a gainful occupation, the chief shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired officer held at the time he was disabled. All such disability

beneficiaries under age fifty shall file with the chief every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the chief may further alter his disability retirement allowance as indicated above. The failure of any officer to file the required statement of earnings shall be cause for cancellation of retirement benefits.

Such officers shall receive one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries.

They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the patrol at any time during such relief from duty to ascertain whether or not they are able to resume active duty. [1973 2nd ex.s. c 20 § 1; 1965 c 8 § 43.43.040. Prior: 1947 c 174 § 1; 1943 c 215 § 1; RRS § 6362-65.]

43.43.050 Tenure of patrol officers. Washington state patrol officers shall be entitled to retain their ranks and positions until death or resignation, or until suspended, demoted, or discharged in the manner hereinafter provided. [1965 c 8 § 43.43.050. Prior: 1943 c 205 § 1; Rem. Supp. 1943 § 6362-66.]

43.43.060 Suspension—Demotion of probationary officers. The chief of the Washington state patrol may discipline any Washington state patrol officer by suspending him without pay, for a period of not more than thirty days, and may demote any officer holding probationary rank, without preferring charges against him, and without a hearing. [1965 c 8 § 43.43.060. Prior: 1943 c 205 § 2; Rem. Supp. 1943 § 6362-67.]

43.43.070 Complaint, hearing on nonprobationary officers. Discharge or demotion of any officer holding nonprobationary rank, or suspension for more than thirty days of any officer, shall be only for cause, which shall be clearly stated in a written complaint, sworn to by the person preferring the charges, and served upon the officer complained of.

Upon being so served, any such officer shall be entitled to a public hearing before a trial board consisting of two Washington state patrol officers of the rank of captain, and one officer of equal rank with the officer complained of, who shall be selected by the chief of the Washington state patrol by lot from the roster of the patrol. In the case of complaint by an officer, such officer shall not be a member of the trial board. [1965 c 8 § 43.43.070. Prior: 1943 c 205 § 3; Rem. Supp. 1943 § 6362-68.]

43.43.080 Resignation—Waiver of hearing. Pending a hearing, the chief of the patrol may suspend the officer complained of, and the officer may, within ten days after being served with the complaint, either submit a written resignation or file written notice of his desire to waive a hearing.

In the event that a letter of resignation is submitted, it shall be accepted without prejudice. [1965 c 8 § 43.43.080. Prior: 1943 c 205 § 4; Rem. Supp. 1943 § 6362–69.]

43.43.090 Procedure at hearing. At the hearing, the chief of the patrol shall be the presiding officer, and shall make all necessary rulings in the course of the hearing, but shall not be entitled to vote.

The complainant and the officer complained of may submit evidence, and be represented by counsel, and a full and complete record of the proceedings, and all testimony, shall be taken down by a stenographer.

After hearing, the findings of the trial board shall be submitted to the chief. Such findings shall be final in the case of acquittal. In the event of conviction the chief may determine the proper disciplinary action and declare it by written order served upon the officer complained of. [1965 c 8 § 43.43.090. Prior: 1943 c 205 § 5; Rem. Supp. 1943 § 6362–70.]

43.43.100 Review of order. Any officer subjected to disciplinary action may, within ten days after the service of the order upon him, apply to the superior court of Thurston county for a writ of review to have the reasonableness and lawfulness of the order inquired into and determined.

The superior court shall review the determination of the chief of the Washington state patrol in a summary manner, based upon the record of the hearing before the trial board, and shall render its decision within ninety days, either affirming or reversing the order of the chief, or remanding the matter to him for further action. [1965 c 8 § 43.43.100. Prior: 1943 c 205 § 6; Rem. Supp. 1943 § 6362–71.]

43.43.110 Reinstatement on acquittal. If as a result of any trial board hearing, or review proceeding, an officer complained of is found not guilty of the charges against him, he shall be immediately reinstated to his former position, and be reimbursed for any loss of salary suffered by reason of the previous disciplinary action. [1965 c 8 § 43.43.110. Prior: 1943 c 205 § 7; Rem. Supp. 1943 § 6362–72.]

43.43.120 Patrol retirement system—Definitions. As used in the following sections:

(1) "Retirement system" means the Washington state patrol retirement system.

(2) "Retirement fund" means the Washington state patrol retirement fund.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Member" means any person included in the membership of the retirement fund.

(5) "Employee" means any commissioned employee of the Washington state patrol.

(6) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(7) "Regular interest" means interest compounded annually at such rates as may be determined by the retirement board.

(8) "Retirement board" means the board provided for in this chapter.

(9) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(10) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(11) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for ten days or more in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(12) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(13) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(14) "Average final salary" shall mean the average monthly salary received by a member during his last two years of service or any consecutive two year period of service, whichever is the greater, as an employee of the Washington state patrol; or if he has less than two years of service, then the average monthly salary received by him during his total years of service.

(15) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the board.

(16) Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender. [1973 1st ex.s. c 180 § 1; 1969 c 12 § 1; 1965 c 8 § 43.43.120. Prior: 1955 c 244 § 1; 1953 c 262 § 1; 1951 c 140 § 1; 1947 c 250 § 1; Rem. Supp. 1947 § 6362–81.]

Construction—1969 c 12: "The provisions of this 1969 amendatory act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act." [1969 c 12 § 8.] This applies to RCW 43.43.120, 43.43.170, 43.43.250, 43.43.260, 43.43.267, 43.43.270, and 43.43.280.

43.43.130 Retirement fund created—Membership.

(1) A Washington state patrol retirement fund is hereby established for members of the Washington state patrol which shall include funds created and placed under the management of a retirement board for the payment of retirement allowances and other benefits under the provisions hereof.

(2) Any employee of the Washington state patrol, upon date of commissioning, shall be eligible to participate in the retirement plan and shall start contributing to the fund immediately. Any employee of the Washington state patrol employed by the state of Washington or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington shall receive full credit for such prior service but after that date each new commissioned employee must automatically participate in the fund. If a member shall terminate service in the patrol and later reenter, he shall be treated in all respects as a new employee: *Provided*, That a member who reenters or has reentered service within ten years from the date of his termination, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, plus earned interest, which restoration must be completed within four years after resumption of service, be returned to the status of membership he earned at the time of termination.

(3) A member of the retirement system who has served or shall serve on active federal service in the armed forces of the United States pursuant to and by reason of orders by competent federal authority, who left or shall leave the Washington state patrol to enter such service, and who within one year from termination of such active federal service, resumes employment as a state employee, shall have his service in such armed forces credited to him as a member of the retirement system: *Provided*, That no such service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency. [1965 c 8 § 43.43.130. Prior: 1953 c 262 § 2; 1951 c 140 § 2; 1947 c 250 § 2; Rem. Supp. 1947 § 6362-82.]

43.43.135 Membership in more than one retirement system. In any case where the Washington state patrol retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, an employee holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who is by reason of his current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan, shall be allowed membership rights should the agreement so provide. [1965 c 8 § 43.43.135. Prior: 1951 c 140 § 10.]

43.43.140 Management—Retirement board, composition, terms, elections, vacancies, business. The general administration and management of the retirement fund and the making effective of the provisions hereof are hereby vested in the retirement board which shall have the authority to make all necessary rules and regulations, not inconsistent with the provisions hereof to carry into effect the provisions of this chapter.

The board shall consist of seven members as follows: Chief of the Washington state patrol, insurance commissioner, lieutenant governor and four members

known as employee members, who shall be elected by ballot by members of the retirement fund in a manner to be approved by the retirement board. Two of said employee members shall be from and represent eastern Washington and two of said employee members shall be from and represent western Washington.

The chief of the Washington state patrol shall act at all times as chairman of the retirement board. A majority of the members of the board shall constitute a quorum for the transaction of business and any action taken shall be approved by five or more of its members. The board shall hold such meetings as are necessary to transact its business and in any event shall meet not less than once each year and sufficient notice shall be given the members thereof.

The election of employee members of the board shall be conducted by and under the supervision of the chief of the Washington state patrol. The chief of the Washington state patrol shall designate election dates and shall define election procedures: *Provided*, That the first election shall be held within thirty days after May 15, 1958. At the first election, each person eligible to participate in the retirement fund shall have the right to vote for two qualified employee members, each person to vote only upon those members from his geographical division of the state. At the first election, the employee member receiving the greatest number of votes shall be deemed elected for a four year term; the employee member receiving the second greatest number of votes shall be deemed elected for a three year term; the employee member receiving the third greatest number of votes shall be deemed elected for a two year term; and the employee member receiving the fourth greatest number of votes shall be deemed elected for a one year term. Terms of office of the first members shall commence July 1, 1958. Upon expiration of the term of each of the employee members, each succeeding member shall be elected by general election and shall hold office for a term of four years. After the first election, those persons eligible to participate in the retirement fund and who are from the same geographical division as that of the employee member whose term of office has expired or whose office has become vacant shall have the right to vote for one qualified employee member to fill that office. Any vacancy occurring in the term of any qualified employee member of the retirement board shall be filled by a general election. The qualified employee member elected shall fill the unexpired term. [1965 c 8 § 43.43.140. Prior: 1961 c 300 § 6; 1957 c 162 § 1; 1947 c 250 § 3; Rem. Supp. 1947 § 6362-83.]

43.43.150 Employees of board. The retirement board may employ a secretary and secure the services of such technical and administrative employees as may be necessary for the transaction of business of the retirement fund. The compensation of all persons engaged by the board and all other expenses necessary for the proper operation of the retirement fund shall be paid at such rates and in such amounts as the board shall approve. The board shall perform such other functions as are required for the proper execution of the provisions hereof

and shall have authority to make all rules and regulations necessary therefor. [1965 c 8 § 43.43.150. Prior: 1947 c 250 § 4; Rem. Supp. 1947 § 6362–84.]

43.43.160 Oath of members—Compensation. Each member of the retirement board, upon appointment or election, shall take an oath of office that he will support the Constitution of the United States, the Constitution of the state of Washington, and that he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to this chapter. Such oath shall be subscribed to by the member making it and certified by the officer before whom it is taken and shall immediately be filed in the office of the secretary of state. The members of the board shall serve without compensation but shall suffer no loss because of absence from their regular employment and shall be reimbursed from the expense fund. [1965 c 8 § 43.43.160. Prior: 1947 c 250 § 5; Rem. Supp. 1947 § 6362–85.]

43.43.165 Board may receive contributions from any source. Contributions may be received by the Washington state patrol retirement board from any public or private source for deposit into the Washington state patrol retirement fund, and said contributions shall be dealt with in the same manner as other state patrol retirement funds and subject to the terms of the contribution. [1965 c 8 § 43.43.165. Prior: 1955 c 244 § 4.]

43.43.170 Investment of funds. Whenever the state patrol retirement board determine that the state patrol retirement fund contains moneys in excess of current needs, they shall authorize the state finance committee to invest such surplus in such bonds or other obligations as are or may be in the future authorized for the investment of the funds of the state employees' retirement system. [1969 c 12 § 2; 1965 c 8 § 43.43.170. Prior: 1955 c 222 § 1; 1947 c 250 § 6; Rem. Supp. 1947 § 6362–86.]

Construction—1969 c 12: See note to RCW 43.43.120.

43.43.175 Custody, sale, of securities—Disposition of proceeds. All bonds or other obligations purchased according to RCW 43.43.170 shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state finance committee may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest earned and proceeds from the sale or redemption of any bonds or other obligations held by the fund shall be credited to and form a part of the fund.

All amounts credited to the fund shall be available for making the payments required by RCW 43.43.120 through 43.43.330. [1965 c 8 § 43.43.175. Prior: 1955 c 222 § 2.]

43.43.180 Duty of state treasurer. The state treasurer shall be the custodian of the funds of the retirement fund. He shall deposit any portion of the funds of the retirement fund not needed for immediate use in the same manner as and subject to all the provisions of law respecting the deposit of state funds, and all interest earned by such portions of the retirement fund as may be deposited by the state treasurer in pursuance hereof shall be collected by him and placed to the credit of the retirement fund. The custodian shall furnish annually to the retirement board a sworn statement of the amount of funds in his custody belonging to the retirement fund. The records of the retirement fund shall be open to public inspection and any member of the fund shall be furnished with a statement of the amount of his credit upon written request of such member: *Provided*, That the retirement board shall not be required to answer more than one such request of a member in any one year. [1965 c 8 § 43.43.180. Prior: 1947 c 250 § 7; Rem. Supp. 1947 § 6362–87.]

43.43.190 Limitation on interest of board member. Except as herein provided, no member and no employee of the retirement board shall have any interest, direct or indirect, in the gains or profits of any investment made by the board, nor as such directly or indirectly receive any pay or emolument for services and no member or employee of the board, directly or indirectly for himself or as agent or party for others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the board, nor shall any member or employee of the board become an endorser or surety or become in any manner an obligor for moneys owned or borrowed by the board. [1965 c 8 § 43.43.190. Prior: 1947 c 250 § 8; Rem. Supp. 1947 § 6362–88.]

43.43.200 Actuarial valuations, investigations. At such times as the retirement board may deem it necessary and at least once within the first three years of the operation hereof and once in each five year period thereafter, the board shall have prepared by a competent actuary a report showing a complete valuation of the present and prospective assets and liabilities of the various funds created hereby. The actuary shall make an investigation of the mortality and service experience of the members of the system and shall report fully upon the totals of the retirement fund, together with such recommendations as he deems advisable for the information of the retirement board in the proper operation of the retirement fund. [1965 c 8 § 43.43.200. Prior: 1947 c 250 § 9; Rem. Supp. 1947 § 6362–89.]

43.43.220 Retirement fund—Expenses—Contributions by state. (1) The Washington state patrol retirement fund shall be the fund from which shall be paid all retirement allowances or benefits in lieu thereof which are payable as provided herein. The expenses of operating the retirement system shall be paid from appropriations made for the operation of the Washington state patrol.

(2) The "fundable employer liability" at any date shall be the present value of:

(a) All future pension benefits payable in respect of all members in the retirement system at that date, and

(b) All future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

(3) The contributions by the state for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "normal contribution", and a percentage of such compensation to be known as the "unfunded liability contribution". The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation.

(4) After the completion of each actuarial valuation, the retirement board shall determine or redetermine the normal contribution rate and such contribution rate shall become effective in the ensuing biennium. Until the unfunded liability contribution shall have been discontinued, such normal contribution rate shall be computed to be sufficient, when applied to the present value of the future compensation of the average new member entering the system, to provide for the payment of all prospective pension benefits in respect of such member. After the unfunded liability contributions have been discontinued, such normal contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members in the retirement system at the date of such valuation which is equivalent to the excess of the fundable employer liability over the amount of funds currently standing to the credit of the retirement fund.

(5) After the completion of each actuarial valuation, the retirement board shall determine or redetermine the unfunded liability contribution rate, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall not be less than the uniform and constant percentage of the prospective compensation of all members in the retirement system for the forty-year period following the date of such valuation which is equivalent to the unfunded liability. The unfunded liability shall be determined at such date as the excess of the fundable employer liability over the sum of the present value of the future normal contributions payable in respect of all members in the retirement system at that date, and the amount of all funds currently standing to the credit of the retirement fund. The unfunded liability contributions shall continue until there remains no unfunded liability.

(6) The retirement board shall estimate biennially the amount required to maintain the retirement fund for the ensuing biennium. [1973 1st ex.s. c 180 § 2; 1965 c 8 § 43.43.220. Prior: 1961 c 93 § 1; 1957 c 162 § 2; 1951 c 140 § 3; 1947 c 250 § 11; Rem. Supp. 1947 § 6362-91.]

43.43.230 Total service credit. Subject to the provisions of RCW 43.43.260, at retirement, the total service credited to a member shall consist of all his current service and certified prior service. [1965 c 8 § 43.43.230. Prior: 1953 c 262 § 3; 1947 c 250 § 12; Rem. Supp. 1947 § 6362-92.]

43.43.240 Legal adviser. The attorney general shall be the legal adviser of the retirement board. [1965 c 8 § 43.43.240. Prior: 1947 c 250 § 13; Rem. Supp. 1947 § 6362-93.]

43.43.250 Retirement of members. (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.

(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). [1969 c 12 § 3; 1965 c 8 § 43.43.250. Prior: 1963 c 175 § 1; 1957 c 162 § 3; 1951 c 140 § 4; 1947 c 250 § 14; Rem. Supp. 1947 § 6362-94.]

Construction—1969 c 12: See note to RCW 43.43.120.

43.43.260 Benefits. Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

(1) A prior service annuity which shall be equal to two percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service annuity which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

(3) Any member with twenty-five years service in the Washington state patrol may have his service in the armed forces credited to him as a member whether or not he left the employ of the Washington state patrol to enter such armed forces: *Provided*, That in no instance shall military service in excess of five years be credited: *And provided further*, That in each instance, a member must restore all withdrawn accumulated contributions, which restoration must be completed on the date of his retirement, or within five years of membership service following his first resumption of employment, whichever occurs first: *And provided further*, That this section shall not apply to any individual, not a veteran within the meaning of RCW 41.06.150, as now or hereafter amended: *And provided further*, That in no instance shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code, as now or hereafter amended.

(4) In no event shall the total retirement benefits from subsections (1), (2) and (3) of this section, of any member exceed seventy-five percent of the member's average final salary.

(5) A yearly increase in retirement allowance which shall amount to two percent of the retirement allowance computed at the time of retirement. This yearly increase shall be added to the retirement allowance on July 1st of each calendar year.

The provisions of this section shall apply to all members presently retired and to all members who shall retire in the future. The retirement allowance of all members presently retired shall be recomputed and shall in the future be paid in accordance with the benefits provided in this section. [1973 1st ex.s. c 180 § 3; 1971 ex.s. c 278 § 1; 1969 c 12 § 4; 1965 c 8 § 43.43.260. Prior: 1963 c 175 § 2; 1957 c 162 § 4; 1955 c 244 § 2; 1951 c 140 § 5; 1947 c 250 § 15; Rem. Supp. 1947 § 6362-95.]

Effective date—1971 ex.s. c 278: "This 1971 amendatory act shall have an effective date of July 1, 1971." [1971 ex.s. c 278 § 2.]

43.43.265 Recomputation of average final salary. The average final salary of members now retired shall be recomputed in accordance with RCW 43.43.120(14) and from the effective date of this act (1959 c 8, effective date was January 29, 1959; 1955 c 244, effective date was June 8, 1955) the retirement allowance of such members shall be paid under RCW 43.43.260 upon the basis of the average final salary as recomputed. [1965 c 8 § 43.43.265. Prior: 1959 c 8 § 1; 1955 c 244 § 5.]

43.43.266 Recomputation of average final salary—Construction. The provisions of this act [1959 c 8] are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act [1959 c 8]. [1965 c 8 § 43.43.266. Prior: 1959 c 8 § 2.]

43.43.267 Recomputation of average final salary—1969 c 12. The average final salary of members already retired upon June 12, 1969, shall be recomputed in accordance with RCW 43.43.120(14) and from June 12, 1969. The retirement allowance of such members shall be paid under RCW 43.43.260, upon the basis of the average final salary as recomputed. [1969 c 12 § 5.]

Construction—1969 c 12: See note to RCW 43.43.120.

43.43.270 Annuities. (1) The normal form of retirement allowance shall be an annuity which shall continue as long as the member lives.

(2) If a member should die while in service his lawful spouse shall be paid an annuity which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement his lawful spouse shall be paid an annuity which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing his retirement allowance, whichever is less. The annuity paid to the lawful spouse shall continue as long as she lives or until she remarries. To be eligible for an

annuity the lawful surviving spouse of a retired member shall have been married to the member prior to his retirement and continuously thereafter until the date of his death or shall have been married to the retired member at least two years prior to his death.

(3) If a member should die, either while in service or after retirement, his surviving children under the age of eighteen years shall be provided for in the following manner:

(a) Each unmarried child under eighteen years of age shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member.

(4) If a member should lose or has lost his life in the line of duty while employed by the Washington state patrol, his surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of Washington shall hereafter be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member: *Provided*, That if a beneficiary under this section shall reach the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of said term.

(5) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement and if all contributions paid to the retirement fund have been left in the retirement fund. In the event that contributions have been refunded to a member on disability retirement, he may regain eligibility for survivor's benefits by repaying to the retirement fund the total amount refunded to him plus two and one-half percent interest, compounded annually, covering the period during which the refund was held by him. [1973 2nd ex.s. c 14 § 3; 1973 1st ex.s. c 180 § 4. Prior: 1969 c 12 § 6; 1965 c 8 § 43.43.270; prior: 1963 c 175 § 3; 1961 c 93 § 2; 1951 c 140 § 6; 1947 c 250 § 16; Rem. Supp. 1947 § 6362-96.]

Construction—1969 c 12: See note to RCW 43.43.120.

43.43.280 Repayment of contributions on death or termination of employment—Election to receive reduced retirement allowance at age fifty-five. (1) If a member dies before retirement, and has no surviving spouse or children under the age of eighteen years, all contributions made by him with interest at two and one-half percent compounded annually shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than his death, or retirement, he shall thereupon cease to be a member except as provided under RCW 43.43.130 (2) and (3)

and, he may withdraw his contributions to the retirement fund, with interest at two and one-half percent compounded annually, by making application therefor to the retirement board, except that: A member who ceases to be an employee after having completed at least five years of service shall remain a member during the period of his absence from employment for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty, however such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age fifty-five which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty: *Provided*, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this subsection shall not apply. [1973 1st ex.s. c 180 § 5; 1969 c 12 § 7; 1965 c 8 § 43.43.280. Prior: 1961 c 93 § 3; 1951 c 140 § 7; 1947 c 250 § 17; Rem. Supp. 1947 § 6363-97.]

Construction—1969 c 12: See note to RCW 43.43.120.

43.43.290 Status in case of disablement. Should a member become permanently and totally disabled, as a direct and proximate result of injury received in the course of employment he shall receive benefits under RCW 43.43.040 and during such period will be a non-active member. If any nonactive member returns to active duty with the Washington state patrol, he shall be eligible to become an active member by paying into the retirement fund all contributions accumulated during the period of his disability. [1965 c 8 § 43.43.290. Prior: 1947 c 250 § 18; Rem. Supp. 1947 § 6362-98.]

43.43.300 Contributions by members—State contributions remain in fund if member leaves patrol. Beginning on July 1, 1963, every Washington state patrol employee who is a member of the retirement fund shall contribute seven percent of his monthly salary, which shall be deducted from the compensation of each member on each and every payroll.

In event a member severs his connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund. [1965 c 8 § 43.43.300. Prior: 1963 c 175 § 4; 1961 c 93 § 4; 1955 c 244 § 3; 1951 c 140 § 9; 1947 c 250 § 19; Rem. Supp. 1947 § 6362-99.]

43.43.310 Benefits exempt from taxation and legal process. The right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided. [1965 c 8 § 43.43.310. Prior: 1951 c 140 § 8; 1947 c 250 § 20; Rem. Supp. 1947 § 6362-100.]

43.43.320 Penalty for falsification. Any person who knowingly makes any false statement or falsifies or permits to be falsified any record or records of the Washington state patrol retirement fund in any attempt to defraud such fund shall be guilty of a gross misdemeanor. [1965 c 8 § 43.43.320. Prior: 1947 c 250 § 21; Rem. Supp. 1947 § 6362-101.]

43.43.330 Examinations for promotion. Appropriate examinations shall be conducted for the promotion of commissioned patrol officers to the rank of sergeant and lieutenant. The examinations shall be prepared and conducted under the supervision of the chief of the Washington state patrol, who shall cause at least thirty days written notice thereof to be given to all patrol officers eligible for such examinations. Examinations shall be given once every three years, or whenever the eligible list becomes exhausted as the case may be. After the giving of each such examination a new eligible list shall be compiled replacing any existing eligible list for such rank. Only grades attained in the last examination given for a particular rank shall be used in compiling each eligible list therefor. The chief, or in his discretion a committee of three individuals appointed by him, shall prepare and conduct the examinations, and thereafter grade and evaluate them in accordance with the following provisions, or factors: For promotion to the rank of lieutenant; (1) Service rating forty percent; (2) written examination thirty percent; (3) oral examination and interview twenty percent; (4) personnel record ten percent: For promotion to the rank of sergeant; (1) Service rating fifty percent; (2) written examination fifty percent. [1969 ex.s. c 20 § 1; 1965 c 8 § 43.43.330. Prior: 1959 c 115 § 1; 1949 c 192 § 2; Rem. Supp. 1949 § 6362-61a.]

43.43.340 Eligible list, and promotions therefrom. The names of all officers who have passed examinations satisfactorily shall be placed on an eligible list in the order of the grade attained in the examinations. The chief, or the committee mentioned in RCW 43.43.330 at his request, may determine the lowest examination grade which will qualify an officer for inclusion of his name on an eligible list. Examination papers shall be graded promptly and an eligible list shall be made up immediately thereafter. All officers taking an examination shall be informed of the grade earned.

After an eligible list is made up all promotions shall be made from the three top names on the applicable list, and each officer shall be informed in writing as his name is included in the top three on an eligible list. No officer whose name appears within the top three on any eligible list shall be passed over for promotion more than three times.

After having qualified for promotion hereunder an officer must pass a medical examination and must be certified as to physical fitness to perform the duties of the advanced position by one of three doctors designated by the chief of the Washington state patrol. [1965 c 8 § 43.43.340. Prior: 1949 c 192 § 3; Rem. Supp. 1949 § 6362-61b.]

43.43.350 Determination of eligibility for examination or promotion. Eligibility for examination or promotion shall be determined as follows:

Patrol officers with one year of probationary experience, in addition to three years experience as a regular patrolman, shall be eligible for examination for the rank of sergeant; patrol officers with one year of probationary experience in the rank of sergeant, in addition to two years as a regular sergeant, shall be eligible for examination for the rank of lieutenant. [1969 ex.s. c 20 § 2; 1965 c 8 § 43.43.350. Prior: 1949 c 192 § 4, part; Rem. Supp. 1949 § 6362-61c, part.]

43.43.360 Probationary period. All newly appointed or promoted officers shall serve a probationary period of one year after appointment or promotion, whereupon their probationary status shall terminate, and they shall acquire regular status in the particular grade, unless given notice in writing to the contrary by the chief prior to the expiration of the probationary period.

During his one year probationary period any newly appointed officer may be removed, or any officer promoted through examinations may be demoted to his previous rank by the chief without charges being preferred and without benefit of a hearing, as might otherwise be required under this chapter. [1965 c 8 § 43.43.360. Prior: 1949 c 192 § 4, part; Rem. Supp. 1949 § 6362-61c, part.]

43.43.370 Staff or technical officers. The chief of the Washington state patrol may appoint such staff or technical officers as he deems necessary for the efficient operation of the patrol, and he may assign whatever rank he deems necessary to such staff or technical officers for the duration of their service as such.

Staff or technical officers may be returned to their line rank or position whenever the chief so desires. Staff or technical officers without line command assignment and whose duties are of a special or technical nature shall hold their staff or technical rank on a continuing probationary basis; however, such staff or technical officers, if otherwise eligible, shall not be prevented from taking the line promotion examinations, and qualifying for promotion whenever the examinations may be held.

If a staff or technical officer returns to line operations he shall return in the rank that he holds in the line command, unless promoted to a higher rank through examination and appointment as herein provided: *Provided*, Nothing contained herein shall be construed as giving the chief the right to demote or to reduce the rank of any officer of the patrol who was holding such office on April 1, 1949. [1965 c 8 § 43.43.370. Prior: 1949 c 192 § 5; Rem. Supp. 1949 § 6362-61d.]

43.43.380 Minimum salaries. The minimum monthly salary paid to state patrol officers shall be as follows: Officers, three hundred dollars; staff or technical sergeants, three hundred twenty-five dollars; line sergeants, three hundred fifty dollars; lieutenants, three hundred seventy-five dollars; captains, four hundred twenty-five dollars. [1965 c 8 § 43.43.380. Prior: 1949 c 192 § 6; Rem. Supp. 1949 § 6362-61e.]

43.43.500 Crime information center—Established—Purpose—Functions. There is established the Washington state crime information center to be located in the records division of the Washington state patrol and to function under the direction of the chief of the Washington state patrol. The center shall serve to coordinate crime information, by means of data processing, for all law enforcement agencies in the state. It shall make such use of the facilities of the law enforcement teletype system as is practical. It shall provide access to the national crime information center, to motor vehicle and driver license information and to such other public records as may be accessed by data processing and which are pertinent to law enforcement. [1967 ex.s. c 27 § 1.]

43.43.510 Crime information center—Files listing stolen vehicles, outstanding warrants, etc., to be established. As soon as is practical and feasible there shall be established, by means of data processing, files listing stolen and wanted vehicles, outstanding warrants, identifiable stolen property and such other files as may be of general assistance to law enforcement agencies. [1967 ex.s. c 27 § 2.]

43.43.530 Crime information center—Cost of terminal facilities. The cost of additional terminal facilities necessary to gain access to the Washington state crime information center shall be borne by the respective agencies operating the terminal facilities. [1967 ex.s. c 27 § 4.]

43.43.600 Drug control assistance unit—Created. There is hereby created in the Washington state patrol a drug control assistance unit. [1970 ex.s. c 63 § 1.]

43.43.610 Drug control assistance unit—Duties. The drug control assistance unit shall:

(1) Provide investigative assistance for the purpose of enforcement of the provisions of chapters 69.32 and 69.40 RCW.

(2) Provide laboratory services for the purpose of analyzing and scientifically handling any physical evidence relating to any crime.

(3) Provide training assistance for local law enforcement personnel. [1970 ex.s. c 63 § 2.]

43.43.620 Drug control assistance unit—Additional duties—Information system on violations—Inter-unit communications network. The drug control assistance unit shall:

(1) Establish a record system to coordinate with all law enforcement agencies in the state a comprehensive system of information concerning violations of the narcotic and drug laws.

(2) Provide a communications network capable of interconnecting all offices and investigators of the unit. [1970 ex.s. c 63 § 3.]

43.43.630 Drug control assistance unit—Use of existing facilities and systems. In order to maximize the efficiency and effectiveness of state resources, the drug

control assistance unit shall, where feasible, use existing facilities and systems. [1970 ex.s. c 63 § 4.]

43.43.640 Drug control assistance unit—Certain investigators exempt from state civil service act. Any investigators employed pursuant to RCW 43.43.610(1) shall be exempt from the state civil service act, chapter 41.06 RCW. [1970 ex.s. c 63 § 5.]

43.43.650 Drug control assistance unit—Employment of necessary personnel. The chief of the Washington state patrol may employ such criminalists, chemists, clerical and other personnel as are necessary for the conduct of the affairs of the drug control assistance unit. [1970 ex.s. c 63 § 6.]

43.43.700 Identification section—Established—Powers and duties generally. There is hereby established within the Washington state patrol a section on identification hereafter referred to as the section.

In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received in convenient form for consultation and comparison.

The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information concerning persons arrested for or convicted of crimes under the laws of another state or government. [1972 ex.s. c 152 § 1.]

43.43.705 Receipt of data—Furnishing of information—Procedure—Definitions—Appeals. Upon the receipt of identification data from criminal justice agencies within this state, the section shall immediately cause the files to be examined and upon request shall promptly return to the contributor of such data a transcript of the record of previous arrests and dispositions of the persons described in the data submitted.

Upon application, the section shall furnish to criminal justice agencies a transcript of the criminal offender record information available pertaining to any person of whom the section has a record.

For the purposes of RCW 43.43.700 through 43.43.800 the following words and phrases shall have the following meanings:

"Criminal offender record information" includes, and shall be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. "Criminal offender record information" shall not include intelligence, analytical, or investigative reports and files.

"Criminal justice agencies" are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension,

prosecution, adjudication or rehabilitation of criminal offenders.

Applications for information shall be by a data communications network used exclusively by criminal justice agencies or in writing and information applied for shall be used solely in the due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3).

Any person who, in violation of *this 1972 act, furnishes to any person or other agency information obtained from the section shall be civilly liable, as provided in RCW 72.50.170.

The section may refuse to furnish any information pertaining to the identification or history of any person or persons of whom it has a record, or other information in its files and records, to any applicant if the chief determines that the applicant has previously misused information furnished to such applicant by the section or the chief believes that the applicant will not use the information requested solely for the purpose of due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3). The applicant may appeal such determination and denial of information to the advisory council created in RCW 43.43.785 and the council may direct that the section furnish such information to the applicant. [1972 ex.s. c 152 § 2.]

Reviser's note: (1) RCW 72.50.170 referred to in the above section was repealed by 1972 ex.s. c 152 § 24.

(2) "this 1972 act" or "this act" [1972 ex.s. c 152] consists of RCW 43.43.700-43.43.820, 43.43.910, and to the repeal of RCW 43.43.520, 43.43.660, 43.89.020, and 72.50.120-72.50.170.

43.43.710 Availability of information. Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies, upon the filing of an application as provided in RCW 43.43.705.

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it. [1972 ex.s. c 152 § 3.]

43.43.715 Cooperation with other criminal justice agencies. The section shall, consistent with the procedures set forth in *this 1972 act, cooperate with all other criminal justice agencies, within or without the state, in an exchange of information regarding convicted criminals and those suspected of or wanted for the commission of crimes, to the end that proper identification may rapidly be made and the ends of justice served. [1972 ex.s. c 152 § 4.]

***Reviser's note:** "this 1972 act" [1972 ex.s. c 152], see note following RCW 43.43.705.

43.43.720 Local identification and records systems—Assistance. At the request of any criminal justice agency within this state, the section may assist such agency in the establishment of local identification and records systems. [1972 ex.s. c 152 § 5.]

43.43.725 Records as evidence. Any copy of a criminal offender record, photograph, fingerprint, or other paper or document in the files of the section, certified by the chief or his designee to be a true and complete copy of the original or of information on file with the section, shall be admissible in evidence in any court of this state pursuant to the provisions of RCW 5.44.040. [1972 ex.s. c 152 § 6.]

43.43.730 Records—Destruction—Inspection—Requests for purge or modification—Appeals. (1) When any person, having no prior criminal record, whose fingerprints and/or other identifying data were submitted to and filed at the section, shall be found not guilty of the offense for which the fingerprints and/or other identifying data were sent to the section, or be released without a conviction being obtained, his fingerprints and/or other identifying data and all copies thereof on file at the section shall be destroyed by the section, provided such person requests said destruction after the finding of not guilty or after the release. The section shall, upon destruction of the record pursuant to this section, notify said person of the destruction.

(2) Any individual shall have the right to inspect criminal offender record information on file with the section which refers to him. If an individual believes such information to be inaccurate or incomplete, he may request the section to purge, modify or supplement it and to advise such persons or agencies who have received his record and whom the individual designates to modify it accordingly. Should the section decline to so act, or should the individual believe the section's decision to be otherwise unsatisfactory, the individual may appeal such decision to the superior court in the county in which he is resident, or the county from which the disputed record emanated or Thurston county. The court shall in such case conduct a de novo hearing, and may order such relief as it finds to be just and equitable.

(3) The section may prescribe reasonable hours and a place for inspection, and may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them: *Provided*, That the section may charge a reasonable fee for fingerprinting. [1972 ex.s. c 152 § 7.]

43.43.735 Photographing and fingerprinting—Powers and duties of law enforcement agencies—Other data. (1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state, to cause the photographing and fingerprinting of all persons lawfully arrested for the commission of any

criminal offense constituting a felony or gross misdemeanor: *Provided*, That an exception may be made when the arrest is for a violation punishable as a gross misdemeanor and the arrested person is not taken into custody.

(2) It shall be the right, but not the duty, of the sheriff or director of public safety of every county, and the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within this state to photograph and record the fingerprints of all persons lawfully arrested.

(3) Such sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may record, in addition to photographs and fingerprints, the palmprints, soleprints, toeprints, or any other identification data of all persons lawfully arrested for the commission of any criminal offense, when in the discretion of such law enforcement officers it is necessary for proper identification of the arrested person or the investigation of the crime with which he is charged. [1972 ex.s. c 152 § 8.]

43.43.740 Furnishing of data to section—Time limitation—Retention of data. Except as provided in RCW 43.43.755 relating to the fingerprinting of juveniles:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state to furnish within seventy-two hours from the time of arrest to the section the required sets of fingerprints together with other identifying data as may be prescribed by the chief, of any person lawfully arrested, fingerprinted, and photographed pursuant to RCW 43.43.735.

(2) Law enforcement agencies may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to RCW 43.43.735. Said records shall remain in the possession of the law enforcement agency as part of the identification record and are not returnable to the subjects thereof. [1972 ex.s. c 152 § 9.]

43.43.745 Convicted persons, fingerprinting required, records—Furloughs, information to section, notice to local agencies—Arrests, disposition information—Convicts, information to section, notice to local agencies. (1) It shall be the duty of the sheriff or director of public safety of every county, of the chief of police of each city or town, or of every chief officer of other law enforcement agencies operating within this state, to record the fingerprints of all persons held in or remanded to their custody when convicted of any crime as provided for in RCW 43.43.735 for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon arrest pursuant to RCW 43.43.735 and 43.43.740.

(2) Every time the secretary authorizes a furlough as provided for in RCW 72.66.012 the department of social and health services shall notify, forty-eight hours prior to the beginning of such furlough, the section that

the named prisoner has been granted a furlough, the place to which furloughed, and the dates and times during which the prisoner will be on furlough status. In the case of an emergency furlough the forty-eight hour time period shall not be required but notification shall be made as promptly as possible and before the prisoner is released on furlough. Upon receipt of furlough information pursuant to the provisions of this subsection the section shall notify the sheriff or director of public safety of the county to which the prisoner is being furloughed, the nearest attachment of the Washington state patrol in the county wherein the furloughed prisoner shall be residing and such other criminal justice agencies as the section may determine should be so notified.

(3) Disposition of the charge for which the arrest was made shall be reported to the section at whatever stage in the proceedings a final disposition occurs by the arresting law enforcement agency, county prosecutor, city attorney, or court having jurisdiction over the offense: *Provided*, That the chief shall promulgate rules pursuant to chapter 34.04 RCW to carry out the provisions of this subsection.

(4) Whenever a person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, is released on an order of the state board of prison terms and paroles, or is discharged from custody on expiration of sentence, the department of social and health services shall promptly notify the section that the named person has been released or discharged, the place to which such person has been released or discharged, and the conditions of his release or discharge, and shall additionally notify the section of change in residence or conditions of release or discharge of persons on active parole supervision, and shall notify the section when persons are discharged from active parole supervision.

No city, town, county, or local law enforcement authority or other agency thereof may require that a convicted felon entering, sojourning, visiting, in transit, or residing in such city, town, county, or local area report or make himself known as a convicted felon or make application for and/or carry on his person a felon identification card or other registration document. Nothing herein shall, however, be construed to prevent any local law enforcement authority from recording the residency and other information concerning any convicted felon or other person convicted of a criminal offense when such information is obtained from a source other than from such requirement which source may include any officer or other agency or subdivision of the state. [1973 c 20 § 1; 1972 ex.s. c 152 § 10.]

Construction—Prior rules and regulations—1973 c 20: See note following RCW 72.66.010.

43.43.750 Use of force to obtain identification information—Liability. In exercising their duties and authority under RCW 43.43.735 and 43.43.740, the sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may, consistent with constitutional and legal requirements, use such reasonable force as is necessary to compel an unwilling

person to submit to being photographed, or fingerprinted, or to submit to any other identification procedure, except interrogation, which will result in obtaining physical evidence serving to identify such person. No one having the custody of any person subject to the identification procedures provided for in **this act*, and no one acting in his aid or under his direction, and no one concerned in such publication as is provided for in RCW 43.43.740, shall incur any liability, civil or criminal, for anything lawfully done in the exercise of the provisions of **this act*. [1972 ex.s. c 152 § 11.]

***Reviser's note:** "this act" [1972 ex.s. c 152], see note following RCW 43.43.705.

43.43.755 Persons under age of eighteen years. (1) The recording of fingerprints, photographs and other identification data of any person under the age of eighteen shall be accomplished pursuant to Title 13 RCW as now or hereafter revised or supplemented.

(2) For the purpose of **this act*, any person eighteen years or older shall be considered an adult when charged with the commission of any criminal offense, and his records shall not be subject to the restrictions in subsection (1) of this section. [1972 ex.s. c 152 § 12.]

***Reviser's note:** "this act" [1972 ex.s. c 152], see note following RCW 43.43.705.

43.43.760 Personal identification—Requests—Purpose—Applicants—Fee. (1) Whenever a resident of this state appears before any law enforcement agency and requests an impression of his fingerprints to be made, such agency may comply with his request and make the required copies of the impressions on forms marked "Personal Identification". The required copies shall be forwarded to the section and marked "for personal identification only".

(2) The section shall accept and file such fingerprints submitted voluntarily by such resident, for the purpose of securing a more certain and easy identification in case of death, injury, loss of memory, or other similar circumstances. Upon the request of such person, the section shall return his identification data.

(3) Whenever any person is an applicant for appointment to any position or is an applicant for employment or is an applicant for a license to be issued by any governmental agency, and the law or a regulation of such governmental agency requires that the applicant be of good moral character or not have been convicted of a crime, or is an applicant for appointment to or employment with a criminal justice agency, the applicant may request any law enforcement agency to make an impression of his fingerprints to be submitted to the section. The law enforcement agency may comply with such request and make copies of the impressions on forms marked "applicant", and submit such copies to the section.

The section shall accept such fingerprints and shall cause its files to be examined and shall promptly send to the appointing authority, employer, or licensing authority indicated on the form of application, a transcript of the record of previous crimes committed by the person described on the data submitted, or if there

is no record of his commission of any crimes, a statement to that effect.

Any law enforcement agency may charge a fee not to exceed five dollars for the purpose of taking fingerprint impressions or searching its files of identification for noncriminal purposes. [1972 ex.s. c 152 § 13.]

43.43.765 Reports of transfer, release or changes as to committed or imprisoned persons—Records. The principal officers of the jails, correctional institutions, state mental institutions and all places of detention to which a person is committed under chapter 10.76 RCW or chapter 71.06 RCW for treatment or under a sentence of imprisonment for any crime as provided for in RCW 43.43.735 shall within seventy-two hours, report to the section, any interinstitutional transfer, release or change of release status of any person held in custody pursuant to the rules promulgated by the chief.

The principal officers of all state mental institutions to which a person has been committed under chapter 10.76 RCW or chapter 71.06 RCW shall keep a record of the photographs, description, fingerprints, and other identification data as may be obtainable from the appropriate criminal justice agency. [1972 ex.s. c 152 § 14.]

Reviser's note: RCW 10.76.010–10.76.080 were repealed by 1973 1st ex.s. c 117 § 29; RCW 10.76.090 was repealed by 1965 ex.s. c 9 § 7. For later enactment see chapter 10.77 RCW (1973 1st ex.s. c 117).

43.43.770 Unidentified deceased persons. It shall be the duty of the sheriff or director of public safety of every county, or the chief of police of every city or town, or the chief officer of other law enforcement agencies operating within this state, coroners or medical examiners, to record whenever possible the fingerprints and such other identification data as may be useful to establish identity, of all unidentified dead bodies found within their respective jurisdictions, and to furnish to the section all data so obtained. The section shall search its files and otherwise make a reasonable effort to determine the identity of the deceased and notify the contributing agency of the finding.

In all cases where there is found to exist a criminal record for the deceased, the section shall notify the federal bureau of investigation and each criminal justice agency, within or outside the state in whose jurisdiction the decedent has been arrested, of the date and place of death of decedent. [1972 ex.s. c 152 § 15.]

43.43.775 Interagency contracts. The legislative authority of any county, city or town may authorize its sheriff, director of public safety or chief of police to enter into any contract with another public agency which is necessary to carry out the provisions of *this act. [1972 ex.s. c 152 § 16.]

***Reviser's note:** "this act" [1972 ex.s. c 152], see note following RCW 43.43.705.

43.43.780 Transfer of records, data, equipment to section. All fingerprint cards, photographs, file cabinets, equipment, and other records collected and filed by the

bureau of criminal identification, and now in the department of social and health services shall be transferred to the Washington state patrol for use by the section on identification created by *this act. [1972 ex.s. c 152 § 17.]

***Reviser's note:** "this act" [1972 ex.s. c 152], see note following RCW 43.43.705.

43.43.785 Criminal justice services—Consolidation—Establishment of program. The legislature finds that there is a need for the Washington state patrol to establish a program which will consolidate existing programs of criminal justice services within its jurisdiction so that such services may be more effectively utilized by the criminal justice agencies of this state. The chief, with the advice of the state advisory council on criminal justice services created in RCW 43.43.790, shall establish such a program which shall include but not be limited to the identification section, all auxiliary systems including the Washington crime information center and the teletypewriter communications network, the drug control assistance unit, and any other services the chief deems necessary which are not directly related to traffic control. [1972 ex.s. c 152 § 18.]

43.43.790 Criminal justice services—Advisory council—Created—Membership—Terms—Vacancies. There is hereby created the Washington state advisory council on criminal justice services. The advisory council shall consist of eleven members, nine to be appointed by the governor. The chief of the Washington state patrol shall be a member and shall act as chairman and the secretary of the department of social and health services or his designee shall be an ex officio member.

The members of the initial council shall be appointed within thirty days of the effective date of this act. Of the members of the initial council, three shall be appointed for terms ending June 30, 1976, three shall be appointed for terms ending June 30, 1975 and three shall be appointed for terms ending June 30, 1973. Thereafter, each member of the council shall be appointed for a term of four years. Vacancies shall be filled within ninety days for the remainder of the unexpired term by appointment of the governor in the same manner as the original appointments. Each member of the council shall continue in office until his successor is appointed. [1972 ex.s. c 152 § 19.]

Reviser's note: The effective date of 1972 ex.s. c 152 was February 25, 1972.

43.43.795 Criminal justice services—Advisory council—Meetings. The council shall meet not less than quarterly at a date and place of its choice, and at such other times as shall be designated by the chairman or upon the written request of a majority of the council. [1972 ex.s. c 152 § 20.]

43.43.800 Criminal justice services—Advisory council—Duties—Technical advisory committees. The advisory council shall review the provisions of

RCW 43.43.700 through 43.43.785 and the administration thereof and shall consult with and advise the chief of the state patrol on matters pertaining to the policies of criminal justice services program.

The council shall appoint technical advisory committees comprised of members of criminal justice agencies having demonstrated technical expertise in the various fields of specialty within the program. [1972 ex.s. c 152 § 21.]

43.43.810 Obtaining information by false pretenses—Unauthorized use of information—Falsifying records—Penalty. Any person who wilfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who wilfully communicates or seeks to communicate criminal offender record information to any agency or person except in accordance with *this act, or any member, officer, employee or agent of the section, the council or any participating agency, who wilfully falsifies criminal offender record information, or any records relating thereto, shall for each such offense be fined not more than five thousand dollars, or imprisoned not more than one year or both. [1972 ex.s. c 152 § 23.]

*Reviser's note: "this act" [1972 ex.s. c 152], see note following RCW 43.43.705.

43.43.820 Stale records. Stale records shall be destroyed in a manner to be prescribed by the chief. [1972 ex.s. c 152 § 25.]

43.43.850 Crime intelligence unit—Created. There is hereby created in the Washington state patrol an organized crime intelligence unit which shall be under the direction of the chief of the Washington state patrol. [1973 1st ex.s. c 202 § 1.]

43.43.852 "Organized crime" defined. For the purposes of RCW 43.43.850 through 43.43.864 "organized crime" means those activities which are conducted and carried on by members of an organized, disciplined association, engaged in supplying illegal goods and services and/or engaged in criminal activities in contravention of the laws of this state or of the United States. [1973 1st ex.s. c 202 § 2.]

43.43.854 Powers and duties of crime intelligence unit. The organized crime intelligence unit shall collect, evaluate, collate, and analyze data and specific investigative information concerning the existence, structure, activities and operations of organized crime and the participants involved therein; coordinate such intelligence data into a centralized system of intelligence information; furnish and exchange pertinent intelligence data with law enforcement agencies and prosecutors with such security and confidentiality as the chief of the Washington state patrol may determine; develop intelligence data concerning the infiltration of organized crime into legitimate businesses within the state of Washington and furnish pertinent intelligence information thereon to law enforcement agencies and prosecutors in affected jurisdictions; and may assist law

enforcement agencies and prosecutors in developing evidence for purposes of criminal prosecution of organized crime activities upon request. [1973 1st ex.s. c 202 § 3.]

43.43.856 Divulging investigative information prohibited—Confidentiality—Security of records and files.

(1) On and after April 26, 1973 it shall be unlawful for any person to divulge specific investigative information pertaining to activities related to organized crime which he has obtained by reason of public employment with the state of Washington or its political subdivisions unless such person is authorized or required to do so by operation of state or federal law. Any person violating this subsection shall be guilty of a felony.

(2) Except as provided in RCW 43.43.854, or pursuant to the rules of the supreme court of Washington, all of the information and data collected and processed by the organized crime intelligence unit shall be confidential and not subject to examination or publication pursuant to chapter 42.17 RCW (Initiative Measure No. 276).

(3) The chief of the Washington state patrol shall prescribe such standards and procedures relating to the security of the records and files of the organized crime intelligence unit, as he deems to be in the public interest with the advice of the governor and the board. [1973 1st ex.s. c 202 § 4.]

43.43.858 Organized crime intelligence advisory board—Created—Membership—Meetings—Per diem. There is hereby created the organized crime intelligence advisory board of the legislature of the state of Washington. The board shall consist of eight members.

The lieutenant governor shall appoint four members of the senate to the board. Two members shall be from the senate ways and means committee. Two members shall be from the senate judiciary committee. The appointments shall include one member of each major political party represented on each committee.

The speaker of the house shall appoint four members of the house to the board. Two members shall be from the house ways and means committee. Two members shall be from the house judiciary committee. The appointments shall include one member of each major political party represented on each committee.

The members of the board shall be qualified on the basis of knowledge and experience in matters relating to crime prevention and security or with such other abilities as may be expected to contribute to the effective performance of the board's duties. The members of the board shall meet with the chief of the Washington state patrol at least twice a year to perform the duties enumerated in RCW 43.43.862 and to discuss any other matters related to organized crime. Members shall receive twenty-five dollars per diem for each day or major portion thereof plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended. [1973 1st ex.s. c 202 § 5.]

43.43.860 Organized crime intelligence advisory board—Terms of members. The term of each member shall be two years and shall be conditioned upon such member retaining membership on the committee on which he was serving at the time of appointment and retaining membership in the same political party of which he was a member at the time of appointment. [1973 1st ex.s. c 202 § 6.]

43.43.862 Organized crime intelligence advisory board—Powers and duties. The board shall:

(1) Advise the governor on the objectives, conduct, management, and coordination of the various activities encompassing the overall state-wide organized crime intelligence effort;

(2) Conduct a continuing review and assessment of organized crime and related activities in which the organized crime intelligence unit of the Washington state patrol is engaged;

(3) Receive, consider and take appropriate action with respect to matters related to the board by the organized crime intelligence unit of the Washington state patrol in which the support of the board will further the effectiveness of the state-wide organized crime intelligence effort; and

(4) Report to the governor concerning the board's findings and appraisals, and make appropriate recommendations for actions to achieve increased effectiveness of the state's organized crime intelligence effort in meeting state and national organized crime intelligence needs. [1973 1st ex.s. c 202 § 7.]

43.43.864 Information to be furnished board—Security—Confidentiality. In order to facilitate performance of the board's functions, the chief of the Washington state patrol shall make available to the board all information with respect to organized crime and related matters which the board may require for the purpose of carrying out its responsibilities to the governor in accordance with the provisions of RCW 43.43.850 through 43.43.864. Such information made available to the board shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and regulations and shall not be revealed or divulged publicly or privately by members of the board. [1973 1st ex.s. c 202 § 8.]

43.43.900 Severability—1969 c 12. If any provision of this chapter or its application to any person or circumstance is held invalid the remainder of the chapter, or its application of the provision to any other person or circumstances is not affected. [1969 c 12 § 9.]

43.43.910 Severability—1972 ex.s. c 152. If any provision of this 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. [1972 ex.s. c 152 § 22.]

43.43.911 Severability—1973 1st ex.s. c 202. If any provision of this 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. [1973 1st ex.s. c 202 § 9.]

Chapter 43.46 ARTS COMMISSION

Sections

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43.46.090	Commission as reflecting state's responsibility—Acquisition of works of art for use in public buildings.

43.46.010 Declaration of purpose. It is hereby declared that the preservation and development of beauty is essential to the progress and growth of the state of Washington. The growth and development of the arts provides for the general welfare and is hereby declared to be an appropriate matter of concern to the government of the state of Washington. This growth and development has enabled the state of Washington, although comparatively young in years, to produce many artists and writers of national and international fame. [1965 c 8 § 43.46.010. Prior: 1961 c 301 § 1.]

43.46.020 Commission established—Composition. There is hereby established a Washington state arts commission. The commission shall be composed of twenty-one members appointed by the governor. Two members shall be members of the legislature, one to be appointed from the senate and one to be appointed from the house of representatives. The legislative members so appointed shall be from opposite major political parties. The remaining members shall be appointed representing the various categories of the arts including architecture, painting, sculpture, music, landscape architecture, crafts, literature, graphic arts, theatre arts and dance. The governor shall consider nominations for membership from architectural, art, music, literary and other cultural organizations. Members shall be selected where practicable from the various geographical areas of the state. [1967 ex.s. c 125 § 3; 1965 c 8 § 43.46.020. Prior: 1961 c 301 § 2.]

43.46.030 Terms—Vacancies. Initial appointments shall be seven members for one year terms, seven members for two year terms and seven members for three year terms. The office of a legislative member shall become vacant whenever he ceases to be a member of the senate or house of representatives from which he was appointed. Subsequent appointments shall be for three year terms except appointments for vacancies which shall be for unexpired terms. [1967 ex.s. c 125 § 4; 1965 c 8 § 43.46.030. Prior: 1961 c 301 § 4.]

43.46.040 Compensation—Organization—Officers—Rules—Quorum. Members of the commission shall serve without compensation. The commission shall organize, elect a chairman annually, and adopt its own rules and regulations. A majority of its members shall constitute a quorum. [1965 c 8 § 43.46.040. Prior: 1961 c 301 § 4.]

43.46.045 Executive secretary—Employees. The commission may select and employ a full time executive secretary, who shall receive no other salary and shall not be otherwise gainfully employed. Subject to the provisions of chapter 41.06 RCW, the commission may also employ such clerical and other assistants as may be reasonably required to carry out its functions and shall fix their compensation. [1967 ex.s. c 125 § 2.]

43.46.050 Powers and duties generally. The commission shall meet, study, plan, and advise the governor, the various departments of the state and the state legislature and shall make such recommendations as it deems proper for the beautification and cultural development of the state of Washington. [1965 c 8 § 43.46.050. Prior: 1961 c 301 § 5.]

43.46.055 Development of arts and humanities. The commission may develop, promote and administer any activity, project, or program within or without this state which is related to the growth and development of the arts and humanities in the state of Washington and may cooperate with any person or public or private agency to this end. [1967 ex.s. c 125 § 1.]

43.46.060 Gifts and grants. The commission may accept gifts and grants upon such terms as the commission shall deem proper. [1965 c 8 § 43.46.060. Prior: 1961 c 301 § 6.]

43.46.070 Annual reports. The commission shall make an annual report of its proceedings and recommendations to the governor. [1965 c 8 § 43.46.070. Prior: 1961 c 301 § 7.]

43.46.080 Designation of poet laureate authorized. The commission shall have the authority to designate a poet laureate for the state of Washington. [1965 c 8 § 43.46.080. Prior: 1961 c 301 § 9.]

43.46.090 Commission as reflecting state's responsibility—Acquisition of works of art for use in public buildings. The legislature recognizes this state's responsibility to foster culture and the arts and its interest in the viable development of her artists and craftsmen by the establishment of the Washington state arts commission. The legislature declares it to be a policy of this state that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art to be used for public buildings. [1974 1st ex.s. c 176 § 1.]

Agencies to expend moneys for acquisition of works of art—Conditions: RCW 43.17.200.

Colleges and universities, purchases of works of art—Procedure: RCW 28B.10.025.

Purchase of works of art—Procedure: RCW 43.19.455.

School districts, purchases of works of art—Procedure: RCW 28A.58.055.

Chapter 43.49 COLUMBIA BASIN COMMISSION

Sections

43.49.010	Commission created—Composition.
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Reviser's note: The Columbia basin commission was abolished by 1967 c 242 § 20 [RCW 43.27A.180] and its powers, duties, and functions were transferred to the department of water resources by 1967 c 242 § 8 [RCW 43.27A.080], which also authorized the creation of a Columbia basin division in that department. The department of water resources was abolished by 1970 ex.s. c 62 § 26 [RCW 43.21A.300] and its powers, duties, and functions were transferred to the department of ecology by 1970 ex.s. c 62 § 6 [RCW 43.21A.060].

Reclamation district commission, membership: RCW 89.30.055.

43.49.010 Commission created—Composition. There shall be a nonsalaried commission to be known as the Columbia Basin commission, which shall consist of seven members, namely: One member designated by and from among the directors of the Quincy–Columbia Basin irrigation district, one designated by and from among the directors of the East Columbia Basin irrigation district, one designated by and from among the directors of the South Columbia Basin irrigation district; three members appointed by the governor, and removable by him at his pleasure; and the director of conservation who shall be chairman of the commission.

Not later than the first day of February each year, each of the respective irrigation district boards shall select one of its members to serve on the Columbia Basin commission for the ensuing year, and shall thereupon forthwith certify such selection to the governor. The term of any member designated by an irrigation district shall terminate when his successor has been certified to the governor or upon the expiration of his term as irrigation district director.

Each member of the commission, except the director of conservation shall receive fifteen dollars per day and transportation while actually engaged in the performance of his duties within the state. [1965 c 8 § 43.49.010. Prior: 1943 c 283 § 1; 1933 c 81 § 1; RRS § 3017–1.]

43.49.020 Commission divided into sections. The commission shall be divided into two groups known as the reclamation section and the resources section which shall function jointly and separately as hereinafter provided.

The membership of the reclamation section shall consist of the three members representing the three Columbia Basin irrigation districts and the director of conservation, who shall be chairman of the section.

The membership of the resources section shall consist of the three members appointed by the governor and

the director of conservation, who shall be chairman of the section. [1965 c 8 § 43.49.020. Prior: 1943 c 283 § 2; RRS § 3017-1a.]

43.49.030 General powers—Quorum—Meetings. The Columbia Basin commission shall study and promote the development and utilization of the agricultural, water, power, mineral, timber, recreational, and other natural resources of the Columbia river basin, with special reference to those parts embracing the Columbia Basin irrigation project, Grand Coulee power project, and tributary areas. A majority of the commission shall constitute a quorum. The commission shall meet at the call of the chairman, and in no event less than twice a year. [1965 c 8 § 43.49.030. Prior: 1943 c 283 § 3; 1935 c 132 § 1; 1933 c 81 § 2; RRS § 3017-2.]

43.49.040 Powers of reclamation section. The reclamation section of the Columbia Basin commission shall advise and assist the board of directors of the Columbia Basin irrigation districts in matters relating to the construction and development of the Columbia Basin irrigation project by the federal government to the end that full benefits may be realized at the earliest feasible time to the nation, state, and region.

None of the powers and duties of the commission shall be construed to interfere or conflict with or supersede the powers and duties of the boards of directors of said districts, but in order to effectively advise and assist the districts, landowners, and settlers, the reclamation section shall:

(1) Formulate and promote the passage of state and national legislation prescribing the basis for repayment contracts between the federal government and the irrigation districts, for appraisal of lands and the disposition of excess land holdings, and for the selection of settlers and the settlement and development of project lands;

(2) Review studies heretofore made and undertake studies of its own in order to determine the amount of irrigation construction costs which can be safely assumed and repaid by the project farmers under the terms of the national reclamation act; aid in securing a sufficient allocation of power revenues from the Coulee Dam power development to cover any portion of construction costs which cannot be safely assumed and repaid by the project farmers, and aid the irrigation districts in securing repayment contracts that are safe and equitable to both contracting parties;

(3) Give broad study to the relative merits of the various plans for delivery and distribution of irrigation water to the several portions of the project area, and suggest and advocate the adoption of that plan which appears to most adequately satisfy future and present requirements;

(4) At proper and opportune times urge upon congress the appropriation of funds for commencement of construction of the irrigation project and for its progressive prosecution at rates commensurate with the rate of settlement and development of the project lands;

(5) Study methods and plans for settlement and development of the project lands and actively cooperate

with and render aid to federal and other agencies engaged therein;

(6) Engage in a general educational program to gain general recognition of the benefits which will accrue from the project to the state and nation through creation of new wealth, and provide data and information for members of congress, any committee thereof, and for federal officials as an aid in securing needed legislation, contracts, and timely appropriations for the project; and the reclamation section shall be charged with responsibility for studying and obtaining state-wide and national recognition of the potentialities of this project for immediate postwar employment;

(7) Study and further the establishment of such industrial enterprises within or adjacent to the project as will utilize electric energy developed at Coulee Dam and food and fiber crops grown upon the project; and the reclamation section may study and make recommendations with respect to any major matters or plans affecting the economic and social aspect of the project and its present and prospective inhabitants. [1965 c 8 § 43.49.040. Prior: 1943 c 283 § 4; RRS § 3017-2a.]

43.49.050 Powers of resources section. The resources section of the Columbia Basin commission shall study and promote the development of the hydroelectric resources of the Columbia river and further promote the discovery and use of all mineral, agricultural, and industrial resources of the Columbia river basin. [1965 c 8 § 43.49.050. Prior: 1943 c 283 § 5; RRS § 3017-2b.]

43.49.060 Secretary and employees—Out-of-state expenses. The Columbia Basin commission may employ secretaries and such other persons as may be necessary to carry out its functions, fix the compensation to be paid to such employees, and expend funds allocated under the provisions of law as may be necessary for such purposes.

Whenever the commission finds it necessary or desirable, in the interest of the attainment of any of its lawful objectives, to delegate its members, officers, or employees to temporary duties at points outside the state, such representatives, in addition to any other compensation provided for, may be reimbursed in full for actual and necessary traveling, lodging, and subsistence expenses incurred while so engaged. [1965 c 8 § 43.49.060. Prior: 1943 c 283 § 6; 1933 c 81 § 3; RRS § 3017-3.]

43.49.070 Cooperation of state departments—Reports—Hearings. The records and data of all state officials and departments shall be available to the commission and its sections, and all officers and departments are directed to cooperate with the commission and its sections.

The commission shall report to all regular and special sessions of the legislature and present statements in detail of all activities, expenditures, and developments, and may recommend such legislation as may be required to promote the construction and development of the project. The commission may hold hearings and subpoena and serve compulsory process to compel the

attendance of witnesses before it. [1965 c 8 § 43.49.070. Prior: 1943 c 283 § 7; 1933 c 81 § 4; RRS § 3017-4.]

Chapter 43.51

PARKS AND RECREATION COMMISSION

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43.51.010 Definitions. For purposes of this chapter, "recreation" means those activities of a voluntary and leisure time nature which aid in promoting entertainment, pleasure, play, relaxation, or instruction.

"Commission" means state parks and recreation commission. [1965 c 8 § 43.51.010. Prior: 1947 c 271 § 2; RRS § 10768-1.]

43.51.020 Commission created—Composition—Expenses and per diem. There is hereby created a "state parks and recreation commission" consisting of seven electors of the state. The members of the commission shall be appointed by the governor by and with the advice and consent of the senate and shall serve for a term of six years, expiring on December 31st of even-numbered years, and until their successors are appointed. In

case of a vacancy, the governor shall fill the vacancy for the unexpired term of the commissioner whose office has become vacant.

The commissioners incumbent as of August 11, 1969 shall serve as follows: Those commissioners whose terms expire December 31, 1970, shall serve until December 31, 1970; the elector appointed to succeed to the office, the term for which expired December 31, 1968, shall serve until December 31, 1974; the terms of three of the four remaining commissioners shall each expire on December 31, 1972.

To assure that no more than the terms of three members will expire simultaneously on December 31st in any one even-numbered year, the term of not more than one commissioner incumbent on August 11, 1969, as designated by the governor, who was either appointed or reappointed to serve until December 31, 1972, shall be increased by the governor by two years, and said term shall expire December 31, 1974.

In making the appointments to the commission, the governor shall choose electors who understand park and recreation needs and interests. No person shall serve if he holds any elective or full time appointive state, county, or municipal office. Members of the commission shall be entitled to be paid a per diem of twenty-five dollars for each day actually spent on duties pertaining to the commission, and in addition shall be allowed their expenses incurred while absent from their usual places of residence upon the same basis as expenses are payable to state officials and employees.

Payment of per diem and expenses, and all other expenses pertaining to the operation of the commission, shall be made upon vouchers certified to by such persons as shall be designated by the commission. [1969 ex.s. c 31 § 1; 1965 ex.s. c 132 § 1; 1965 c 8 § 43.51.020. Prior: 1947 c 271 § 1; 1945 c 36 § 1; 1921 c 7 § 10; RRS § 10768.]

43.51.030 Chairman—Meetings—Quorum. The commission shall elect one of its members as chairman. The commission may be convened at such times as the chairman deems necessary, and a majority shall constitute a quorum for the transaction of business. [1965 c 8 § 43.51.030. Prior: 1947 c 271 § 3; RRS § 10768-2.]

43.51.040 Powers and duties—Mandatory. The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt, promulgate, issue, and enforce rules and regulations pertaining to the use, care, and administration of state parks and parkways, which shall become effective ten days after adoption. The commission shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules and regulations as shall be prescribed.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than twenty years, and upon such conditions as shall be approved by the commission: *Provided*, That the commission may, by unanimous consent of its members grant such concessions for terms not to exceed forty years in state parks and parkways lying within the Columbia basin area in Douglas, Grant, Franklin, and Walla Walla counties and within Mount Spokane state park. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights of way for state highways. Option agreements executed under authority of this subdivision shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition for park and parkway purposes of any area not within the limits of any city, and in the care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control, or supervision the state shall participate pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Investigate and report to the governor on or before the first day of January next preceding the regular session of the legislature regarding any proposed park or parkway, and make recommendations respecting other regions in the state desirable for state park or parkway purposes. [1967 ex.s. c 90 § 1; 1965 c 8 § 43.51.040. Prior: 1959 c 317 § 1; 1955 c 391 § 1; 1929 c 148 § 1; 1923 c 157 § 1; 1921 c 149 § 2; RRS § 10942.]

Inspection of recreational devices: Chapter 70.88 RCW.

43.51.050 Additional powers and duties. The commission may: (1) Study and appraise parks and recreational needs of the state and assemble and disseminate information relative to parks and recreation;

(2) Make provisions for the publication and sale in state parks of recreational and historical literature; and

(3) Coordinate the parks and recreational functions of the various state departments, and cooperate with state and federal agencies in the promotion of parks and recreational opportunities. [1965 c 8 § 43.51.050. Prior: 1955 c 391 § 2; 1947 c 271 § 4; RRS § 10768-3.]

43.51.060 Further powers—Director of parks and recreation—Salaries. The commission may: (1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. All fees received by the commission shall be deposited with the state treasurer in the state general fund;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years; and

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040, and upon his recommendation, a supervisor of recreation, and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof;

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: *Provided*, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose. [1969 c 99 § 1; 1965 c 8 § 43.51.060. Prior:

1961 c 307 § 12; 1955 c 391 § 3; 1947 c 271 § 5; RRS § 10768-4.]

Effective date—1969 c 99: "This 1969 amendatory act shall take effect July 1, 1969." [1969 c 99 § 12.] This applies to RCW 43.51.060, 43.51.090, 43.51.210, 43.79.405, 46.16.060, 46.20.161, 46.20.181, 46.68-.030, 46.68.041, 46.68.050 and 46.68.060.

Interagency committee for outdoor recreation, director as member:
RCW 43.99.110.

43.51.061 Delegation of commission's powers and duties to director. Notwithstanding any other provisions of this chapter or of other laws relating to the commission, the commission may delegate to the director of parks and recreation such powers and duties of the commission as they may deem proper. [1969 ex.s. c 31 § 2.]

43.51.062 Lease of park lands for television stations. The state parks and recreation commission is hereby authorized to lease the use of such areas in Mount Spokane state park, Steptoe Butte state park, Kamiak Butte state park or any other state park for television stations as the commission may decide are suitable for that purpose: *Provided*, That this authority shall not extend to school lands or lands held by the state of Washington for educational purposes. [1965 c 8 § 43-.51.062. Prior: 1953 c 39 § 1.]

Validating—1953 c 39: "Any lease authorizing the use of any portion of Mount Spokane state park for a television station which the state parks and recreation commission has already made is hereby validated and confirmed, and the parties thereto are bound by the terms thereof." [1953 c 39 § 2.]

Construction—1953 c 39: "The authority conferred by this act is in addition to the powers and authority now conferred upon the state parks and recreation commission, and this act shall not be construed to repeal or limit, by implication or otherwise, any authority or power now conferred by law upon the state parks and recreation commission." [1953 c 39 § 3.] The two foregoing annotations apply to RCW 43.51.062.

43.51.063 Lease of park lands for television stations—Lease rental rates, terms—Attachment of antennae. The commission shall determine the fair market value for television station leases based upon independent appraisals and existing leases for television stations shall be extended at said fair market rental for at least one period of not more than twenty years: *Provided*, That the rates in said leases shall be renegotiated at five year intervals: *Provided further*, That said stations shall permit the attachment of antennae of publicly operated broadcast and microwave stations where electronically practical to combine the towers: *Provided further*, That notwithstanding any term to the contrary in any lease, this section shall not preclude the commission from prescribing new and reasonable lease terms relating to the modification, placement or design of facilities operated by or for a station, and any extension of a lease granted under this section shall be subject to this proviso: *Provided further*, That notwithstanding any other provision of law the director in his discretion may waive any requirement that any environmental impact statement or environmental assessment be submitted as to any lease negotiated and signed between January 1, 1974 and December 31, 1974. [1974 1st ex.s. c 151 § 1.]

43.51.070 Donations of land for park purposes. The commission may receive and accept donations of lands for state park purposes, and shall have the management and control of all lands so acquired. It may from time to time recommend to the legislature the acquisition of lands for park purposes by purchase or condemnation. [1965 c 8 § 43.51.070. Prior: 1913 c 113 § 2; RRS § 10940.]

43.51.080 Parks in island counties. Whenever any tract of land not exceeding one hundred acres in area considered as a whole regardless of ownership, situated in a county composed entirely of islands and bounded on two or more sides by an established state park, shall in the judgment of the commission be desirable for state park purposes, the commission may lease, purchase, or condemn said tract for park purposes and incorporate it within the adjoining established park: *Provided*, That nothing in this act [1925 ex.s. c 92] shall in any manner abridge the full effect of any existing powers heretofore granted to the state parks and recreation commission. [1965 c 8 § 43.51.080. Prior: 1925 ex.s. c 92 § 1; RRS § 10942-1.]

43.51.090 Bequests and donations of money. The commission may receive in trust any money donated or bequeathed to it, and carry out the terms of such donation or bequest, or, in the absence of such terms, expend the same as it may deem advisable for park or parkway purposes.

Money so received shall be deposited in the state general fund. [1969 c 99 § 2; 1965 c 8 § 43.51.090. Prior: 1923 c 157 § 2; 1921 c 149 § 3; RRS § 10943.]

43.51.100 Withdrawal of granted lands on public highways. Inasmuch as the value of land with standing timber is increasing and will continue to increase from year to year and no loss will be caused to the common school fund or other fund into which the proceeds of the sale of any land held by the state would be paid by postponing the sale thereof, the commissioner of public lands may, upon his own motion, and shall, when directed so to do by the state parks and recreation commission, withdraw from sale any land held by the state abutting on any public highway and certify to the commission that such land is withheld from sale pursuant to the terms of this section.

Such lands shall not be sold until directed by the legislature, and shall in the meantime be under the care, charge, control, and supervision of the commission. [1965 c 8 § 43.51.100. Prior: 1921 c 149 § 4; RRS § 10944.]

43.51.110 Withdrawal of other lands—Exchange for lands on highway. The commissioner of public lands may, upon his own motion, and shall, when directed so to do by the state parks and recreation commission, withdraw from sale any land held by the state and not acquired directly from the United States with reservations as to the manner of sale thereof and the purposes for which it may be sold, and certify to the commission

that such land is withheld from sale pursuant to the terms of this section.

All such land shall be under the care, charge, control, and supervision of the state parks and recreation commission, and after appraisal in such manner as the commission directs may be exchanged for land of equal value abutting upon a public highway, and to this end the chairman and secretary of the commission may execute deeds of conveyance in the name of the state. [1965 c 8 § 43.51.110. Prior: 1921 c 149 § 5; RRS § 10945.]

43.51.120 Dedication as parks and parkways. All state parks and parkways, subject to the provisions of this chapter are set apart and dedicated as public parks and parkways for the benefit and enjoyment of all the people of this state. [1965 c 8 § 43.51.120. Prior: 1921 c 149 § 6; RRS § 10946.]

43.51.130 Permits for improvement of parks. The state parks and recreation commission may grant permits to improvement clubs or voluntary associations, or committees representing such clubs or associations, to improve, without expense to the state, any state park or parkway, or any lands belonging to the state and withdrawn from sale under the provisions of this chapter. [1965 c 8 § 43.51.130. Prior: 1929 c 83 § 1; RRS § 10946-1.]

43.51.140 Application for permit. Any such club, association, or committee, desiring to obtain such permit, shall make application therefor in writing to the commission, describing the lands proposed to be improved and stating the nature of the proposed improvement, and the name and general purpose of the club or association, and the names and places of residence of its officers, and, in case the application is made by a committee, the names and places of residence of the members thereof.

Such application shall be accompanied by a certificate of a judge of the superior court of the county in which the lands are situated, to the effect that he is acquainted with the officers of the club or association, or the members of the committee, making the application, and that he knows them to be persons of good repute in the community in which they reside. [1965 c 8 § 43.51-140. Prior: 1929 c 83 § 2; RRS § 10946-2.]

43.51.150 Plans and specifications. If the state parks and recreation commission determines that the proposed improvement will be of benefit to the public, it shall require the applicant to submit detailed plans and specifications of the proposed improvement, which, as submitted, or as modified by the state parks commission, shall be incorporated in the permit when granted. [1965 c 8 § 43.51.150. Prior: 1929 c 83 § 3; RRS § 10946-3.]

43.51.160 Surety bond. Before any permit shall be granted, the applicant shall execute and file with the secretary of state a bond payable to the state, in such penal sum as the commission shall require, with good

and sufficient sureties to be approved by the commission, conditioned that the grantee of the permit will make the improvement in accordance with the plans and specifications contained in the permit, and will pay all cost of the improvement and the claims of all laborers and materialmen employed in making or furnishing material for such improvement, and, in case the improvement is made upon lands withdrawn from sale under the provisions of RCW 43.51.100, will pay into the state treasury to the credit of the fund to which the proceeds of the sale of such lands would belong, the appraised value of all merchantable timber and material on the land, destroyed, or used in making such improvement. [1965 c 8 § 43.51.160. Prior: 1929 c 83 § 4; RRS § 10946-4.]

43.51.170 Police powers vested in commission and employees. The members of the state parks and recreation commission and such of its employees as the commission may designate shall be vested with police powers to enforce the laws of this state. [1965 c 8 § 43.51.170. Prior: 1921 c 149 § 7; RRS § 10947.]

43.51.180 Penalties. Every person who:

(1) Cuts, breaks, injures, destroys, takes or removes any tree, shrub, timber, plant, or natural object in any park or parkway; or

(2) Kills, or pursues with intent to kill, any bird or animal in any park or parkway; or

(3) Takes any fish from the waters of any park or parkway, except in conformity with such general rules and regulations as the commission may prescribe; or

(4) Wilfully mutilates, injures, defaces, or destroys any guidepost, notice, tablet, fence, inclosure, or work for the protection or ornamentation of any park or parkway; or

(5) Lights any fire upon any park or parkway, except in such places as the commission has authorized, or wilfully or carelessly permits any fire which he has lighted or which is under his charge, to spread or extend to or burn any of the shrubbery, trees, timber, ornaments, or improvements upon any park or parkway, or leaves any campfire which he has lighted or which has been left in his charge, unattended by a competent person, without extinguishing it; or

(6) Places within any park or parkway or affixes to any object therein contained, without a written license from the commission, any word, character, or device designed to advertise any business, profession, article, thing, exhibition, matter, or event; or

(7) Violates any rule or regulation adopted, promulgated, or issued by the commission pursuant to the provisions of this chapter; shall be guilty of a misdemeanor. [1965 c 8 § 43.51.180. Prior: 1921 c 149 § 8; RRS § 10948.]

Depositing glass, debris, etc., on parks or beaches, penalty, removal: RCW 46.61.650.

43.51.210 Disposal of land not needed for park purposes. Whenever the state parks and recreation commission finds that any land under its control cannot

advantageously be used for park purposes, it is authorized to dispose of such land. If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission, and all conveyance documents shall be executed by the governor. Sealed bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least in three consecutive issues of a newspaper of general circulation in the county in which the land to be sold is located. If the commission feels that no bid received adequately reflects the fair value of the land to be sold, it may reject all bids, and may call for new bids. All proceeds derived from the sale of such park property shall be paid into the state general fund. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by the appraisals to the satisfaction of the commission: *Provided*, That no sale or exchange of state park lands shall be made without the unanimous consent of the commission. [1971 ex.s. c 246 § 1; 1969 c 99 § 3; 1965 c 8 § 43.51.210. Prior: 1953 c 64 § 1; 1947 c 261 § 1; RRS § 10951a.]

Exchange of lands to secure state park lands: RCW 79.08.108.

43.51.220 Small boat facilities for Puget Sound authorized. To encourage the development of the Puget Sound country as a recreational boating area, the commission is authorized to establish landing and other facilities for small pleasure boats at places on Puget Sound frequented by such boats and where the commission shall find such facilities will be of greatest advantage to the users of pleasure boats. The commission is authorized to acquire land or to make use of lands belonging to the state for such purposes, and to construct the necessary floats and other desirable structures and to make such further development of any area used in connection therewith as in the judgment of the commission is best calculated to facilitate the public enjoyment thereof. [1965 c 8 § 43.51.220. Prior: 1949 c 154 § 1; RRS § 10768-4d.]

43.51.230 Lease with option to purchase parental school facilities. The commission may execute leases with options to purchase and then subsequently purchase but not before July 1, 1961, the parental school facilities now or hereafter owned or operated by school districts. Leases with options to purchase shall include such terms and conditions as the commission deems reasonable and necessary to acquire the facilities. Notwithstanding any provisions of law to the contrary, the board of directors of each school district now or hereafter owning or operating parental school facilities may, without submission for approval to the voters of the school district, sell or execute leases with options to

purchase such parental school facilities. Leases with options to purchase shall include such terms and conditions as the board of directors deems reasonable and necessary to dispose of the facilities in a manner beneficial to the school district. The commission, if it enters into a lease with option to purchase parental school facilities, may exercise its option and purchase such parental school facilities; and a school district may, if it enters into a lease with an option to purchase parental school facilities, upon exercise of the option to purchase by the commission, sell such parental school facilities and such sale may be accomplished without first obtaining a vote of approval from the electorate of the school district. [1965 c 8 § 43.51.230. Prior: 1959 c 215 § 1.]

Parental schools—Leases, purchases—Powers of school districts: RCW 72.05.300.

43.51.240 Certain tidelands transferred to commission. The powers, functions, and duties heretofore exercised by the department of fisheries, or its director, respecting the management, control, and operation of the following enumerated tidelands, which are presently suitable for public recreational use, are hereby transferred to the parks and recreation commission which shall also have respecting such tidelands all the powers conferred by chapter 43.51 RCW, as now or hereafter amended, respecting parks and parkways:

Parcel No. 1. (Toandos Peninsula) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, and 3, section 5, lots 1, 2, and 3, section 4, and lot 1, section 3, all in township 25 north, range 1 west, W.M., with a frontage of 158.41 lineal chains, more or less.

Parcel No. 2. (Shine) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, 3 and that portion of lot 4 lying north of the south 8.35 chains thereof as measured along the government meander line, all in section 35, township 28 north, range 1 east, W.M., with a frontage of 76.70 lineal chains, more or less.

Subject to an easement for right of way for county road granted to Jefferson county December 8, 1941 under application No. 1731, records of department of public lands.

Parcel No. 3. (Mud Bay – Lopez Island) The tidelands of the second class, owned by the state of Washington situate in front of, adjacent to, or abutting upon lots 5, 6 and 7, section 18, lot 5, section 7 and lots 3, 4, and 5, section 8, all in township 34 north, range 1 west, W.M., with a frontage of 172.11 lineal chains, more or less.

Excepting, however, any tideland of the second class in front of said lot 3, section 8 conveyed through deeds issued April 14, 1909 pursuant to the provisions of chapter 24, Laws of 1895 under application No. 4985, records of department of public lands.

Parcel No. 4. (Spencer Spit) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 3, and 4, section 7, and lot 5, section 18 all in township 35 north,

range 1 west, W.M., with a frontage of 118.80 lineal chains, more or less.

Parcel No. 5. (Lilliwaup) The tidelands of the second class, owned by the state of Washington, lying easterly of the east line of vacated state oyster reserve plat No. 133 produced southerly and situate in front of, adjacent to or abutting upon lot 9, section 30, lot 8, section 19 and lot 5 and the south 20 acres of lot 4, section 20, all in township 23 north, range 3 west, W.M., with a frontage of 62.46 lineal chains, more or less. [1967 ex.s. c 96 § 1.]

Severability—1967 ex.s. c 96: "If any provision of this 1967 act, or its application to any person or circumstance is held invalid, the remainder of this 1967 act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 96 § 3.] This applies to RCW 43.51.240 and 43.51.250.

Certain tidelands reserved for recreational use: RCW 79.16.175.

43.51.250 Certain tidelands transferred to commission—Access to and from tidelands. The state parks and recreation commission may take appropriate action to provide public and private access, including roads and docks, to and from the tidelands described in RCW 43.51.240. [1967 ex.s. c 96 § 2.]

43.51.260 Acquisition of Wallace Falls property authorized. In addition to all other powers and duties provided by law, the state parks and recreation commission is hereby directed to acquire such real property upon which Wallace Falls on the Wallace River in Snohomish county is located together with such real property in the vicinity thereof as it deems necessary for park purposes.

The state parks and recreation commission shall acquire such property in any manner authorized by law for the acquisition of lands for park and parkway purposes. [1969 c 41 § 1; 1965 c 146 § 2 (uncodified).]

43.51.270 Purchase of withdrawn state trust lands—Authorized—Terms and conditions. (1) The board of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission, for park and outdoor recreation purposes, of the trust lands withdrawn as of August 9, 1971 pursuant to law for park purposes and included within the state parks listed in subsection (2) of this section: *Provided*, That the sale shall be by contract with a pay-off period of not less than ten years, a price of eleven million twenty-four thousand seven hundred forty dollars or the fair market value, whichever is higher, for the land value, and interest not to exceed six percent. All fees collected by the commission beginning in the 1973–1975 biennium shall be applied to the purchase price of the trust lands listed in subsection (2) of this section and any cost of collection pursuant to appropriations from the trust land purchase account created in RCW 43.51.280. The department of natural resources shall not receive any management fee pursuant to the sale. Timber on the trust lands which are the subject of this section shall continue to be under the management of the department of natural resources until such time as the legislature appropriates funds to the parks and recreation commission for purchase of

said timber. The legislature hereby requests that the governor include funds for the purchase of said timber in the 1973–1975 biennial budget. The state parks which include trust lands which shall be the subject of this sale pursuant to this section are:

- (2) (a) Penrose Point
- (b) Kopachuck
- (c) Long Beach
- (d) Leadbetter Point
- (e) Nason Creek
- (f) South Whidbey
- (g) Blake Island
- (h) Rockport
- (i) Mt. Pilchuck
- (j) Ginkgo
- (k) Lewis & Clark
- (l) Rainbow Falls
- (m) Bogachiel
- (n) Sequim Bay
- (o) Federation Forest
- (p) Moran
- (q) Camano Island
- (r) Beacon Rock
- (s) Bridle Trails
- (t) Chief Kamiakin (formerly Kamiak Butte)
- (u) Lake Wenatchee
- (v) Fields Springs
- (w) Sun Lakes
- (x) Scenic Beach. [1971 ex.s. c 210 § 1.]

Withdrawal of state trust lands for park and recreational purpose: RCW 79.08.1072–79.08.1078.

43.51.280 Purchase of withdrawn state trust lands—Trust land purchase account. There is hereby created the trust land purchase account in the state general fund. Any revenues accruing to this account shall be used exclusively for the purchase of a fee interest or such other interest in state trust lands presently used for park purposes as the state parks and recreation commission shall determine and to reimburse the state parks and recreation commission for the cost of collecting such fees beginning with the 1973–75 fiscal biennium. [1971 ex.s. c 210 § 2.]

YOUTH DEVELOPMENT AND CONSERVATION CORPS

43.51.500 Declaration of purpose. The purpose of RCW 43.51.500 through 43.51.570 is to provide: (1) The opportunity for healthful employment of youths in programs of conservation, developing, improving, and maintaining natural and artificial recreational areas for the welfare of the general public; (2) the opportunity for our youths to learn vocational and work skills, develop good work habits and a sense of responsibility and contribution to society, improvement in personal physical and moral well being, and an understanding and appreciation of nature. [1969 ex.s. c 96 § 1; 1965 c 8 § 43.51.500. Prior: 1961 c 215 § 1.]

43.51.510 Youth development and conservation division established—Supervisory personnel. There is hereby created and established a youth development and conservation division within the state parks and recreation commission (hereafter referred to as the "commission"). The commission shall appoint such supervisory personnel as necessary to carry out the purposes of RCW 43.51.500 through 43.51.570. [1965 c 8 § 43.51.510. Prior: 1961 c 215 § 2.]

43.51.520 Youth development and conservation committee. There is established a committee of advisors to be known as the youth development and conservation committee (hereinafter referred to as the "committee"). The committee shall be composed of nine members as follows: A member of the state parks and recreation commission, representatives of the: Department of commerce and economic development, state board of education, department of fisheries, department of game, employment security department, commissioner of public lands, department of water resources, and one member to be appointed by the governor. The members of the committee shall serve without compensation for their time and expenses in fulfilling their duties, except that public employees shall be eligible for their normal compensation as in the performance of regular duties. The committee shall name one of its members as chairman. The committee shall meet on call by the chairman, or as needed to review the operations of the program and recommend in general: The kind of work performed, the training and development provided the enrollers, the public lands designated as project areas, and improvements in the general program. [1969 ex.s. c 96 § 2; 1965 c 8 § 43.51.520. Prior: 1961 c 215 § 3.]

43.51.530 Composition of youth corps—Qualifications, conditions, period of enrollment, etc. Composition of the corps shall consist of youths who are citizens of the United States and residents of the state of Washington of good character and health, and who are not more than twenty-one years of age. In order to enroll, an individual must agree to comply with rules and regulations promulgated by the commission. The period of enrollment shall be for thirty, sixty or ninety days or for such shorter period as determined by the commission. If permitted by the commission an individual may reenroll, but his total enrollment shall not exceed forty weeks. Enrollment shall basically be allocated on a percentage basis to each of the forty-nine legislative districts on the basis of the ratio that the population of each district bears to the total population of the state of Washington, but the commission may also take into account problems of substantial unemployment in certain areas. [1969 ex.s. c 96 § 3; 1965 c 8 § 43.51.530. Prior: 1961 c 215 § 3.]

43.51.540 Compensation—Quarters—Hospital services, etc. (1) The base compensation shall be at the rate of twenty-five dollars per week, except that an additional five dollars per week may be paid on the basis of assigned leadership responsibilities or special skills.

(2) Enrollees shall be furnished quarters, subsistence, medical and hospital services, transportation, equipment, as the commission may deem necessary and appropriate for their needs. Such quarters, subsistence, and equipment may be furnished by any governmental or public agency. [1965 c 8 § 43.51.540. Prior: 1961 c 215 § 5.]

43.51.545 Compensation—Biweekly payment of compensation authorized. The compensation of enrollees of any program under RCW 43.51.500 through 43.51.570 may be paid biweekly. [1965 ex.s. c 48 § 3.]

43.51.550 Laws relating to hours, conditions of employment, civil service, etc., not applicable. Existing provisions of law with respect to hours of work, rate of compensation, sick leave, vacation, civil service and unemployment compensation shall not be applicable to enrollees or temporary employees working under the provisions of RCW 43.51.500 through 43.51.570. [1965 c 8 § 43.51.550. Prior: 1961 c 215 § 6.]

43.51.560 Expenditures, gifts, government surplus materials. The commission may expend such amounts as necessary for supplies, material and equipment to be used by enrollees in connection with their work, recreation, health, or welfare; the commission shall purchase government surplus materials, supplies and equipment when available and as needed.

The commission may accept any gifts, grants or contributions of money, material, lands, or personal property as it deems appropriate and may administer and dispose of them as it determines to be in the interests of the general public. [1965 c 8 § 43.51.560. Prior: 1961 c 215 § 7.]

43.51.570 Agreements with private persons to enroll additional people—Commercial activities prohibited—Authorized closures of area. The commission may, by agreement with an individual or company enroll and supervise additional young persons, who shall be furnished compensation, subsistence, quarters, supplies and materials by the cooperating private company or individual, to develop, maintain or improve natural and artificial recreational areas for the health and happiness of the general public. The corps shall not be engaged in the development, improvement or maintenance of a commercial recreational area or resort, and the individual or corporation entering such agreement with the commission shall make such improved areas available to the general public without cost for a period of at least forty years. Private individuals may reserve the right to close the area during periods of fire hazard or during periods when excess damage would be caused by public use. [1973 1st ex.s. c 154 § 85; 1965 c 8 § 43.51.570. Prior: 1961 c 215 § 8.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

43.51.580 Agreements with and acceptance of grants from federal government authorized. The state parks and recreation commission is authorized to enter into agreements with and accept grants from the federal government for the support of any program within the purposes of RCW 43.51.500 through 43.51.570. [1965 ex.s. c 48 § 1.]

43.51.590 Agreements with and acceptance of grants from federal government authorized—Length of enrollment and compensation in accordance with federal standards authorized. Notwithstanding the provisions of RCW 43.51.530 and 43.51.540, the commission may determine the length of enrollment and the compensation of enrollees in accordance with the standards of any federal act or regulation under which an agreement is made with, or a grant is received from the federal government pursuant to RCW 43.51.580. [1965 ex.s. c 48 § 2.]

SEASHORE CONSERVATION AREA

43.51.650 Declaration of principles. The beaches bounding the Pacific Ocean from the Straits of Juan de Fuca to Cape Disappointment at the mouth of the Columbia River constitute some of the last unspoiled seashore remaining in the United States. They provide the public with almost unlimited opportunities for recreational activities, like swimming, surfing and hiking; for outdoor sports, like hunting, fishing, clamming, and boating; for the observation of nature as it existed for hundreds of years before the arrival of white men; and for relaxation away from the pressures and tensions of modern life. In past years, these recreational activities have been enjoyed by countless Washington citizens, as well as by tourists from other states and countries. The number of people wishing to participate in such recreational activities grows annually. This increasing public pressure makes it necessary that the state dedicate the use of the ocean beaches to public recreation and to provide certain recreational and sanitary facilities. Nonrecreational use of the beach must be strictly limited. Even recreational uses must be regulated in order that Washington's unrivaled seashore may be saved for our children in much the same form as we know it today. [1967 c 120 § 1.]

Repeal: "Chapter 78, Laws of 1929 (uncodified) is hereby repealed: *Provided*, That the title of anyone who has purchased property under this act shall not be affected." [1967 c 120 § 10.]

43.51.655 Seashore conservation area—Established. There is established for the recreational use and enjoyment of the public the Washington State Seashore Conservation Area. It shall include all lands now or hereafter under state ownership or control lying between Cape Disappointment and Leadbetter Point; between Toke Point and the South jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located,

and, where applicable, between the Seashore Conservation Line, as established by survey of the Washington state parks and recreation commission and the line of extreme low tide, as these lines now are or may hereafter be located; and shall also include all state-owned nontrust accreted lands along the ocean: *Provided*, That no such conservation area shall include any lands within the established boundaries of any Indian reservation. [1969 ex.s. c 55 § 1; 1967 c 120 § 2.]

Construction—1969 ex.s. c 55: "No provision of this 1969 amendatory act shall be construed as affecting any private or public property rights." [1969 ex.s. c 55 § 8.] This applies to RCW 43.51.655-43.51.675, 43.51.685 and to the repeal of RCW 43.51.690-43.51.705.

43.51.660 Jurisdiction over and administration of area. Except as otherwise provided in RCW 43.51.650 through 43.51.685, the Washington State Seashore Conservation Area shall be under the jurisdiction of the Washington state parks and recreation commission, which shall administer RCW 43.51.650 through 43.51.685 in accordance with the powers granted it herein and under the appropriate provisions of chapter 43.51 RCW. [1969 ex.s. c 55 § 2; 1967 c 120 § 3.]

43.51.665 Principles and purposes to be followed in administering area. The Washington state parks and recreation commission shall administer the Washington State Seashore Conservation Area in harmony with the broad principles set forth in RCW 43.51.650. Where feasible, the area shall be preserved in its present state; everywhere it shall be maintained in the best possible condition for public use. All forms of public outdoor recreation shall be permitted and encouraged in the area, unless specifically excluded or limited by the commission. While the primary purpose in the establishment of the area is to preserve the coastal beaches for public recreation, other uses shall be allowed as provided in RCW 43.51.650 through 43.51.685, or when found not inconsistent with public recreational use by the Washington state parks and recreation commission. [1969 ex.s. c 55 § 3; 1967 c 120 § 4.]

43.51.670 Cooperation and assistance of federal, state and local agencies. In administering the Washington State Seashore Conservation Area, the Washington state parks and recreation commission shall seek the cooperation and assistance of federal agencies, other state agencies, and local political subdivisions. All state agencies, and the governing officials of each local subdivision shall cooperate with the commission in carrying out its duties. Except as otherwise provided in RCW 43.51.650 through 43.51.685, and notwithstanding any other provision of law, other state agencies and local subdivisions shall perform duties in the Washington State Seashore Conservation Area which are within their normal jurisdiction, except when such performance clearly conflicts with the purposes of RCW 43.51.650 through 43.51.685. [1969 ex.s. c 55 § 4; 1967 c 120 § 5.]

43.51.675 Powers and authority of department of fisheries and department of game not interfered with. Nothing in RCW 43.51.650 through 43.51.685 shall be

construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through 43.51.685 be construed to interfere with the powers, duties and authority of the state department of game or the state game commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area, notwithstanding the provisions of RCW 9.61.040: *Provided, however*, That no hunting shall be permitted in any state park. [1969 ex.s. c 55 § 5; 1967 c 120 § 6.]

43.51.680 Control of traffic on ocean beach highways—Regulation. For the protection and conservation of natural resources, and for the safety and enjoyment of the public using the beaches, the Washington state parks and recreation commission, after agreement with the Washington state highway commission, shall establish reasonable regulations for the use and control of vehicular traffic on and along the ocean beach highways as designated and established under RCW 79.16.130, 79.16.160, and 79.16.170. The Washington state parks and recreation commission shall cooperate with county sheriffs and the state patrol in enforcing such traffic regulations: *Provided*, That automobile driving shall be permitted on the beaches subject to the authority of the department of fisheries to prohibit driving over clam beds. [1967 c 120 § 7; 1961 c 12 § 46.08.180. Prior: 1951 c 271 § 46. Formerly RCW 46.08.180.]

43.51.685 Accreted lands—Jurisdiction—Oil, gas and mining leases on accreted or conservation area lands—Sale of sand—Lease and removal permits. Jurisdiction over the accreted nontrust lands in which the state has an interest along the ocean is hereby transferred from the department of natural resources to the state parks and recreation commission. No such accreted lands shall be sold, leased, or otherwise disposed of, except as herein provided. The department of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas: *Provided*, That oil drilling rigs and equipment will not be placed on the seashore conservation area or state-owned accreted lands. Sale of sand from accretions shall be made to supply the needs of cranberry growers for cranberry bogs in the vicinity and shall not be prohibited if found by the state parks and recreation commission to be reasonable, and not generally harmful or destructive to the character of the land: *Provided further*, That the state parks and recreation commission may grant mining leases for the removal of "black sands" (minerals) from any state-owned nontrust accreted lands and tidelands between the north jetty at the mouth of the Columbia River and a line due west from the North Head Lighthouse: *Provided further*, That the state parks and recreation commission may grant leases and permits for the removal of sands for construction purposes from any lands within the Washington State Seashore Conservation Area: *Provided further*, That net income from

such leases shall be deposited in the general fund. [1969 ex.s. c 55 § 6; 1967 c 120 § 8.]

PRESERVATION OF HISTORIC PROPERTIES

43.51.750 Definitions. As used in RCW 43.51.750 through 43.51.820:

(1) The term "public agencies" includes all political subdivisions of the state of Washington.

(2) The term "project" means programs of state and local governments and other public bodies and private organizations and individuals for the acquisition of title or interests in, and for the development of any district, site, building, structure, or object that is significant in American and the state of Washington history, architecture, archeology, and culture, or property used in connection therewith, and for its development in order to assure the preservation for public benefit of any such historical properties.

(3) The term "historic preservation" includes the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington history, architecture, archeology, or culture.

(4) The term "director" means the director of the Washington state parks and recreation commission. [1967 ex.s. c 19 § 1.]

Severability—1967 ex.s. c 19: "If any provision of this 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." [1967 ex.s. c 19 § 12.] This applies to RCW 43.51.750-43.51.820 and to the repeal of RCW 27.52.010-27.52.060.

43.51.760 Participation in federal act programs authorized. The director of the Washington state parks and recreation commission is hereby authorized and empowered to take whatever action is necessary to enable the state to participate in the programs set forth in the federal act entitled "An Act to establish a program for the preservation of additional historic properties throughout the nation, and for other purposes" (Public Law 89-665; 80 Stat. 915). The director is also authorized and empowered to accept and disburse federal grants or federal matching or other funds or donations from any source when made, granted or donated for a purpose covered by said federal act. [1967 ex.s. c 19 § 2.]

43.51.770 Powers and duties of director. In addition to other powers and duties, the director of the Washington state parks and recreation commission is authorized—

(1) To promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Washington state history, architecture, archeology, and culture, hereinafter referred to as the state register, and to expend funds for the purpose of preparing comprehensive state-wide historic surveys and plans, in accordance with criteria established by the

advisory council established pursuant to RCW 43.51-.790, which shall comply with any standards and regulations promulgated by the secretary of interior for the preservation, acquisition, and development of such properties.

(2) To establish in accordance with criteria established by the secretary of the interior, a program of matching grants-in-aid to public agencies for projects having as their purpose the preservation for public benefit of properties that are significant in American or Washington history, architecture, archeology, and culture; and

(3) To accept grants from any and all public and/or private sources including, though not limited to, those provided pursuant to Public Law 89-665, 80 Stat. 915. [1967 ex.s. c 19 § 3.]

43.51.780 Apportionment of grants. The amounts made available for grants to the public agencies for projects under RCW 43.51.750 through 43.51.820 for each fiscal year shall be apportioned among the public agencies by the director in accordance with needs as disclosed in approved state-wide historic preservation plans. [1967 ex.s. c 19 § 4.]

43.51.790 Advisory council on historic preservation—Membership—Terms—Vacancies—Quorum. (1) There is hereby established an advisory council on historic preservation (herein referred to as the "council") which shall be composed of eleven members as follows:

(a) The director of the Washington state parks and recreation commission;

(b) The director of the department of general administration;

(c) The director of the Washington state historical society;

(d) The director of the Eastern Washington state historical society;

(e) The director of the state capitol historical society; and

(f) Six persons to be appointed by the governor who are not officers or employees of the state government.

In making his appointments the governor shall give due consideration to the selection of officers of local governments and individuals who are significantly interested and experienced in the matters to be considered by the council.

(2) Each member of the council specified in paragraphs (a) through (e) of subsection (1) may designate another officer of his department or agency to serve on the council in his stead.

(3) Each member of the council appointed under paragraph (f) of subsection (1) shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of from one to five years as designated by the governor at the time of appointment.

(4) A vacancy in the council shall not affect its powers, but shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(5) The chairman of the council shall be designated by the governor.

(6) Six members of the council shall constitute a quorum. [1967 ex.s. c 19 § 5.]

43.51.800 Powers and duties of advisory council. (1) The council shall—

(a) Advise the governor and the Washington state parks and recreation commission on matters relating to historic preservation; recommend measures to coordinate activities of state, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

(b) Encourage public interest and participation in historic preservation;

(c) Advise as to guidelines for the assistance of local governments in drafting ordinances relating to historic preservation; and

(d) Encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation.

(2) The council shall submit annually a comprehensive report of its activities and the results of its studies to the governor and the Washington state parks and recreation commission and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as in the judgment of the council, are necessary and appropriate to carry out its recommendations. [1967 ex.s. c 19 § 6.]

43.51.810 Expenses of council members. The members of the council specified in paragraphs (a) through (e) of RCW 43.51.790(1) shall serve without additional compensation. The members of the council appointed under paragraph (f) of RCW 43.51.790(1) shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the council as provided for state officials and employees generally in chapter 43.03 RCW. [1967 ex.s. c 19 § 7.]

43.51.820 Executive director of council—Financial and administrative services. The director of the Washington state parks and recreation commission or his designee shall be the executive director of the council. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the council by the Washington state parks and recreation commission, for which payments shall be made in advance, or by reimbursement, from funds of the council in such amounts as may be agreed upon by the chairman of the council and the director of the Washington state parks and recreation commission. [1967 ex.s. c 19 § 8.]

GREEN RIVER GORGE CONSERVATION AREA

43.51.900 Declaration. The Green River Gorge, between the town of Kanasket and the Kummer bridge in King county, is a twelve mile spectacularly winding gorge with steep to overhanging rock walls reaching heights of from one hundred fifty to three hundred feet. The beauty and natural features of the gorge are generally confined within the canyon rim. This twelve mile gorge area contains many examples of unique biological and geological features for educational and recreational interpretation, almost two miles of Eocene sediment rocks and fossils are exposed revealing one of the most complete stratigraphic sections to be found in the region. The area, a unique recreational attraction with more than one million seven hundred thousand people living within an hour's driving time, is presently used by hikers, geologists, fishermen, kayakers and canoeists, picnickers and swimmers, and those seeking the solitude offered by this unique area. Abutting and adjacent landowners generally have kept the gorge lands in their natural state; however, economic and urbanization pressures for development are rapidly increasing. Local and state outdoor recreation plans show a regional need for resources and facilities which could be developed in this area. A twelve mile strip incorporating the visual basins of the Green River from the Kummer bridge to Palmer needs to be acquired and developed as a conservation area to preserve this unique area for the recreational needs of the region. [1969 ex.s. c 162 § 1.]

43.51.910 Green River Gorge conservation area created. There is hereby created a Washington state parks and recreation commission conservation area to be known as "Green River Gorge conservation area". [1969 ex.s. c 162 § 2.]

43.51.920 Acquisition of real property, easements, or rights authorized. In addition to all other powers and duties prescribed by law, the state parks and recreation commission is authorized and directed to acquire such real property, easements, or rights in the Green River Gorge in King county, together with such real property, easements, and rights as is necessary for such park and conservation purposes in any manner authorized by law for the acquisition of lands for parks and parkway purposes. Except for such real property as is necessary and convenient for development of picnicking or camping areas and their related facilities, it is the intent of this section that such property shall be acquired to preserve, as much as possible, the gorge within the canyon rim in its natural pristine state. [1969 ex.s. c 162 § 3.]

43.51.930 Acquisition of real property, easements, or rights authorized—Rights of other state agencies not to be infringed upon. Nothing herein shall be construed as authorizing or directing the state parks and recreation commission to acquire any real property, easements, or rights in the Green River Gorge in King county which are now held by any state agency for the purposes of

outdoor recreation, conservation, fish, or wildlife management or public hunting or fishing without the approval of such agency. [1969 ex.s. c 162 § 4.]

Chapter 43.52

OPERATING AGENCIES (POWER COMMISSION)

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43.52.250 Definitions. As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

"Commission" means the Washington state power commission.

"District" means a public utility district as created under the laws of the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"City" means any city or town in the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"Canada" means the Dominion of Canada or any province thereof.

"Public utility" means any person, firm or corporation, political subdivision or governmental subdivision including cities, towns and public utility districts engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy. [1965 c 8 § 43.52.250. Prior: 1953 c 281 § 1.]

43.52.260 Declaration of policy—General duties of commission—Scope of authority. It is the intent of this act [1955 c 258] and this chapter that the commission shall represent the state of Washington and aid and assist the public utilities therein to the end that its water

resources and other resources shall be properly developed for the best public interest insofar as they affect electric power, and to this end (1) the commission shall develop and integrate such resources as necessary whenever public utilities other than those owned by the United States and its agencies are not in a position so to do, and (2) the commission shall join with Canada, the United States, the states thereof, and their agencies to develop and integrate the water resources and other resources of the region, and particularly that area incorporated within the watershed of the Columbia river and its tributaries.

The authority granted in this chapter shall apply equally to the generating of electricity by water power, by steam power, by atomic power or by any other means whatsoever. [1965 c 8 § 43.52.260. Prior: 1955 c 258 § 18; 1953 c 281 § 20.]

43.52.272 Power commission abolished. The Washington state power commission is hereby abolished. [1965 c 8 § 43.52.272. Prior: 1957 c 295 § 8.]

43.52.290 Commission members—Compensation—May hold other public position. Members of the commission shall be paid the sum of fifty dollars per day for each day or major part thereof devoted to the business of the commission, together with their traveling and other necessary expenses. Such member may, regardless of any charter or other provision to the contrary, be an officer or employee holding another public position and, if he be such other public officer or employee, he shall be paid by the commission such amount as will, together with the compensation for such other public position equal the sum of fifty dollars per day. [1965 c 8 § 43.52.290. Prior: 1953 c 281 § 4.]

43.52.300 Powers and duties of commission. The commission shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate plants, works and facilities for the generation and/or transmission of electric energy and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of any such works, plants and facilities; provided that the commission shall not be authorized to acquire by condemnation any plants, works and facilities owned and operated by any city or district, or by a privately owned public utility. The commission shall be authorized to contract for and to acquire by lease or purchase from the United States or any of its agencies, any plants, works or facilities for the generation and transmission of electricity and any real or personal property necessary or convenient for use in connection therewith.

(3) To negotiate and enter into contracts with the United States or any of its agencies, with any state or its agencies, with Canada or its agencies or with any district or city of this state, for the lease, purchase, construction, extension, betterment, acquisition, operation and maintenance of all or any part of any electric generating and transmission plants and reservoirs, works and facilities or rights necessary thereto, either within or without the state of Washington, and for the marketing of the energy produced therefrom. Such negotiations or contracts shall be carried on and concluded with due regard to the position and laws of the United States in respect to international agreements.

(4) To negotiate and enter into contracts for the purchase, sale, exchange, transmission or use of electric energy or falling water with any person, firm or corporation, including political subdivisions and agencies of any state, of Canada, or of the United States, at fair and nondiscriminating rates.

(5) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, and to Canada and/or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate works, plants and facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(6) To establish rates for electric energy sold or transmitted by the commission. When any revenue bonds or warrants are outstanding the commission shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy, falling water and other services sold, furnished or supplied by the commission which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the commission is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the commission and all necessary repairs, replacements and renewals thereof.

(7) To act as agent for the purchase and sale at wholesale of electricity for any city or district whenever requested so to do by such city or district.

(8) To contract for and to construct, operate and maintain fishways, fish protective devices and facilities and hatcheries as necessary to preserve or compensate for projects operated by the commission.

(9) To construct, operate and maintain channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities as may be necessary or incidental to the construction of any electric generating project, and to enter into agreements and contracts with any person, firm or corporation, including political subdivisions of any state, of Canada or the United States for such construction, operation and maintenance, and for the distribution and payment of the costs thereof.

(10) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the commission

may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the commission shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the commission.

(11) To study, analyze and make reports concerning the development, utilization and integration of electric generating facilities and requirements within the state and without the state in that region which affects the electric resources of the state. [1965 c 8 § 43.52.300. Prior: 1955 c 258 § 1; 1953 c 281 § 5.]

43.52.340 May not obligate state—Disposition of revenues. The commission shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions.

No revenues received by the commission for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the commission and all such revenues and receipts shall be kept and maintained in a separate fund. [1965 c 8 § 43.52.340. Prior: 1955 c 258 § 5; 1953 c 281 § 9.]

43.52.3411 Revenue bonds or warrants. For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to construct or acquire any public utility or any works, plants or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include funds for working capital, for payment of expenses incurred in the acquisition or construction of the utility and for the repayment of advances made to the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption and registration of such bonds or warrants; and the status thereof as negotiable instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks and insurance companies doing business in this state. [1965 c 8 § 43.52.3411. Prior: 1957 c 295 § 6.]

43.52.343 Revenue bonds or warrants—Advertisement, bid, sale. All bonds issued by an operating agency shall be sold to the highest and best bidder after such

advertising for bids as the board of the operating agency may deem proper: *Provided*, That the board may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as it may deem most advantageous to its own interests. [1965 c 8 § 43.52.343. Prior: 1957 c 295 § 7; 1955 c 258 § 10.]

43.52.350 Commission to provide fishways, facilities and hatcheries—Contracts. The commission shall, at the time of the construction of any dam or obstruction, construct and shall thereafter maintain and operate such fishways, fish protective facilities and hatcheries as the director of game and the director of fisheries may jointly find necessary to permit anadromous fish to pass any dam or other obstruction operated by the commission or to replace fisheries damaged or destroyed by such dam or obstruction and the commission is further authorized to enter into contracts with the department of game and the department of fisheries to provide for the construction and/or operation of such fishways, facilities and hatcheries. [1965 c 8 § 43.52.350. Prior: 1953 c 281 § 11.]

43.52.360 Operating agency—Formation—Additional projects—Appeals—Membership, withdrawal—Dissolution. Any two or more cities or public utility districts or combinations thereof may form an operating agency (herein sometimes called a joint operating agency) for the purpose of acquiring, constructing, operating and owning plants, systems and other facilities and extensions thereof, for the generation and/or transmission of electric energy and power. Each such agency shall be a municipal corporation of the state of Washington with the right to sue and be sued in its own name.

Application for the formation of an operating agency shall be made to the director of conservation (herein sometimes referred to as the director) after the adoption of a resolution by the legislative body of each city or public utility district to be initial members thereof authorizing said city or district to participate. Such application shall set forth (1) the name and address of each participant, together with a certified copy of the resolution authorizing its participation; (2) a general description of the project and the principal project works, including dams, reservoirs, power houses and transmission lines; (3) the general location of the project and, if a hydroelectric project, the name of the stream on which such proposed project is to be located; (4) if the project is for the generation of electricity, the proposed use or market for the power to be developed; (5) a general statement of the electric loads and resources of each of the participants; (6) a statement of the proposed method of financing the preliminary engineering and other studies and the participation therein by each of the participants.

Within ten days after such application is filed with the director of conservation notice thereof shall be published by the director once a week for four consecutive weeks in a newspaper of general circulation in the

county or counties in which such project is to be located, setting forth the names of the participants and the general nature, extent and location of the project. Any public utility wishing to do so may object to such application by filing an objection, setting forth the reasons therefor, with the director of conservation not later than ten days after the date of last publication of such notice.

Within ninety days after the date of last publication the director shall either make findings thereon or have instituted a hearing thereon. In event the director has neither made findings nor instituted a hearing within ninety days of the date of last publication, or if such hearing is instituted within such time but no findings are made within one hundred and twenty days of the date of such last publication, the application shall be deemed to have been approved and the operating agency established. If it shall appear (a) that the statements set forth in said application are substantially correct; (b) that the contemplated project is such as is adaptable to the needs, both actual and prospective, of the participants and such other public utilities as indicate a good faith intention by contract or by letter of intent to participate in the use of such project; (c) that no objection to the formation of such operating agency has been filed by any other public utility which prior to and at the time of the filing of the application for such operating agency had on file a permit or license from an agency of the state or an agency of the United States, whichever has primary jurisdiction, for the construction of such project; (d) that adequate provision will be made for financing the preliminary engineering, legal and other costs necessary thereto; the director shall make findings to that effect and enter an order creating such operating agency, establishing the name thereof and the specific project for the construction and operation for which such operating agency is formed. Such order shall not be construed to constitute a bar to any other public utility proceeding according to law to procure any required governmental permits, licenses or authority, but such order shall establish the competency of the operating agency to proceed according to law to procure such permits, licenses or authority.

No operating agency shall undertake projects in addition to those for which it was formed without the approval of the legislative bodies of a majority of the members thereof. In the event that an operating agency desires to undertake such a hydroelectric project at a site or sites upon which any publicly or privately owned public utility has a license or permit or has a prior application for a license or permit pending with any commission or agency, state or federal, having jurisdiction thereof, application to construct such additional project shall be made to the director of conservation in the same manner, subject to the same requirements and with the same notice as required for an initial agency and project and shall not be constructed until an order authorizing the same shall have been made by the director in the manner provided for such original application.

Any party who has joined in filing the application for, or objections against, the creation of such operating

agency and/or the construction of an additional project, and who feels aggrieved by any order or finding of the director shall have the right to appeal to the superior court in the manner set forth in RCW 43.52.430.

After the formation of an operating agency, any other city or district may become a member thereof upon application to such agency after the adoption of a resolution of its legislative body authorizing said city or district to participate, and with the consent of the operating agency by the affirmative vote of the majority of its members. Any member may withdraw from an operating agency, and thereupon such member shall forfeit any and all rights or interest which it may have in such operating agency or in any of the assets thereof: *Provided*, That all contractual obligations incurred while a member shall remain in full force and effect. An operating agency may be dissolved by the unanimous agreement of the members, and the members, after making provisions for the payment of all debts and obligations, shall thereupon hold the assets thereof as tenants in common. [1965 c 8 § 43.52.360. Prior: 1957 c 295 § 1; 1955 c 258 § 3; 1953 c 281 § 12.]

Generation of electric energy by steam: RCW 43.21.250-43.21.410.

43.52.370 Operating agency board—Members, appointment, vote, term, etc.—Rules—Proceedings. The management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: *Provided*, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of

an operating agency may be compensated by such agency to the same extent and subject to the same limitations as is provided for members of the commission in RCW 43.52.290: *Provided*, That the per diem compensation to any member shall not exceed five thousand dollars in any year. [1965 c 8 § 43.52.370. Prior: 1957 c 295 § 2; 1953 c 281 § 13.]

43.52.373 Executive committee—Composition, powers and duties, terms. The board of an operating agency by rule may create an executive committee to be composed of not less than three nor more than seven members of the board. The board may provide by rule for the composition of the executive committee so as to afford, in its judgment, fair representation to the member public utility districts and cities. The executive committee shall administer the business of the board during intervals between its meetings in accordance with its rules, motions or resolutions. The executive committee shall have authority to acquire or construct only such properties as may be provided for by motion or resolution of the board. The terms of office of the members of the executive committee and the method of filling vacancies therein shall be fixed by the rules of the board of the operating agency. [1965 c 8 § 43.52.373. Prior: 1957 c 295 § 3.]

43.52.375 Treasurer—Auditor—Official bonds—Funds. The board of each joint operating agency shall by resolution appoint a treasurer. Before entering upon his duties the treasurer shall give bond to the operating agency, with a surety company authorized to write such bonds in this state as surety, in an amount which the board finds by resolution will protect the operating agency against loss, conditioned that all funds which he receives as such treasurer will be faithfully kept and accounted for and for the faithful discharge of his duties. The amount of such bond may be decreased or increased from time to time as the board may by resolution direct. The board shall also appoint an auditor and may require him to give a bond with a surety company authorized to do business in the state of Washington in such amount as it shall by resolution prescribe, conditioned for the faithful discharge of his duties. The premiums on the bonds of the auditor and the treasurer shall be paid by the operating agency. The board may provide for coverage of said officers and other persons on the same bond.

All funds of the joint operating agency shall be paid to the treasurer and shall be disbursed by him only on warrants issued by the auditor upon orders or vouchers approved by the board: *Provided*, That the board by resolution may authorize the executive committee to approve or disapprove vouchers presented to defray salaries of employees and other expenses of the operating agency arising in the usual and ordinary course of its business and expenses incurred by the committee in the performance of such duties as the operating agency may authorize it to perform. All moneys of the operating agency shall be deposited forthwith by the treasurer in such depositories, and with such securities as are

designated by rules of the board. The treasurer shall establish a general fund and such special funds as shall be created by the board, into which he shall place all money of the joint operating agency as the board by resolution or motion may direct. [1965 c 8 § 43.52.375. Prior: 1957 c 295 § 4.]

43.52.380 Member's preference to buy energy—Apportionment—Surplus. Members shall have a preference right to the purchase of all electric energy generated by an operating agency. As between members, the amount of electric energy to which each shall be entitled shall be computed annually and shall be based on the same percentage as the purchases of such member bore to the total generation of the operating agency for the preceding year. Surplus electric energy, that is energy not contracted for by the members, may be sold to any public utility authorized by law to distribute and sell electric energy. [1965 c 8 § 43.52.380. Prior: 1953 c 281 § 14.]

43.52.391 Powers and duties of operating agency. Except as otherwise provided in this section, a joint operating agency shall have all powers now or hereafter granted public utility districts under the laws of this state. It shall not acquire nor operate any electric distribution properties nor condemn any properties owned by a public utility which are operated for the generation and transmission of electric power and energy or are being developed for such purposes with due diligence under a valid license or permit, nor purchase or acquire any operating hydroelectric generating plant owned by any city or district on June 11, 1953, or which may be acquired by any city or district by condemnation on or after January 1, 1957, nor levy taxes, issue general obligation bonds, or create subdistricts. It may enter into any contracts, leases or other undertakings deemed necessary or proper and acquire by purchase or condemnation any real or personal property used or useful for its corporate purposes. Actions in eminent domain may be instituted in the superior court of any county in which any of the property sought to be condemned is located and the court in any such action shall have jurisdiction to condemn property wherever located within the state; otherwise such actions shall be governed by the same procedure as now or hereafter provided by law for public utility districts. An operating agency may sell steam or water not required by it for the generation of power and may construct or acquire any facilities it deems necessary for that purpose.

An operating agency may make contracts for any term relating to the purchase, sale, interchange or wheeling of power with the government of the United States or any agency thereof and with any municipal corporation or public utility, within or without the state, and may purchase or deliver power anywhere pursuant to any such contract. An operating agency may acquire any coal-bearing lands for the purpose of assuring a long-term, adequate supply of coal to supply its needs, both actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale or disposal of coal that it deems proper. In

addition to the power and authority granted in this chapter to an operating agency, it shall also have all power and authority heretofore granted, and shall be subject to all of the duties imposed upon, the Washington state power commission by RCW 43.52.300 and RCW 43.52.350.

Any member of an operating agency may advance or contribute funds to an agency as may be agreed upon by the agency and the member, and the agency shall repay such advances or contributions from proceeds of revenue bonds, from operating revenues or from any other funds of the agency, together with interest not to exceed six percent per annum. [1965 c 8 § 43.52.391. Prior: 1957 c 295 § 5.]

Liability to other taxing districts for increased financial burdens: Chapter 54.36 RCW.

43.52.410 City or district may contract for electric energy or falling waters. Any city or district is authorized to enter into contracts or compacts with the commission or any operating agency or a publicly or privately owned public utility for the purchase and sale of electric energy or falling waters. [1965 c 8 § 43.52.410. Prior: 1953 c 281 § 17.]

43.52.430 Appeals from commission or director. Any party in interest deeming itself aggrieved by any order of the commission or of the director of ecology may appeal to the superior court of Thurston county by serving upon the commission or director, as the case may be, and filing with clerk of said court within thirty days after the entry of the order a notice of appeal. The commission or director shall within ten days after service of the notice of appeal file with the clerk of the court its or his return containing a true copy of the order appealed from, together with a transcript of the record of the proceeding before the commission or director, after which the appeal shall be at issue. The appeal shall be heard and decided by the court upon the record before the commission or director and the court may either affirm, set aside, or remand the order appealed from for further proceedings. Appeal may be had to the supreme court or the court of appeals as in the case of civil appeals. [1971 c 81 § 113; 1965 c 8 § 43.52.430. Prior: 1953 c 281 § 19.]

43.52.440 Effect of chapter on "Columbia River Sanctuary Act". Nothing contained in this chapter shall be construed to amend, modify or repeal in any manner any of the terms and provisions of section 1, chapter 9, Laws of 1949, RCW 75.20.010, commonly known as the "Columbia River Sanctuary Act", and all matter herein contained shall be expressly subject to such act. [1965 c 8 § 43.52.440. Prior: 1953 c 281 § 23.]

43.52.450 Chapter requirements are cumulative—Preservation of rights—Not subject to utilities and transportation commission. The provisions of this chapter shall be cumulative and shall not impair or supersede the powers or rights of any person, firm or corporation or political subdivision of the state of

Washington under any other law. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power, are hereby preserved and such rights shall not be impaired or modified by any of the provisions of this chapter or any of the powers granted by this chapter.

The rates, services and practices of the commission or any operating agency in respect to the power generated, transmitted or sold by it shall not be governed by the regulations of the utilities and transportation commission. [1965 c 8 § 43.52.450. Prior: 1953 c 281 § 10.]

43.52.460 Operating agency to pay in lieu of taxes. Any joint operating agency formed under this chapter shall pay in lieu of taxes payments in the same amounts as paid by public utility districts. Such payments shall be distributed in accordance with the provisions applicable to public utility districts: *Provided, however,* That such tax shall not apply to steam generated electricity produced by a nuclear steam powered electric generating facility constructed or acquired by a joint operating agency and in operation prior to May 17, 1971. [1971 ex.s. c 75 § 1; 1965 c 8 § 43.52.460. Prior: 1957 c 295 § 10.]

43.52.470 Operating agency—Validity of organization and existence. Except as provided in RCW 43.52.360, the validity of the organization of any joint operating agency can be questioned only by action instituted within six months from the date that the joint operating agency is created. If the validity of the existence of any joint operating agency is not challenged within that period, by the filing and service of a petition or complaint in the action, the state shall be barred forever from questioning the validity of the joint operating agency by reason of any defect claimed to exist in the organization thereof, and it shall be deemed validly organized for all purposes. Any joint operating agency heretofore (March 26, 1957) attempted to be organized pursuant to chapter 43.52 RCW and which has maintained its existence since the date of such attempted organization, is hereby declared legal and valid and its organization and creation are validated and confirmed. [1965 c 8 § 43.52.470. Prior: 1957 c 295 § 11.]

43.52.910 Construction—1965 c 8. This chapter shall be liberally construed to effectuate its purposes. [1965 c 8 § 43.52.910. Prior: 1957 c 295 § 12.]

Chapter 43.56 UNIFORM LEGISLATION COMMISSION

Sections	
43.56.010	Appointment of commissioners.
43.56.020	Duties of commission.
43.56.030	Record to be kept—Reports.
43.56.040	Remuneration of members.

43.56.010 Appointment of commissioners. The governor shall appoint three suitable persons as a board of commissioners for the promotion of uniformity of legislation in the United States. Any vacancy on the board shall be filled by appointment by the governor. [1965 c 8 § 43.56.010. Prior: 1905 c 59 § 1; RRS § 8204.]

43.56.020 Duties of commission. The board shall examine the subjects of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills, and other subjects upon which uniformity of legislation in the various states is desirable, but which are outside of the jurisdiction of the congress of the United States.

It shall confer upon these matters with the commissioners appointed by other states for the same purpose and consider and draft uniform laws to be submitted for approval and adoption by the several states; and generally devise and recommend such other and further course of action as shall accomplish such uniformity. [1965 c 8 § 43.56.020. Prior: 1905 c 59 § 2; RRS § 8205.]

43.56.030 Record to be kept—Reports. The board shall keep a record of all its transactions, and shall, at each biennial session, and may at any other time, make a report to the legislature, of its doings and recommendations. [1965 c 8 § 43.56.030. Prior: 1905 c 59 § 3; RRS § 8206.]

43.56.040 Remuneration of members. No member of the board shall receive any compensation for his services, but each member shall be repaid from the state treasury the amount of his actual traveling and other necessary expenses incurred in the discharge of his official duty, after the account thereof has been audited by the board.

The board shall keep a full account of its expenditures and shall report it in each report. There shall be allowed such expenses for only one annual meeting of the board within this state, and for the members in attendance, not oftener than once in each year, at any conference of commissioners outside of this state. [1965 c 8 § 43.56.040. Prior: 1955 c 91 § 1; 1905 c 59 § 4; RRS § 8207.]

Chapter 43.57 INTERSTATE COMPACT COMMISSION

Sections	
43.57.010	Commission created—Appointment of members—Purpose.
43.57.020	Powers and duties—Per diem and expenses—Term of office.
43.57.030	When agreement or compact is binding upon states.

43.57.010 Commission created—Appointment of members—Purpose. There is created the interstate compact commission to consist of five members, no more than three of which shall have the same political party affiliation, to be appointed as follows: One member, appointed by the governor, who shall be the chairman and who shall serve at the pleasure of the

governor, and four members of the state legislature, two of whom shall be members of the house of representatives and shall be appointed by the speaker of the house, and two of whom shall be members of the senate and shall be appointed by the president of the senate. The commission shall represent the state on a joint commission to be composed of commissioners representing the states of Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming and one or more commissioners representing the United States, should they be appointed to said joint commission by the president of the United States, which joint commission shall be organized for the purpose of considering, negotiating and entering into an agreement or compact between not less than five of said states, with the consent of the congress of the United States respecting the division, apportionment and use of the waters of the Columbia river and of its tributaries and the determination of rights in connection therewith and incidental thereto. [1965 c 8 § 43.57.010. Prior: 1953 c 130 § 1; 1951 c 113 § 1.]

43.57.020 Powers and duties—Per diem and expenses—Term of office. The commission representing the state on said joint commission shall have full authority to consider and carry on negotiations for such agreement or compact, to attend meetings of the joint commission convening in or out of the state, to employ clerical, legal and engineering assistance and generally to perform such duties as shall be required of the members thereof in carrying out the purpose and intent of this chapter; the term of office of said commissioners shall be from June 11, 1953, until an agreement or compact binding on the state of Washington under the provisions of RCW 43.57.030 has been entered into: *Provided, however,* That when a member of the commission is a member of the house of representatives, his term on the commission shall expire when he ceases to be a member of the house, and when a member of the commission is a member of the senate, his term on the commission shall expire when he ceases to be a member of the senate. Any vacancies occurring in the membership of said commission shall be filled by the appointive power shown in RCW 43.57.010. Members of the commission representing the state who are not in the regular employ of the state shall receive a per diem of fifteen dollars for the time actually spent on the work of the commission, and reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode. Members of the commission who are in the regular employ of the state shall receive no per diem, but shall receive reimbursement for subsistence and traveling expenses incurred while away from their respective places of abode, in lieu of other provisions made by law for reimbursement of their expenses as such state employees. Payment of all expenses incurred by the interstate compact commission, including the per diem and expenses of its members, shall be made on vouchers approved by its chairman. [1965 ex.s. c 164 § 1; 1965 c 8 § 43.57.020. Prior: 1953 c 130 § 2; 1951 c 113 § 2.]

43.57.030 When agreement or compact is binding upon states. Any agreement or compact approved by said joint commission on behalf of said states shall not be binding or obligatory upon any of said states or the citizens thereof, until and unless the same shall have been ratified and approved by the legislatures of not less than five of said states and by the congress of the United States: *Provided,* That said agreement or compact shall not be binding upon any state the legislature of which fails to ratify or approve the same. [1965 c 8 § 43.57.030. Prior: 1951 c 113 § 3.]

Chapter 43.58 WASHINGTON-OREGON BOUNDARY COMMISSION

Sections	
43.58.050	Oregon-Washington Columbia River boundary compact—Ratification.
43.58.060	Oregon-Washington Columbia River boundary compact—Terms and provisions.
43.58.070	Oregon-Washington Columbia River boundary compact—Transfer of records, etc., to division of archives.
43.58.090	Oregon-Washington Columbia River boundary compact—Repeal of RCW 43.58.010 through 43.58.040, when.

43.58.050 Oregon-Washington Columbia River boundary compact—Ratification. The interstate compact determining the Oregon-Washington boundary on the Columbia River which was executed on the 21st day of December, 1956 by the Oregon commission on interstate cooperation for the state of Oregon and the Washington-Oregon boundary commission for the state of Washington is hereby ratified and approved. [1965 c 8 § 43.58.050. Prior: 1957 c 90 § 1.]

Reviser's note: The effective date of RCW 43.58.050 was March 13, 1957. State Constitution, Amendment 33, recognizing the modification of the state's boundaries through appropriate compact procedure, was approved by the voters on November 4th, 1958, and the governor's proclamation relating thereto was issued on December 4th, 1958.

The Oregon legislature has ratified the compact, see Oregon Revised Statutes §§ 186.510 and 186.520, effective April 4, 1957. See also, Article XVI of the Oregon Constitution relating to state boundaries which was adopted by the people November 4, 1958, effective December 3, 1958.

Congressional ratification is contained in Public Law 85-575, dated July 31, 1958.

43.58.060 Oregon-Washington Columbia River boundary compact—Terms and provisions. The terms and provisions of the compact referred to in RCW 43.58.050 are as follows:

INTERSTATE COMPACT DETERMINING OREGON-WASHINGTON BOUNDARY ON THE COLUMBIA RIVER

ARTICLE I. PURPOSE

The boundary between the states of Oregon and Washington along the course of the Columbia River has not been easy to ascertain because of changes in the main channel of the river with a result that a state of confusion and dispute exists and the enforcement and administration of the laws of the two states has been rendered difficult.

The purpose of this compact is to fix with precision by reference to stations of longitude and latitude the boundary between the states of Oregon and Washington from one marine league due west of the mouth of the Columbia River to the most easterly point at which the 46th parallel of North latitude crosses said river, at which point the river ceases to form the boundary between the two states.

ARTICLE II. DESCRIPTION

The boundary between the states of Oregon and Washington from one marine league due west of the mouth of the Columbia River to the point at which the last described point number (# 191) of the boundary as herein determined meets the 46th parallel of North latitude at 118°59'10".12 of West longitude shall be as follows:

Beginning one marine league at sea off the mouth of the Columbia river at north latitude 46°15'00".00; running thence due east to point number 1 of this description, which point is at north latitude 46°15'00".00, west longitude 124°05'00".00; thence from point number 1 continuing upstream in the channel of the Columbia river by a series of straight lines connecting the following numbered and described points in consecutive order.

Point Number	North Latitude	West Longitude	Description of Location
1	46°15'00".00	124°05'00".00	
2	46°15'51".00	124°02'02".75	
3	46°16'17".00	124°01'45".80	
4	46°16'59".50	124°02'14".40	
5	46°17'28".00	124°02'07".00	
6	46°17'33".25	124°01'12".25	
7	46°16'41".50	124°00'00".00	
8	46°16'03".00	123°58'11".80	
9	46°14'19".80	123°55'42".00	
10	46°14'06".00	123°52'14".50	
11	46°16'09".50	123°44'20".50	
12	46°15'01".00	123°41'12".70	
13	46°15'33".30	123°38'52".80	
14	46°15'23".90	123°35'05".00	
15	46°15'38".00	123°32'23".00	
16	46°16'14".60	123°30'00".00	
17	46°15'46".70	123°27'51".40	
18	46°14'23".50	123°25'51".60	
19	46°13'10".50	123°25'20".50	
20	46°11'29".00	123°25'43".60	
21	46°10'47".80	123°25'38".00	
22	46°09'01".00	123°23'21".50	
23	46°08'33".00	123°18'45".60	
24	46°09'04".50	123°15'47".20	
25	46°10'00".00	123°13'51".20	
26	46°11'20".80	123°09'55".50	
27	46°11'11".30	123°07'10".90	
28	46°09'40".00	123°04'23".50	
29	46°09'24".00	123°03'22".40	
30	46°08'38".40	123°02'00".00	
31	46°08'06".00	123°00'16".00	
32	46°06'20".02	122°57'44".28	
33	46°06'17".36	122°57'38".295	a point on the center line of the Longview Bridge at center of main span
34	46°06'14".71	122°57'32".31	
35	46°05'02".70	122°54'11".00	
36	46°03'37".50	122°52'59".50	
37	46°01'53".50	122°52'35".50	
38	46°00'52".25	122°51'17".20	
39	45°58'52".00	122°50'11".80	
40	45°57'40".00	122°48'46".80	
41	45°55'57".00	122°48'18".00	
42	45°54'47".00	122°48'36".75	
43	45°53'05".00	122°47'48".30	
44	45°52'06".00	122°47'01".50	
45	45°50'40".00	122°47'04".50	
46	45°49'31".20	122°47'41".00	
47	45°48'37".00	122°47'40".00	
48	45°46'51".00	122°46'06".30	
49	45°45'34".20	122°45'37".00	
50	45°44'04".70	122°45'32".00	
51	45°42'05".00	122°46'16".00	
52	45°40'50".80	122°46'24".00	
53	45°39'26".75	122°45'46".00	
54	45°38'40".00	122°44'13".00	
55	45°38'17".00	122°42'47".50	
56	45°37'35".37	122°41'35".14	
57	45°37'29".47	122°41'23".855	a point on the center line of Northern Pacific Railroad Bridge across Columbia River, which point is at center of 3rd pier south of the draw span
58	45°37'26".52	122°41'18".215	
59	45°37'07".85	122°40'33".42	
60	45°37'05".938	122°40'26".939	a point on the center line of the west highway bridge crossing the Columbia River between Portland, Ore. and Vancouver, Wash., said point being 12.0 ft. south from the center of pier No. 6 of said bridge
61	45°37'05".62	122°40'25".86	a point on the center line of the east highway bridge crossing the Columbia River between Portland, Ore. and Vancouver, Wash., said point being 12.0 ft. south from the center of pier No. 6 of said bridge
62	45°37'03".71	122°40'19".38	
63	45°36'34".00	122°38'27".00	
64	45°36'29".80	122°36'21".30	
65	45°36'20".00	122°35'20".00	
66	45°35'47".90	122°32'48".00	
67	45°35'23".50	122°31'24".20	
68	45°35'01".00	122°29'30".00	
69	45°34'42".80	122°28'20".50	
70	45°34'03".00	122°27'09".30	
71	45°33'49".00	122°26'15".80	
72	45°34'03".30	122°24'36".50	
73	45°34'29".50	122°23'25".80	
74	45°34'33".40	122°22'44".00	
75	45°34'10".00	122°21'04".00	
76	45°32'55".20	122°19'49".00	
77	45°32'38".00	122°17'43".70	
78	45°32'38".80	122°15'56".70	
79	45°33'03".25	122°14'24".50	
80	45°33'55".00	122°11'58".50	
81	45°34'37".00	122°10'54".00	
82	45°35'03".00	122°08'25".50	
83	45°34'53".40	122°06'40".00	
84	45°35'00".00	122°06'02".00	
85	45°36'35".00	122°02'35".00	
86	45°36'53".80	122°01'11".50	
87	45°36'58".00	122°00'08".50	
88	45°37'23".00	121°58'54".50	
89	45°37'59".00	121°57'42".80	
90	45°38'37".50	121°57'16".50	
91	45°38'42".00	121°57'01".80	
92	45°38'40".35	121°56'37".34	

Point Number	North Latitude	West Longitude	Description of Location	Point Number	North Latitude	West Longitude	Description of Location
93	45°38'40".13	121°56'22".57	a point at the intersection of the axis of Bonneville Dam and the center line of center pier of the spillway of said dam	144	45°41'11".69	120°47'14".64	
94	45°38'39".82	121°56'01".46		145	45°42'19".71	120°43'38".83	
95	45°39'17".00	121°54'25".00		146	45°42'42".58	120°42'10".70	
96	45°39'43".85	121°53'58".48	a point on center line of bridge at Cascade Locks, known as "The Bridge of the Gods" and in the center of the main span of said bridge	147	45°42'57".18	120°41'18".11	
97	45°39'44".81	121°53'58".16		148	45°43'48".14	120°40'05".19	
98	45°39'45".77	121°53'57".84		149	45°44'45".12	120°38'01".97	
99	45°40'15".00	121°54'02".00		150	45°44'47".00	120°37'17".91	
100	45°41'36".80	121°51'57".00		151	45°44'47".99	120°35'23".91	
101	45°42'24".75	121°48'36".00		152	45°44'18".49	120°33'29".23	
102	45°41'39".00	121°44'02".00		153	45°42'37".59	120°31'17".65	
103	45°41'42".00	121°42'22".00		154	45°42'00".37	120°30'16".48	
104	45°42'19".00	121°40'02".00		155	45°41'40".42	120°28'53".22	
105	45°42'17".50	121°37'48".50		156	45°41'58".55	120°24'08".96	
106	45°43'36".00	121°31'54".30		157	45°42'41".66	120°19'30".62	
107	45°43'15".275	121°29'52".445		158	45°43'16".74	120°16'56".18	
108	45°43'07".02	121°29'36".615	a point on the center line of the Hood River Bridge at the center of the draw span of said bridge	159	45°43'33".84	120°12'34".62	
109	45°43'04".075	121°29'30".96		160	45°45'43".67	120°10'10".01	
110	45°42'05".20	121°27'41".80		161	45°46'24".09	120°08'25".17	
111	45°41'39".25	121°25'22".00		162	45°47'07".10	120°04'08".70	
112	45°41'35".00	121°24'02".00		163	45°48'26".17	120°00'49".27	
113	45°42'11".50	121°22'17".00		164	45°49'28".29	119°57'52".64	
114	45°42'18".00	121°20'11".50		165	45°49'41".97	119°54'21".95	
115	45°42'00".00	121°18'40".00		166	45°50'25".18	119°50'53".51	
116	45°41'13".30	121°17'10".00		167	45°50'52".00	119°48'05".62	
117	45°40'40".50	121°14'52".00		168	45°50'45".15	119°46'18".16	
118	45°40'17".00	121°12'52".50		169	45°51'25".40	119°40'07".80	
119	45°39'00".00	121°11'57".00		170	45°54'20".70	119°37'20".96	
120	45°37'47".00	121°11'38".40		171	45°55'10".82	119°35'58".28	
121	45°37'00".25	121°11'43".00		172	45°55'32".25	119°34'13".67	
122	45°36'23".80	121°10'57".00		173	45°54'31".37	119°31'24".18	
123	45°36'22".50	121°10'00".00		174	45°54'23".43	119°29'13".01	
124	45°36'29".175	121°08'39".84		175	45°55'03".10	119°26'57".35	
125	45°36'40".89	121°08'22".135	a point on the center line of the Dalles Bridge across the Columbia River at the center of the main span of said bridge	176	45°55'18".10	119°21'48".12	
126	45°36'43".94	121°08'17".53		177	45°55'51".37	119°19'52".71	
127	45°36'35".69	121°07'50".34		178	45°55'54".48	119°19'39".28	a point on the center line of the Umatilla Bridge at the center of the north main span of said bridge
128	45°36'58".44	121°07'16".41		179	45°55'59".59	119°19'17".20	
129	45°37'06".095	121°06'57".58		180	45°56'10".26	119°17'47".60	a point on the axis of McNary Dam at the north face of the south nonoverflow section
130	45°37'14".85	121°07'02".75	a point on the axis of the Dalles Dam at Station 48+79 of the center line survey of said dam	181	45°56'15".24	119°17'05".76	
131	45°37'23".97	121°07'08".14		182	45°56'24".05	119°15'21".40	
132	45°38'53".13	121°05'01".25		183	45°55'58".60	119°13'28".22	
133	45°39'09".54	121°03'47".80		184	45°55'40".97	119°11'39".82	
134	45°39'04".04	121°01'57".51		185	45°55'40".26	119°10'05".04	
135	45°39'12".08	121°00'22".28		186	45°55'58".55	119°07'30".72	
136	45°38'54".66	120°58'56".33		187	45°56'34".25	119°05'32".00	
137	45°38'55".91	120°58'49".52	a point on the center line of the Oregon Trunk Railroad Bridge and in the center of the 4th pier from the north end of said bridge	188	45°57'31".28	119°03'37".36	
138	45°38'58".405	120°58'35".90		189	45°58'09".33	119°01'33".95	
139	45°39'24".84	120°57'06".97		190	45°58'45".73	119°00'27".12	
140	45°39'23".58	120°56'34".22		191	46°00'00".00	118°59'10".12	
141	45°38'24".54	120°54'44".75					
142	45°38'35".09	120°53'40".72					
143	45°40'18".79	120°51'15".26					

ARTICLE III. RATIFICATION AND EFFECTIVE DATE

This compact shall become operative when it has been ratified by the legislatures of the states of Oregon and Washington and approved by the Congress of the United States and the Constitutions of the states of Oregon and Washington have been amended to authorize the establishment of the boundary as herein provided. [1965 c 8 § 43.58.060. Prior: 1957 c 90 § 2.]

43.58.070 Oregon-Washington Columbia River boundary compact—Transfer of records, etc., to division of archives. Upon ratification by the state of Oregon and approval by the Congress of the United States of the compact set forth in RCW 43.58.060, the

secretary of the Washington–Oregon boundary commission is hereby directed to transmit all records, work sheets, maps, minutes and other papers of said commission to the division of archives of the department of general administration. [1965 c 8 § 43.58.070. Prior: 1957 c 90 § 3.]

Division of archives: Chapter 40.14 RCW.

43.58.090 Oregon–Washington Columbia River boundary compact—Repeal of RCW 43.58.010 through 43.58.040, when. Chapter 27, Laws of 1937, as amended by chapter 6, Laws of 1955 extraordinary session and chapter 43.58 RCW [RCW 43.58.010 through 43.58.040] each shall be repealed when the compact set forth in RCW 43.58.060 has been ratified by the state of Oregon and approved by the Congress of the United States. [1965 c 8 § 43.58.090. Prior: 1957 c 90 § 5.]

Reviser's note: See note following RCW 43.58.050.

Chapter 43.59 TRAFFIC SAFETY COMMISSION

Sections

- 43.59.010 Purpose.
- 43.59.020 Governor responsible for administration of traffic safety program—Acceptance and disbursal of federal funds.
- 43.59.030 Members of commission—Appointment—Vacancies—Duty to assist governor.
- 43.59.040 Powers and duties of commission.
- 43.59.050 Meetings—Expenses of members.
- 43.59.060 Director of commission—Appointment—Salary.
- 43.59.070 Director's duties—Staff—Rules and regulations.
- 43.59.080 Governor's duties as chairman.
- 43.59.090 Delegation of nontraffic safety responsibilities of state safety council to other agencies.
- 43.59.100 Termination of terms of members of executive board and advisory committee of safety council.
- 43.59.110 Transfer of records, books, funds, etc.
- 43.59.120 Transfer of employees—Civil service rights preserved.
- 43.59.130 Report to legislative transportation committee.

43.59.010 Purpose. The purpose of this chapter is to establish a new agency of state government to be known as the Washington traffic safety commission. The functions and purpose of this commission shall be to find solutions to the problems that have been created as a result of the tremendous increase of motor vehicles on our highways and the attendant traffic death and accident tolls; to plan and supervise programs for the prevention of accidents on streets and highways including but not limited to educational campaigns designed to reduce traffic accidents in cooperation with all official and unofficial organizations interested in traffic safety; to coordinate the activities at the state and local level in the development of state-wide and local traffic safety programs; to promote a uniform enforcement of traffic safety laws and establish standards for investigation and reporting of traffic accidents; to promote and improve driver education; and to authorize the governor to perform all functions required to be performed by him under the federal Highway Safety Act of 1966 (Public Law 89–564; 80 Stat. 731). [1967 ex.s. c 147 § 1.]

Driver education courses: Chapter 46.81 RCW.

Drivers' training schools: Chapter 46.82 RCW.

43.59.020 Governor responsible for administration of traffic safety program—Acceptance and disbursal of federal funds. The governor shall be responsible for the administration of the traffic safety program of the state and shall be the official of the state having ultimate responsibility for dealing with the federal government with respect to all programs and activities of the state and local governments pursuant to the Highway Safety Act of 1966 (Public Law 89–564; 80 Stat. 731). The governor is authorized and empowered to accept and disburse federal grants or other funds or donations from any source for the purpose of improving traffic safety programs in the state of Washington, and is hereby empowered to contract and to do all other things necessary in behalf of this state to secure the full benefits available to this state under the federal Highway Safety Act of 1966 (Public Law 89–564; 80 Stat. 731) and in so doing, to cooperate with federal and state agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. [1967 ex.s. c 147 § 2.]

43.59.030 Members of commission—Appointment—Vacancies—Duty to assist governor. The governor shall be assisted in his duties and responsibilities by the Washington state traffic safety commission. The Washington traffic safety commission shall be comprised of the governor as chairman, the superintendent of public instruction, the director of motor vehicles, the director of highways, the chief of the state patrol, the director of the state department of health, a representative of the association of Washington cities to be appointed by the governor, a member of the association of counties to be appointed by the governor, and a representative of the judiciary to be appointed by the governor. Appointments to any vacancies among appointee members shall be as in the case of original appointment. [1971 ex.s. c 85 § 7; 1969 ex.s. c 105 § 1; 1967 ex.s. c 147 § 3.]

43.59.040 Powers and duties of commission. In addition to other responsibilities set forth in this chapter the commission shall:

(1) Advise and confer with the governing authority of any political subdivision of the state deemed eligible under the federal Highway Safety Act of 1966 (Public Law 89–564; 80 Stat. 731) for participation in the aims and programs and purposes of that act;

(2) Advise and confer with all agencies of state government whose programs and activities are within the scope of said Highway Safety Act including those agencies that are not subject to direct supervision, administration and control by the governor under existing laws;

(3) Succeed to and be vested with all powers, duties and jurisdictions previously vested in the Washington state safety council;

(4) Require all counties and municipalities to prepare a comprehensive traffic safety plan consistent with the standards established by rule and regulation by the

commission and the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731);

(5) Carry out such other responsibilities as may be consistent with this chapter. [1967 ex.s. c 147 § 4.]

43.59.050 Meetings—Expenses of members. The commission shall meet at least quarterly and shall have such special meetings as may be required. Members of the commission shall receive no additional compensation for their services except that which shall be allowed as actual and necessary expenses as limited by chapter 43.03 RCW in the performance of their official duties. [1967 ex.s. c 147 § 6.]

43.59.060 Director of commission—Appointment—Salary. The governor as chairman of the commission shall appoint a person to be director of the Washington traffic safety commission which director shall be paid such salary as shall be deemed reasonable and shall serve at the pleasure of the governor. [1967 ex.s. c 147 § 7.]

43.59.070 Director's duties—Staff—Rules and regulations. The director shall be secretary of the commission and shall be responsible for carrying into effect the commission's orders and rules and regulations promulgated by the commission. The director shall also be authorized to employ such staff as is necessary pursuant to the provisions of chapter 41.06 RCW. The commission shall adopt such rules and regulations as shall be necessary to carry into effect the purposes of this chapter. [1967 ex.s. c 147 § 8.]

43.59.080 Governor's duties as chairman. The governor as chairman of said commission shall have the authority to appoint advisory committees as he may deem advisable to aid, advise and assist the commission in carrying out the purposes of this chapter. All actions and decisions, however, shall be made by the commission. [1967 ex.s. c 147 § 9.]

43.59.090 Delegation of nontraffic safety responsibilities of state safety council to other agencies. The commission shall delegate all nontraffic safety responsibilities previously under the jurisdiction of the Washington state safety council to such other state agencies as the commission shall determine. [1967 ex.s. c 147 § 10.]

43.59.100 Termination of terms of members of executive board and advisory committee of safety council. All terms of the members of the executive board and members of the advisory committee of the Washington state safety council shall be terminated upon May 11, 1967. [1967 ex.s. c 147 § 11.]

43.59.110 Transfer of records, books, funds, etc. On May 11, 1967, all records, books, accounts, equipment, funds and all other personal property now or hereafter held for the use of the Washington state safety council in performing their functions and duties as set forth in

chapter 43.60 RCW shall be transferred to the possession and control of the Washington traffic safety commission. [1967 ex.s. c 147 § 12.]

43.59.120 Transfer of employees—Civil service rights preserved. All employees of the Washington state safety council who are employed exclusively or principally in performing the powers, duties and functions transferred by this chapter to the Washington state traffic safety commission shall, upon May 11, 1967, be transferred to the Washington state traffic safety commission. All such employees so transferred shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law. [1967 ex.s. c 147 § 13.]

43.59.130 Report to legislative transportation committee. The Washington state traffic safety commission shall submit a report outlining programs planned and steps taken toward improving traffic safety to the legislative transportation committee by October 1st of each even numbered year. [1971 ex.s. c 195 § 5; 1967 ex.s. c 147 § 14.]

Chapter 43.61

VETERANS' REHABILITATION COUNCIL

Sections

- 43.61.030 Approval of expenditures by secretary—Use of funds.
- 43.61.040 Rules and regulations—Annual report.
- 43.61.050 Veterans' fund created.
- 43.61.060 Donations may be accepted.
- 43.61.070 Payments to veterans' organizations.

Veterans' bonus, duties concerning: RCW 73.32.060, 73.33.070.

43.61.030 Approval of expenditures by secretary—Use of funds. The secretary 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. [1971 ex.s. c 189 § 5; 1970 ex.s. c 18 § 33; 1965 c 8 § 43.61.030. Prior: 1947 c 110 § 6; RRS § 10758-105.]

43.61.040 Rules and regulations—Annual report. The secretary 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 not provided by some other agency of the state or by the federal government. The secretary shall submit a report of the departments' activities hereunder before the fifteenth of January of

each year to the governor. [1971 ex.s. c 189 § 6; 1970 ex.s. c 18 § 34; 1965 c 8 § 43.61.040. Prior: 1947 c 110 § 3; RRS § 10758-102.]

43.61.050 Veterans' fund created. There is created in the state treasury a fund to be known as the veterans' rehabilitation council account and no money shall be withdrawn therefrom except by warrant of the state treasurer for claims approved by the secretary and filed on proper forms. [1970 ex.s. c 18 § 35; 1965 c 8 § 43.61.050. Prior: 1947 c 110 § 4; RRS § 10758-103.]

Effective date—Severability—1970 ex.s. c 18: See notes following RCW 43.20A.010.

43.61.060 Donations may be accepted. The department may receive gifts, donations, and grants from any person or agency and all such gifts, donations, and grants shall be placed in the veterans' rehabilitation council account and used in accordance with the donors' instructions. [1971 ex.s. c 189 § 7; 1965 c 8 § 43.61.060. Prior: 1947 c 110 § 5; RRS § 10758-104.]

43.61.070 Payments to veterans' organizations. Payments to any veterans' organization shall first be approved by the secretary and insofar as possible shall be made on an equitable basis for work done. [1970 ex.s. c 18 § 36; 1965 c 8 § 43.61.070. Prior: 1947 c 110 § 7; RRS § 10758-106.]

Effective date—Severability—1970 ex.s. c 18: See notes following RCW 43.20A.010.

Chapter 43.62

DETERMINATION OF POPULATIONS—STUDENT ENROLLMENTS

Sections

- 43.62.010 Board created—Composition—Expenses.
- 43.62.020 Method of allocating state funds to cities and towns prescribed.
- 43.62.030 Determination of population—Certificate—Allocation of state funds.
- 43.62.040 Assistance to board—Determination by board conclusive.
- 43.62.050 Student enrollment forecasts—Reports to governor and legislative budget committee.

43.62.010 Board created—Composition—Expenses. There is hereby created a state census board hereinafter referred to as the board, which shall consist of three members, one of whom shall be a member of the faculty of the University of Washington, appointed by the president thereof; one a member of the faculty of Washington State University, appointed by the president thereof, and one member appointed by the governor, all of whom serve at the pleasure of the appointing authority. If a member of said board declines to act, resigns, or is unable to act, his successor shall be named as in the original case. The board shall elect a chairman and shall purchase such equipment and supplies and shall employ such assistance and clerical help as is necessary in the performance of its duties. Each member of the board and any assistants or employees of the board when authorized to make expenditures in behalf of the board shall be reimbursed for necessary traveling and

other expenses. In addition, the per diem for each member of the board shall be twenty-five dollars for attendance at board meetings, which shall not exceed three meetings per year. If the state or any of its political subdivisions, or other agencies, use the services of the board, the state, its political subdivision, or other agencies utilizing such services shall pay for the cost of rendering such services. Per diem and expenditures herein authorized shall be approved by the chairman or the executive secretary of the board, and shall be paid out of funds allocated to cities and towns under RCW 82.44.150, as derived from section 5, chapter 152, Laws of 1945, and shall be paid from said fund before any allocations or payments are made to cities and towns under said act. [1965 c 8 § 43.62.010. Prior: 1957 c 175 § 1; 1951 c 96 § 1; 1947 c 51 § 2; RRS § 5508-11.]

43.62.020 Method of allocating state funds to cities and towns prescribed. Whenever cities and towns of the state are, by law, allocated and entitled to be paid any funds or state moneys from any source, and the allocation and payment is required to be made on a populations basis, notwithstanding the provisions of any other law to the contrary, all such allocations shall be made on the basis of the population of the respective cities and towns as last determined by the state census board: *Provided*, That the regular federal decennial census figures released for cities and towns shall be considered by the board in determining the population of cities and towns. [1965 c 8 § 43.62.020. Prior: 1957 c 175 § 2; prior: (i) 1949 c 60 § 1; RRS § 5508-3. (ii) 1947 c 51 § 1; RRS § 5508-10.]

43.62.030 Determination of population—Certificate—Allocation of state funds. The planning and community affairs agency shall annually as of April 1st, determine the populations of all cities and towns of the state; and on or before July 1st of each year, shall file with the secretary of state a certificate showing its determination as to the populations of cities and towns of the state. A copy of such certificate shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and on and after January 1st next following the date when such certificate or certificates are filed, the population determination shown in such certificate or certificates shall be used as the basis for the allocation and payment of state funds, to cities and towns until the next January 1st following the filing of successive certificates by the agency: *Provided*, That whenever territory is annexed to a city or town, the population of the annexed territory shall be added to the population of the annexing city or town upon the effective date of the annexation as specified in the relevant ordinance, and upon approval of the agency as provided in RCW 35.13.260, as now or hereafter amended, a revised certificate reflecting the determination of the population as increased from such annexation shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and upon and after the date of the commencement of the next quarterly period, the population determination indicated in such revised

certificate shall be used as the basis for allocation and payment of state funds to such city or town until the next annual population determination becomes effective: *Provided further*, That whenever any city or town becomes incorporated subsequent to the determination of such population, the populations of such cities and towns as shown in the records of incorporation filed with the secretary of state shall be used in determining the amount of allocation and payments, and the agency shall so notify the proper state officials or departments, and such cities and towns shall be entitled to participate in allocations thereafter made: *Provided further*, That in case any incorporated city or town disincorporates subsequent to the filing of such certificate or certificates, the agency shall promptly notify the proper state officials or departments thereof, and such cities and towns shall cease to participate in allocations thereafter made, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns. The secretary of state shall promptly notify the agency of the incorporation of each new city and town and of the disincorporation of any cities or towns.

For the purposes of this section, each quarterly period shall commence on the first day of the months of January, April, July, and October. Whenever a revised certificate due to an annexation is forwarded by the agency thirty days or less prior to the commencement of the next quarterly period, the population of the annexed territory shall not be considered until the commencement of the following quarterly period. [1969 ex.s. c 50 § 2; 1965 c 8 § 43.62.030. Prior: 1957 c 175 § 3; 1951 c 96 § 2.]

Reviser's note: State census board abolished by RCW 43.63A.150, and powers transferred to planning and community affairs agency by RCW 43.63A.080(10). Powers of planning and community affairs as to functions contained in this chapter were transferred to the office of program planning and fiscal management by RCW 43.41.050 and 43.41.110.

1969 allocations: "The allocation of state funds to cities and towns for the calendar year 1969 shall be made on the basis of the laws in effect prior to the effective date of this act." [1969 ex.s. c 50 § 3.] This applies to RCW 35.13.260 and 43.62.030. The effective date of 1969 ex.s. c 50 was August 11, 1969.

Determination of population of area annexed to city: RCW 35.13.260.

43.62.040 Assistance to board—Determination by board conclusive. The tax commission or any other state officer or officials of cities, towns, or counties shall upon request of the board furnish such information, aid, and assistance as may be required by the board in the performance of its duties. The action of the board in determining the population shall be final and conclusive. [1965 c 8 § 43.62.040. Prior: 1957 c 175 § 4; 1951 c 96 § 3.]

43.62.050 Student enrollment forecasts—Reports to governor and legislative budget committee. The board shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges and universities. The board shall submit reports on such forecasts to the governor and to the legislative budget committee on or before the fifteenth

day of November of each even-numbered year. [1965 c 8 § 43.62.050. Prior: 1959 c 171 § 1; 1957 c 229 § 1.]

Chapter 43.63A

PLANNING AND COMMUNITY AFFAIRS

Sections

- 43.63A.010 Purpose.
- 43.63A.020 Definitions.
- 43.63A.030 Planning and community affairs agency—Created.
- 43.63A.040 Planning and community affairs agency—Director—Appointment, salary, bond.
- 43.63A.050 Planning and community affairs agency—Personnel.
- 43.63A.060 Powers and duties of director.
- 43.63A.070 Planning functions and responsibilities.
- 43.63A.080 Community affairs functions and responsibilities.
- 43.63A.085 Inventory of state land resources—Developing and maintaining—Summaries.
- 43.63A.090 Transfer of employees to agency—Applicability of merit system.
- 43.63A.100 Coordination of community affairs activities and programs.
- 43.63A.110 Comprehensive plans of counties, cities, municipal corporations, governmental conference or council, or regional planning commission—Filing with planning and community affairs agency—Advisory recommendations.
- 43.63A.120 State planning advisory council.
- 43.63A.130 Advisory or coordinating groups—Establishment.
- 43.63A.140 Appropriations.
- 43.63A.150 State census board abolished.
- 43.63A.900 Severability—1967 c 74.

Reviser's note: State planning, program management, and population and research divisions of planning and community affairs agency transferred to office of program planning and fiscal management: See chapter 43.41 RCW.

Annexations to cities or towns, annexation certificate submitted to the planning and community affairs agency: RCW 35.13.260.

Community college board to assist in enrollment projections: RCW 28B.50.090(4).

Justice court judicial districts, population estimated and certified by the planning and community affairs agency: RCW 3.30.010.

Local governmental organizations, actions affecting boundaries, etc., review by boundary review board: Chapter 36.93 RCW.

Scenic and recreational highway act, planning and design standards to be established by office of community affairs: RCW 47.39.040.

Thermal power plant site evaluation council, membership: RCW 80.50.030.

43.63A.010 Purpose. The legislature finds that (1) the rapid growth being experienced by many communities within the state presents new and significant problems for governmental units in providing the necessary public services and in planning and developing desirable living and working areas; (2) the full and effective use of the many programs of the federal government affecting community development necessitates full cooperation and coordination of existing state and local governmental agencies; (3) the coordination of existing state activities which affect the communities of the state requires the establishment of machinery within the state government to administer new and existing programs to meet these problems; (4) it is the urgent responsibility of the state to assist communities in meeting these problems in whatever way possible including technical and financial assistance. It is therefore the purpose of this chapter to establish a state agency for state planning, to aid in providing financial and technical assistance to the communities of the state and to otherwise

assist in such community planning and development in order to promote health and living standards and conditions that the welfare of the people of the state require. [1967 c 74 § 1.]

Effective date—1967 c 74: "This act shall take effect on July 1, 1967." [1967 c 74 § 15.] This applies to RCW 43.63A.010–43.63A.140, 43.63A.900.

Construction—1967 c 74: "The enactment of this act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at date this act becomes effective." [1967 c 74 § 17.] This applies to RCW 43.63A.010–43.63A.140, 43.63A.900.

43.63A.020 Definitions. For the purposes of this chapter and unless the context shall clearly indicate otherwise:

(1) "Agency" means the planning and community affairs agency as created in RCW 43.63A.030.

(2) "Director" means the director of planning and community affairs as provided for in RCW 43.63A.040. [1967 c 74 § 2.]

43.63A.030 Planning and community affairs agency—Created. There is hereby established to carry out the purposes of this chapter a new agency of state government in the office of the governor to be known as the planning and community affairs agency. [1967 c 74 § 3.]

43.63A.040 Planning and community affairs agency—Director—Appointment, salary, bond. The executive head of the planning and community affairs agency shall be a director appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. He shall be bonded in an amount to be determined by the administrative board under the provisions of RCW 43.17.090, the cost of which shall be considered an office expense. [1967 c 74 § 4.]

43.63A.050 Planning and community affairs agency—Personnel. The director shall employ such personnel and prescribe their duties as may be necessary to implement the purposes of this chapter. Said employees shall be subject to those civil service and personnel policies established for state employees generally and shall be paid salaries at rates of pay comparable to those of state employees with equivalent responsibilities in other state agencies subject to the provisions of chapter 41.06 RCW. [1967 c 74 § 5.]

43.63A.060 Powers and duties of director. The director shall supervise and administer the activities of the planning and community affairs agency and shall advise the governor and the legislature with respect to matters affecting planning and community affairs generally and more especially on the extent the state should participate in such planning and community affairs.

The director may enter into contracts on behalf of the state to carry out the purposes of this chapter; he may act for the state in the initiation of or participation in any multi-governmental agency program relative to

the purposes of this chapter; and he may accept gifts and grants, whether such grants be of federal or other funds. When federal or other funds are received by the agency they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director. The director shall prepare and submit for executive and legislative action thereon the budget for the planning and community affairs agency; he shall make an annual report to the governor and to the legislature on the activities of the office and the nature of existing community problems, and after consultation with and approval by the governor, submit such recommendations for legislative action as deemed necessary to further the purposes of this chapter; and he shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of this chapter.

The director may delegate such of his functions, powers and duties to other officers and employees of the office as he deems expedient to the furtherance of the purposes of this chapter. [1967 c 74 § 6.]

43.63A.070 Planning functions and responsibilities. The planning and community affairs agency shall have the following planning functions and responsibilities:

(1) Provide technical assistance to the governor and the legislature in identifying long range goals for the state.

(2) Prepare a state comprehensive plan as the state's long range public declaration of intent in developmental policy, for programming its facilities and services and for guidance of private activities and public programs at all levels of government. Plan elements may include but shall not be limited to transportation, scenic highways, public facilities, recreation, open spaces, natural resources, patterns of urban and rural development, and quality of the natural and man-made environment.

(3) Provide assistance and coordination to other state agencies for preparation of agency 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 assist cities, counties, municipal corporations, governmental conferences or councils and regional planning commissions to participate with other states or their subdivisions in planning.

(6) Assist the central budget agency in capital improvement programming and other programming activities.

(7) Encourage educational and research programs that further planning and community development, and provide administrative and technical services therefor. [1967 c 74 § 7.]

43.63A.080 Community affairs functions and responsibilities. The planning and community affairs agency shall have the following community affairs functions and responsibilities:

(1) Administration or coordination of state programs and projects relating to community affairs for the planning and carrying out of the acquisition, preservation, use and development of land and provision of public facilities and services for fully carrying out the state's role in related federal grant or loan programs.

(a) Where not otherwise authorized by state law, authorize state financial participation with cities, towns, counties, and other municipal corporations in financing public works projects and service programs. The assisted projects and programs shall be consistent with local, regional and state comprehensive plans and policies.

(b) All applications for federal grants and/or loans for this purpose shall be submitted to the planning and community affairs agency for recommendation as to consistency with, state, regional, local or other plans or policies and for duplication or conflicts so as to maximize federal benefits available to the state.

(c) The director shall approve or disapprove state grants administered by the planning and community affairs agency to apply toward the nonfederal share of project costs in conformity with the provisions of this chapter. Such approval may be conditional upon approval of a governmental conference or council, or regional planning agency, which provides review of federal aid applications within its regional area, and upon subsequent approval of the project by an appropriate federal agency for federal grant funds. Upon approval of the application the director shall transmit it to the appropriate federal agency. Any application disapproved by the director shall be returned to the applicant with written notice of modification necessary to make the project eligible in terms of state or federal policies.

(2) Cooperate with and provide technical and financial assistance to counties, cities, municipal corporations, governmental conferences or councils, regional planning commissions, parks or recreation boards, community development groups, community action agencies, Indian tribes, and similar agencies created for the purposes of aiding and encouraging an orderly productive and coordinated development of the state, and to strengthen local planning responsibility and capability.

(3) Assist the governor in coordinating the activities of state agencies which have an impact on the solution of community development problems and the implementation of community plans.

(4) Encourage and, when requested, assist the efforts of local governments to develop mutual and cooperative solutions to their common problems.

(5) Study existing legal provisions that affect the structure and financing of local government and those state activities which involve significant relations with local governmental units and recommend to the governor and the legislature such changes in these provisions and activities as may seem necessary to strengthen local government.

(6) Serve as a clearinghouse for information, data, and other materials which may be helpful or necessary to local governments to discharge their responsibilities. The clearinghouse should also provide information on

available federal and state financial and technical assistance.

(7) Carry out continuing studies and analyses of the problems faced by communities within the state and develop such recommendations for administrative or legislative action as would appear necessary. In carrying out such studies and analyses, particular attention should be paid to the problems of regional, metropolitan, urban, suburban, rural, and other areas in which economic and population factors are rapidly changing.

(8) Develop and/or test model or demonstration programs and projects, which may include contracting to administer certain functions or services within a community of the state for such purposes, and otherwise provide a program of practical research in the solution of community problems.

(9) Carry out the provisions of RCW 43.31.200 through 43.31.230; RCW 35.13.171(3) relating to annexation review board responsibilities; and that portion of RCW 58.16.110 relating to state review of subdivision regulations. The department of commerce and economic development shall transfer all records, books, documents, papers, files, or other writings, all cabinets, furniture, office equipment and other tangible property, and all funds in custody or under control or use by the department and any other pertinent information relative to the business being carried on thereunder to the agency as soon as practicable after July 1, 1967 and give such other assistance to the director of the planning and community affairs agency as essential to carrying out the purposes of this chapter. The transfer of powers and duties as provided in this subsection shall not affect the validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this subsection which at the time of transfer have not been completed may be undertaken and completed by the director of the planning and community affairs agency, who is authorized, empowered, and directed to promulgate any and all orders, rules and regulations necessary to accomplish this purpose.

(10) Carry out the provisions of RCW 43.62.010 through 43.62.050. The state census board shall transfer all records, books, documents, papers, files or other writings, all cabinets, furniture, office equipment and other tangible property, and all funds in custody or under control or use by the board and any other pertinent information relative to the business being carried on thereunder to the agency as soon as practicable after July 1, 1967 and give such other assistance to the director of the planning and community affairs agency as essential to carrying out the purposes of this chapter. The transfer of powers and duties as provided in this subsection shall not affect the validity of any acts performed by such agency or any officer or employee thereof before taking effect of this chapter. All matters relating to functions transferred under the provisions of this subsection which at the time of transfer have not been completed may be undertaken and completed by the director of the planning and community affairs agency, who is authorized, empowered, and directed to

promulgate any and all orders, rules and regulations necessary to accomplish this purpose.

(11) Review all proposals for the location of capital improvements by any state agency to be located within any city or within any urbanized area not located within a city, and advise and make recommendations concerning location of such capital improvements.

The office shall, in carrying out its functions, consult with local and federal officials, private groups and individuals, and with officials of other states, and may, if the director deems it desirable, hold public hearings to obtain information for the purpose of carrying out the purposes of this chapter. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the office, including the submission of requested information as to allow the office to carry out its purposes under this chapter. [1967 c 74 § 8.]

Reviser's note: RCW 58.16.110 was repealed by section 36, chapter 271, Laws of 1969 ex.s. For provisions relating to platting, subdivision and dedication of land see chapter 58.17 RCW.

43.63A.085 Inventory of state land resources—Developing and maintaining—Summaries. The planning and community affairs agency shall provide by administrative regulation for the maintenance of an inventory of all state owned or controlled land resources by all state agencies owning or controlling land. The planning and community affairs agency shall cooperate with the state departments and agencies charged with administering state owned and/or controlled land resources to assist them in developing and maintaining land resources inventories that will permit their respective inventories to be summarized into meaningful reports for the purposes of providing executive agencies with information for planning, budgeting and managing state owned or administered land resources and to provide the legislature, its members, committees and staff with data needed for formulation of public policy.

Such departments or agencies shall maintain and make available such summary inventory information as may be prescribed by the rules and regulations of the planning and community affairs agency. That agency shall give each affected department or agency specific written notice of hearings for consideration, adoption or modification of such rules and regulations. All information submitted to the planning and community affairs agency as provided herein shall be a matter of public record and shall be available from said agency upon request. [1969 ex.s. c 53 § 1.]

Land use data bank—Contents, source—Consultants authorized—Use: RCW 79.68.120.

43.63A.090 Transfer of employees to agency—Applicability of merit system. All employees of the department of commerce and economic development and of the state census board who are employed exclusively or principally in performing the powers, duties and functions transferred by this chapter to the office of community affairs shall, upon July 1, 1967, be transferred to the office of community affairs. All such employees so

transferred shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, without any loss of rights granted by said law. [1967 c 74 § 9.]

43.63A.100 Coordination of community affairs activities and programs. The legislature hereby declares that the successful execution of the purposes of this chapter is dependent upon all activities and programs of those state agencies which might have an impact on community affairs being fully coordinated with the planning and community affairs agency. [1967 c 74 § 10.]

43.63A.110 Comprehensive plans of counties, cities, municipal corporations, governmental conference or council, or regional planning commission—Filing with planning and community affairs agency—Advisory recommendations. All comprehensive plans, or amendments thereto, being considered by any county, city, municipal corporations, governmental conference or council, or regional planning commission must be filed with the planning and community affairs agency for the purpose of review and recommendation prior to adoption. The planning and community affairs agency shall communicate its comments and recommendations to the proponent within thirty days following receipt of such plans or amendments by the agency unless the submitting body shall authorize a longer time. Such comments and recommendations shall be advisory only. Failure of any county, city, or any other municipal corporation to comply with the provisions of this section, shall not invalidate any comprehensive plan or any amendments thereto, otherwise enacted according to law. [1967 c 74 § 11.]

43.63A.120 State planning advisory council. A state planning advisory council of not to exceed fifteen members shall be appointed by the governor to advise the director and the governor on policy matters as specified in this chapter. The council shall be composed of residents of the state from such geographical areas as the governor shall determine will best further the purposes of this chapter: *Provided*, That there shall be at least one member from each congressional district. Members shall serve at the pleasure of the governor and shall receive twenty-five dollars per diem for each day or major portion thereof plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW now or hereafter amended. [1967 c 74 § 12.]

43.63A.130 Advisory or coordinating groups—Establishment. The director or the governor may establish such additional advisory or coordinating groups with the legislature or legislative council, within state government, with state and other governmental units or in specialized subject areas as may be necessary to carry out the purposes of this chapter. Tenure and compensation for expenses shall be the same as for the state planning advisory council. [1967 c 74 § 13.]

43.63A.140 Appropriations. Moneys may be appropriated to carry out the purposes of this chapter. [1967 c 74 § 14.]

43.63A.150 State census board abolished. The state census board is hereby abolished. [1967 ex.s. c 42 § 3.]

Effective date—1967 ex.s. c 42: The effective date of this section is July 1, 1967, see note following RCW 3.30.010.

Savings—1967 ex.s. c 42: See note following RCW 3.30.010.
State census board: Chapter 43.62 RCW.

43.63A.900 Severability—1967 c 74. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. [1967 c 74 § 16.]

Chapter 43.74 BASIC SCIENCE LAW

Sections

43.74.005	Definitions.
43.74.010	Committee created—Members.
43.74.015	Committee organization, powers and duties—Compensation, expenses.
43.74.020	Duties of committee—Examinations.
43.74.025	Qualifications for examination and certificate.
43.74.030	Scope of examinations.
43.74.035	Waiver of examination—Reciprocity—Fees.
43.74.037	Waiver of examination by examining board or committee—Effect.
43.74.040	Application to practice.
43.74.050	Issuance of certificate for license.
43.74.060	Further examination—Subjects may be limited.
43.74.065	Revocation of certificate or license—Appeal—Penalty.
43.74.075	Discrimination prohibited.
43.74.080	When chapter does not apply.
43.74.085	Requirements of chapter satisfied by proof medicine and surgery, osteopathy, or osteopathy and surgery applicant passed other examination.
43.74.090	Penalty.
43.74.900	Short title.

Reviser's note: "Director of the department of licenses" changed to "director of the department of motor vehicles" in RCW 43.74.005 and "director of licenses" changed to "director of motor vehicles" in RCW 43.74.060 pursuant to chapter 156, Laws of 1965.

43.74.005 Definitions. Terms used in this chapter shall have the following meaning:

(1) "Basic sciences" are anatomy, physiology, chemistry, pathology, bacteriology, and hygiene.

(2) "Healing art" is any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, prevention, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition.

(3) "Committee" means the examining committee created herein.

(4) "Director" means the director of the department of motor vehicles. [1965 c 8 § 43.74.005. Prior: 1955 c 192 § 2.]

43.74.010 Committee created—Members. There shall be a committee of six members learned respectively in the basic sciences to conduct and assist in conducting basic science examinations of all persons

applying for licenses or certificates to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, podiatry, or drugless therapeutics.

The members of the committee shall be appointed from time to time by the governor from the faculty lists of the University of Washington and Washington State University, and he shall certify the names of those appointed to the director. Vacancies on the committee shall be filled by the governor within sixty days after such vacancy occurs in the same manner as the original appointment. [1973 c 77 § 22; 1965 c 8 § 43.74.010. Prior: 1955 c 192 § 3; 1927 c 183 § 1; RRS § 10185-1.]

43.74.015 Committee organization, powers and duties—Compensation, expenses. (1) The committee shall meet and organize as soon as practicable after appointment.

(2) It shall elect a chairman, and vice chairman from its members, and elect or appoint a secretary-treasurer, who need not be a member.

(3) It may adopt a seal.

(4) It may make such rules and regulations, not inconsistent with this chapter, as it deems expedient to carry this chapter into effect.

(5) A majority of the committee shall constitute a quorum for the transaction of business.

(6) The committee shall keep a record of all its business and proceedings.

(7) Each member shall receive twenty-five dollars a day for each day actually engaged in conducting examinations or in the preparation of examination questions or the grading of examination papers, together with his necessary traveling expenses, as provided for state officials and employees generally in chapter 43.03 RCW; to be paid out of the general fund on vouchers approved by the director.

(8) The director may provide reasonable compensation together with necessary traveling expenses for the secretary-treasurer of the committee if he is not a member thereof, to be paid out of the general fund on vouchers approved by the director. [1967 c 188 § 6; 1965 c 8 § 43.74.015. Prior: 1955 c 192 § 4.]

43.74.020 Duties of committee—Examinations. The committee shall conduct examinations in the basic sciences at least twice in each year at such times and places as the committee and director may determine: *Provided*, That bacteriology shall not be included as a subject in any examination conducted prior to July 1, 1956.

If the committee and director deem it more advantageous to the committee and the applicants for licenses, the committee may prepare and transmit to the director the examination questions agreed upon by the committee, and the director may conduct the examination, and thereafter forthwith transmit the examination papers identified by number only and not by the name of the person examined, to the committee, which shall thereupon examine and grade the same, and transmit the grades to the director within ten days after the examination. [1965 c 8 § 43.74.020. Prior: 1955 c 192 § 5; 1927 c 183 § 2; RRS § 10185-2.]

43.74.025 Qualifications for examination and certificate. (1) No person shall be eligible for examination for a basic science certificate until he has furnished satisfactory evidence to the director that:

(a) He is a person of good moral character; and,

(b) He is a graduate of an accredited high school or possesses the educational qualifications equivalent to those required for graduation by an accredited high school, as determined by the director.

(2) No person shall receive a basic science certificate until he has passed the examination required by this chapter. [1965 c 8 § 43.74.025. Prior: 1955 c 192 § 6.]

43.74.030 Scope of examinations. Examinations shall be written, and shall be of such a nature as to constitute an adequate test whether the person examined has knowledge of the elementary principles of the basic sciences as taught at the University of Washington or Washington State University, in one year's instruction of thirty-six weeks, or as taught in one year's instruction of thirty-six weeks at any college or university accredited by the University of Washington, or the equivalent thereof. [1965 c 8 § 43.74.030. Prior: 1955 c 192 § 8; 1927 c 183 § 3; RRS § 10185-3.]

43.74.035 Waiver of examination—Reciprocity—Fees. (1) The director shall waive the examination in the basic sciences when satisfactory proof is submitted to him showing that:

(a) The applicant has passed an examination in the basic sciences before examiners in basic sciences in those states which have a basic science act.

(b) The requirements of that state at the time of such examination are at least equal in all respects to those required by this chapter for the issuance of a basic science certificate.

(c) Like exemption from examination in the basic sciences is granted by such state to persons granted certificates by the committee created by this chapter.

(d) The application for such certificate is accompanied by a fee of twenty-five dollars.

(2) The fee for endorsement of a certificate to another state shall be five dollars.

(3) In case an applicant comes from a state which does not examine in all the basic sciences required by this chapter, the director shall waive the examination in the basic sciences in which the other state does examine, if all other requirements at the time of the examination for issuing a basic science certificate in the other state are equal to those required by this chapter. In such a case the applicant shall be examined only in the basic sciences needed for him to fully meet the requirements of this chapter for the issuance of a basic science certificate. [1965 c 8 § 43.74.035. Prior: 1955 c 192 § 9.]

43.74.037 Waiver of examination by examining board or committee—Effect. The committee shall not examine a person in the basic sciences when the board or committee examining that person for a certificate to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, or podiatry has waived requirements for that person to be examined in the basic

sciences; and that person shall be eligible to be licensed to practice to the same extent as if he had passed the basic science examination provided for in this chapter. [1973 c 77 § 23; 1971 ex.s. c 227 § 2.]

43.74.040 Application to practice. Any person desiring to apply to the director for a license to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, podiatry, or drugless therapeutics shall first present to the director his credentials required by law evidencing his qualifications to be admitted to license, or to take the examination prerequisite to securing a certificate or license, and if they are found satisfactory and the applicant is eligible to examination the director shall issue to such applicant a certificate giving the name of the applicant and certifying that he is entitled to take the preliminary examination provided for in this chapter but without specifying the branch of therapeutics for which the applicant has applied for a license, and upon presentation of such certificate to the committee, together with a receipt for an examining fee of ten dollars, the applicant shall be entitled to take the examination.

If the preliminary examination is conducted by the director as provided in RCW 43.74.020 it may be given upon the payment of the ten dollar examining fee, and without the preliminary certificate. [1973 c 77 § 24; 1965 c 8 § 43.74.040. Prior: 1955 c 192 § 7; 1927 c 183 § 4; RRS § 10185-4.]

43.74.050 Issuance of certificate for license. If an applicant for examination passes with an average of not less than seventy-five percent, and a grade in each of said subjects of not less than seventy percent, the committee shall issue to the applicant a certificate signed by its members giving the grades in each subject, which certificate shall be filed by the applicant with the state treasurer, together with his application for the particular license or certificate sought and the fee required by law to accompany such application. [1965 c 8 § 43.74.050. Prior: 1927 c 183 § 5; RRS § 10185-5.]

43.74.060 Further examination—Subjects may be limited. In any case where existing law requires an examination in any one or more of the branches of anatomy, physiology, chemistry, pathology, bacteriology, or hygiene, as a prerequisite to the issuance of the license applied for, the director of motor vehicles may dispense with a second examination in any or all of such five branches in which an applicant has passed in a preliminary examination with a grade of not less than seventy-five percent. [1965 c 8 § 43.74.060. Prior: 1927 c 183 § 6; RRS § 10185-6.]

43.74.065 Revocation of certificate or license—Appeal—Penalty. (1) The director may revoke any certificate granted under this chapter on mistake of material fact, or by reason of fraudulent misrepresentation of fact, or when the holder is convicted of a felony: *Provided, however,* That any party shall have the right of appeal to the superior court of Thurston county from the decision of the director.

(2) The director may revoke any license to practice any of the healing arts enumerated in RCW 43.74.010 if such licensee is found to be practicing without a basic science certificate. Any person who stays on in a hospital beyond the authorized training period of internship, residency and fellowship as then provided by the examining committee or board of his branch of the healing art, without having qualified in the basic sciences as required under this chapter, shall be guilty of practicing the healing art without a basic science certificate, and shall be subject to the penalties prescribed by this chapter or by law. [1965 c 8 § 43.74.065. Prior: 1955 c 192 § 10.]

43.74.075 Discrimination prohibited. No person shall in any manner whatsoever discriminate against any applicant or any system or branch of the healing arts, or any member or student thereof, with relation to the subject matter of this chapter. [1965 c 8 § 43.74.075. Prior: 1955 c 192 § 11.]

43.74.080 When chapter does not apply. This chapter shall not be held to apply to or interfere in any way with the practice of religion; nor to any kind of treatment by prayer; nor to persons legally licensed prior to the effective date of this chapter (1955 c 192 effective date was June 8, 1955; 1927 c 183 effective date was June 8, 1927); nor to persons specifically permitted by law to practice without a license or certificate; nor to any person other than those pursuing the practice of medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, podiatry, or drugless therapeutics; nor to the healing art personnel of the public health service or the armed forces of the United States; who each practice within the limits of the privilege thus granted them. [1973 c 77 § 25; 1965 c 8 § 43.74.080. Prior: 1955 c 192 § 12; 1927 c 183 § 8; RRS § 10185-8.]

43.74.085 Requirements of chapter satisfied by proof medicine and surgery, osteopathy, or osteopathy and surgery applicant passed other examination. Notwithstanding any provisions of this chapter to the contrary, an applicant for a license to practice medicine and surgery, osteopathy, or osteopathy and surgery, or podiatry, shall be deemed to have satisfied the requirements of the basic science law by giving proof satisfactory to the committee that he has successfully passed an examination in the basic sciences given by the national examining board for osteopathic physicians and surgeons, or by an equivalent body in the case of applicants for a license to practice medicine and surgery or podiatry. [1973 c 77 § 26; 1971 ex.s. c 227 § 1.]

43.74.090 Penalty. Any person who violates any provision of this chapter shall in addition to any other penalty provided, be guilty of a misdemeanor. [1965 c 8 § 43.74.090. Prior: 1955 c 192 § 13.]

43.74.900 Short title. This chapter shall be known as the basic science law. [1965 c 8 § 43.74.900. Prior: 1955 c 192 § 1.]

**Chapter 43.75
STATE BUILDING AUTHORITY—
INDEBTEDNESS—REFUNDING—BOND
ISSUE**

Sections	
43.75.200	General obligation bonds—Refunding— Amount—Authority of state finance committee to issue.
43.75.205	General obligation bonds—Form, terms, covenants, etc.—Sale—Redemption.
43.75.215	General obligation bonds—Redemption— Enforcement.
43.75.220	Building authority construction account—Created— Funds.
43.75.225	Rescission of leases and agreements authorized.
43.75.230	Legislature may provide additional means for paying bonds.
43.75.235	Bonds legal investment for state and other public body funds.
43.75.900	Severability—1973 c 9.
43.75.910	Effective date—1973 c 9.

43.75.200 General obligation bonds—Refunding—Amount—Authority of state finance committee to issue. The state finance committee shall issue general obligation bonds of the state in the amount of seventy-two million one hundred sixty-seven thousand, six hundred fifty dollars, or so much thereof as may be required to refund, at or prior to maturity, all indebtedness, including any premium payable with respect thereto and all interest thereon, incurred by the Washington state building authority and to pay all costs incidental thereto and to the issuance of such bonds. Such refunding bonds shall not constitute an indebtedness of the state of Washington within the meaning of the debt limitation contained in section 1 of Article VIII of the Washington state Constitution, as amended by a vote of the people pursuant to HJR 52, 1971 regular session. [1973 c 9 § 1; 1971 ex.s. c 154 § 1.]

43.75.205 General obligation bonds—Form, terms, covenants, etc.—Sale—Redemption. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds. Such bonds shall be payable at such places as the committee may provide.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due.

The proceeds from the sale of bonds authorized by this chapter and any interest earned on the interim investment of such proceeds, shall be used exclusively for the purposes specified in this chapter. [1973 c 9 § 2.]

43.75.215 General obligation bonds—Redemption—Enforcement. The state finance committee shall on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet retirement and interest requirements of such bonds, and on July 1st of each year the state treasurer shall deposit from any general state revenues such amount in the state building authority bond redemption fund hereby created in the state treasury. The owner and holder of each of the bonds or the trustee for any of the bondholders may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed by this section. [1973 c 9 § 3.]

43.75.220 Building authority construction account—Created—Funds. A building authority construction account is hereby created in the state treasury. All funds of the state building authority shall, on July 1, 1973, be transferred to such construction account. Moneys in such account shall be disbursed pursuant to appropriations: *Provided*, That all moneys not appropriated prior to said date shall be deposited in the state building authority bond redemption fund. [1973 c 9 § 4.]

43.75.225 Rescission of leases and agreements authorized. The Washington state building authority and the state institutions of higher learning and other state agencies are hereby authorized to rescind leases and other agreements entered into prior to February 21, 1973, pursuant to chapter 43.75 RCW at such time as all indebtedness incurred by the authority has been paid. [1973 c 9 § 5.]

43.75.230 Legislature may provide additional means for paying bonds. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized by this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment. [1973 c 9 § 6.]

43.75.235 Bonds legal investment for state and other public body funds. The bonds authorized by this chapter shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [1973 c 9 § 7.]

43.75.900 Severability—1973 c 9. If any provision of this 1973 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. [1973 c 9 § 9.]

43.75.910 Effective date—1973 c 9. This 1973 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, except as otherwise specifically provided, shall take effect immediately. [1973 c 9 § 10.]

Chapter 43.77

PRINTING AND DUPLICATING COMMITTEE

Sections

- 43.77.010 Composition of committee.
- 43.77.020 Powers and duties.
- 43.77.030 Unauthorized acquisition of printing or duplicating equipment prohibited—Exceptions.
- 43.77.040 Meetings.
- 43.77.050 Legislative, judicial branches of government excepted.

43.77.010 Composition of committee. The state printer, the director of budget, and the director of general administration shall constitute the state printing and duplicating committee. [1965 c 8 § 43.77.010. Prior: 1959 c 238 § 1.]

Reviser's note: The central budget agency was abolished by 1969 ex.s. c 239 § 17 [RCW 43.41.940] and its powers, duties, and functions were transferred to the office of program planning and fiscal management by 1969 ex.s. c 239 § 3 [RCW 43.41.050].

43.77.020 Powers and duties. The state printing and duplicating committee shall hereafter approve or take such other action as it deems necessary regarding the purchase or acquisition of any printing, microfilm, or other duplicating equipment, other than typewriters or mimeograph machines, by any official or agency of the state. Whenever the director of general administration determines that any official or agency has not substantially complied with the provisions of chapters 40.10 and 40.14 RCW, he shall refer to the committee for approval or other action, requests received by his agency for the purchase or acquisition of files and filing equipment from the requesting official or agency. [1973 c 12 § 1; 1965 c 8 § 43.77.020. Prior: 1959 c 238 § 2.]

State purchasing: Chapter 43.19 RCW.

43.77.030 Unauthorized acquisition of printing or duplicating equipment prohibited—Exceptions. Hereafter no state official or agency of the state shall acquire by purchase or otherwise any printing, microfilm, or other duplicating equipment, other than typewriters or mimeograph machines, unless authorized by the state printing and duplicating committee to so acquire. [1973 c 12 § 2; 1965 c 8 § 43.77.030. Prior: 1959 c 238 § 3.]

43.77.040 Meetings. The state printing and duplicating committee shall meet within one month after the effective date of this chapter [June 10, 1959] and make provision for carrying out the purposes of this chapter. The committee shall thereafter meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. [1965 c 8 § 43.77.040. Prior: 1959 c 238 § 4.]

43.77.050 Legislative, judicial branches of government excepted. Nothing in this chapter shall apply to officials or agencies of the legislative or judicial branch of the state government. [1965 c 8 § 43.77.050. Prior: 1959 c 238 § 5.]

Chapter 43.78

PUBLIC PRINTER—PUBLIC PRINTING

Sections

- 43.78.010 Appointment of public printer.
- 43.78.020 Bond.
- 43.78.030 Duties—Exceptions.
- 43.78.040 Requisitions.
- 43.78.050 Itemized statement of charges.
- 43.78.070 Use of state plant—Conditions—Public printer's salary.
- 43.78.080 Printing specifications.
- 43.78.090 Reprinting.
- 43.78.100 Stock to be furnished.
- 43.78.110 Printer may farm out printing.
- 43.78.130 Public printing for municipal corporations must be done in state—Exceptions.
- 43.78.140 Public printing for municipal corporations must be done in state—Allowance of claims.
- 43.78.150 Public printing for municipal corporations must be done in state—Contracts for out-of-state work.
- 43.78.160 Public printing for municipal corporations must be done in state—Quality and workmanship requirements.

43.78.010 Appointment of public printer. There shall be a public printer appointed by the governor, who shall hold office at the pleasure of the governor and until his successor is appointed and qualified. [1965 c 8 § 43.78.010. Prior: 1905 c 168 § 1; RRS § 10323.]

43.78.020 Bond. Before entering upon the duties of his office, the public printer shall execute to the state a bond in the sum of ten thousand dollars conditioned for the faithful and punctual performance of all duties and trusts of his office. [1965 c 8 § 43.78.020. Prior: 1933 c 97 § 4; 1905 c 168 § 2; RRS § 10324.]

43.78.030 Duties—Exceptions. The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities: *Provided*, That this section shall not apply to the printing of the supreme court, and the court of appeals reports: *Provided further*, That where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer: *And provided further*, Any printing and binding of whatever description as may be needed by any institution of higher learning, institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed two hundred dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of said agency so ordering, the saving in time and processing justifies the award to such local

private printing concern. [1971 c 81 § 114; 1965 c 8 § 43.78.030. Prior: 1959 c 88 § 1; 1917 c 129 § 1; 1915 c 27 § 2; 1905 c 168 § 3; RRS § 10325.]

Commission on supreme court reports, member: RCW 2.32.160.

Printing and duplicating committee, member: RCW 43.77.010.

Public documents, duties: RCW 40.04.020.

Session laws, legislative journals, delivery to law librarian: RCW 40.04.030.

43.78.040 Requisitions. All printing and binding shall be done under the general superintendence of the authorities ordering it, and when completed shall be delivered to such authorities, who shall sign receipts therefor.

Before the public printer shall execute any printing or binding for any office, board, commission, or institution, the proper officer thereof shall apply therefor by requisition. [1965 c 8 § 43.78.040. Prior: 1905 c 168 § 4; RRS § 10326.]

43.78.050 Itemized statement of charges. Upon delivering a printing or binding job and receiving a receipt therefor the public printer shall make out, and deliver to the requesting agency an itemized statement of charges. [1965 c 8 § 43.78.050. Prior: 1905 c 168 § 5, part; RRS § 10327.]

43.78.070 Use of state plant—Conditions—Public printer's salary. The public printer shall use the state printing plant upon the following conditions, to wit:

(1) He shall do the public printing, and charge therefor the fees as provided by law. He may print the Washington Reports for the publishers thereof under a contract approved in writing by the governor.

(2) The gross income of the public printer shall be deposited in an account designated "state printing plant revolving fund" in depositories approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:

First, in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: *Provided*, That no machinery shall be purchased except on written approval of the governor;

Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;

Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;

Fourth, in remitting the balance to the state treasurer for the general fund: *Provided*, That a reasonable sum to be determined by the governor, the public printer, and the director of budget shall be retained in the fund for working capital for the public printer. [1965 c 8 § 43.78.070. Prior: 1961 c 307 § 5; 1955 c 340 § 12; 1951 c 151 § 1; 1933 c 97 § 3; RRS § 10327-2.]

43.78.080 Printing specifications. All printing, ruling, binding, and other work done or supplies furnished by the state printing plant for the various state departments, commissions, institutions, boards, and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the state printing plant. In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the Porte Publishing Company's Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for supplies furnished by the state printing plant shall be certified and sworn to by the public printer.

The public printing shall be divided into the following classes:

FIRST CLASS. The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide.

SECOND CLASS. The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed in such form as the senate and house of representatives and the various state officers, commissions, boards, and institutions shall respectively provide.

THIRD CLASS. The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

FOURTH CLASS. The fourth class shall consist of the session laws, and shall be printed and bound in such form as the statute law committee shall provide.

FIFTH CLASS. The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three, and four. [1972 ex.s. c 1 § 1; 1969 c 6 § 7; 1965 c 8 § 43.78.080. Prior: 1955 c 16 § 1; 1943 c 124 § 1; 1935 c 130 § 1; 1919 c 37 § 1; 1917 c 129 § 3; 1905 c 168 § 6; RRS § 10329.]

43.78.090 Reprinting. Whenever required by law or by the legislature or by any state officer, board, commission, or institution the public printer shall keep the type used in printing any matter forming a part of the

first, second, third, and fourth classes standing for a period not exceeding sixty days for use in reprinting such matter. [1965 c 8 § 43.78.090. Prior: 1935 c 130 § 2; 1919 c 37 § 2; 1907 c 174 § 1; RRS § 10330.]

43.78.100 Stock to be furnished. The public printer shall furnish all paper, stock, and binding materials required in all public work, and shall charge the same to the state, as it is actually used, at the actual price at which it was purchased plus five percent for waste, insurance, storage, and handling. [1965 c 8 § 43.78.100. Prior: 1917 c 129 § 5; 1905 c 168 § 9; RRS § 10333.]

43.78.110 Printer may farm out printing. Whenever in the judgment of the public printer certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, he may obtain such work or supplies from such private sources.

In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost thereof to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies. [1969 c 79 § 1; 1965 c 8 § 43.78.110. Prior: 1935 c 130 § 3; RRS § 10333-1.]

43.78.130 Public printing for municipal corporations must be done in state—Exceptions. All printing, binding, and stationery work done for any county, city, town, port district, or school district in this state shall be done within the state, and all proposals, requests, or invitations to submit bids, prices, or contracts thereon, and all contracts for such work, shall so stipulate: *Provided*, That whenever it is established that any such work cannot be executed within the state, or that the lowest charge for which it can be procured within the state, exceeds the charge usually and customarily made to private individuals and corporations for work of similar character and quality, or that all bids for the work or any part thereof are excessive and not reasonably competitive, the officers of any such public corporation may have the work done outside the state. [1965 c 8 § 43.78.130. Prior: 1919 c 80 § 1; RRS § 10335.]

43.78.140 Public printing for municipal corporations must be done in state—Allowance of claims. No bill or claim for any such work shall be allowed by any officer of a public corporation or be paid out of its funds, unless it appears that the work was executed within the state or that the execution thereof within the state could not have been procured, or procured at reasonable and competitive rates, and no action shall be maintained against such corporation or its officers upon any contract for such work unless it is alleged and proved that the work was done within the state or that the bids received therefor were unreasonable or not truly competitive. [1965 c 8 § 43.78.140. Prior: 1919 c 80 § 2; RRS § 10336.]

43.78.150 Public printing for municipal corporations must be done in state—Contracts for out-of-state work. All contracts for such work to be done outside the state shall require that it be executed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale, and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and shall be favorably comparable to the labor standards and practices of the lowest competent bidder within the state, and the violation of any such provision of any contract shall be ground for cancellation thereof. [1973 1st ex.s. c 154 § 86; 1965 c 8 § 43.78.150. Prior: 1953 c 287 § 1; 1919 c 80 § 3; RRS § 10337.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

43.78.160 Public printing for municipal corporations must be done in state—Quality and workmanship requirements. Nothing in RCW 43.78.130, 43.78.140 and 43.78.150 shall be construed as requiring any public official to accept any such work of inferior quality or workmanship. [1965 c 8 § 43.78.160. Prior: 1919 c 80 § 4; RRS § 10338.]

Chapter 43.79 STATE FUNDS

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43.79.415 Federal revenue sharing trust fund.
43.79.420 Miscellaneous state funds—Moneys transferred to basic state general fund.
43.79.421 Miscellaneous state funds—Abolished.
43.79.422 Miscellaneous state funds—Warrants to be paid from basic state general fund.</p> |
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Access roads revolving fund: RCW 79.38.050.

Accounting for: RCW 43.88.160(2).

Aeronautics account created, aircraft fuel tax proceeds deposited in: RCW 82.42.090.

Agricultural contingent receipts fund created: RCW 15.67.040.

Agriculture estray fund, horses, mules, asses running at large, sale of impounded animals, proceeds to: RCW 16.13.070.

- Aircraft search and rescue, safety and education fund: RCW 14.04.236.
- Arbitration of labor disputes: RCW 49.08.060.
- Architects license account: RCW 18.08.240.
- Athletic fund, boxing and wrestling contests: RCW 67.08.050.
- Basic data fund: RCW 43.21.140–43.21.141.
- Capitol building bond redemption fund: RCW 79.24.240.
- Capitol building construction account: Chapter 79.24 RCW.
- Capitol purchase and development account, deposit of moneys received from management of east capitol site in: RCW 79.24.570.
- Capitol purchase and development account, proceeds from sale of tidelands and shorelands paid into: RCW 79.24.580.
- Cemetery fund: Chapter 68.05 RCW.
- Cerebral palsy: RCW 70.82.021, 70.82.022.
- Columbia River Gorge commission account: RCW 43.97.050.
- Commission merchants' account: RCW 20.01.130.
- Contingency fire suppression account: RCW 76.04.510.
- Current state school fund
 apportionment from: Chapter 28A.41 RCW.
 pharmacy, penalties concerning, fines deposited in: RCW 18.64.260.
 proceeds from fines, penalties, forfeitures, sale of goods, estrays, deposited to credit of: RCW 10.82.070.
- Department of personnel service fund: RCW 41.06.280.
- Deposit interest fund: RCW 43.85.060.
- Depositaries, state moneys or funds defined for purposes of: RCW 43.85.200.
- Disbursement by warrant or check: RCW 43.88.160(2).
- Distribution to annexed areas, basis for: RCW 35.13.260.
- Egg account: RCW 69.24.450.
- Electrical license account, designation of: RCW 19.28.330.
- Fair fund
 horse racing money: RCW 67.16.100.
 moneys from lease of state lands by director of agriculture to go into: RCW 15.04.090.
- Farm labor contractors revolving fund: RCW 19.30.140.
- Ferries revolving fund: RCW 47.60.170.
- Ferry improvement fund created, use, source of revenue in: RCW 47.60.410.
- Flood control contribution fund: Chapter 86.18 RCW.
- Forest camp revolving fund: RCW 72.05.150.
- Forest development account: Chapter 76.12 RCW.
- Forest insect and disease control fund: RCW 76.06.100.
- Forest reserve, distributions: RCW 36.33.110.
- Game fund: Chapter 77.12 RCW.
- General administration funds: Chapter 43.82 RCW.
- General fund
 aircraft dealers license and certificate fees deposited in: RCW 14.20.060.
 aircraft registration fees deposited in: RCW 14.04.250.
 architects license account created in: RCW 18.08.240.
 association of superior court judges, expenses of attendance at meetings of, paid from: RCW 2.16.060.
 boxing and wrestling contests: RCW 67.08.050.
 cemetery certificates of authority, rates paid into: RCW 68.05.230.
 cerebral palsy: RCW 70.82.021, 70.82.022.
 commercial automobile driver training school account established, use: RCW 46.82.150.
 commercial feed account: RCW 15.52.320, 15.53.9044.
 commission merchants' account, fees paid into: RCW 20.01.130.
 electrical licenses account: RCW 19.28.330.
 elevators, escalators and dumbwaiter fees deposited in: RCW 70.87.210.
 escheats, sale of property deposited in: RCW 11.08.120.
 feed and fertilizer account, moneys collected from brand registration under animal remedy act to go into: RCW 15.52.320.
 fertilizer, agricultural mineral and limes account: RCW 15.54.480.
 fisheries department appropriations and claims paid from: RCW 75.08.240.
 forest development account: Chapter 76.12 RCW.
 horse racing money paid into: RCW 67.16.100.
 horticultural inspection fees deposited in: RCW 17.24.130.
 liquor excise taxes paid into: RCW 82.08.160.
 marine fuel tax refund account: RCW 43.99.040.
 moneys collected under chapter 15.32 RCW to go into: RCW 15.32.710.
 monthly financial report of state treasurer as to: RCW 43.08.150.
 motor vehicle excise taxes, apportionment and distribution: RCW 82.44.150.
 motor vehicle use tax revenues deposited in: RCW 82.12.045.
 nursery inspection account, fees collected under chapter 15.13 RCW to go into: RCW 15.13.470.
 old age assistance grants charged against: RCW 74.08.370.
 opticians' account created, disposition of fees into: RCW 18.34.130.
 optometry account created, disposition of fees into: RCW 18.53.050.
 outdoor recreation account: RCW 43.99.060.
 parks and parkways account, deposits in: RCW 43.51.090, 43.51-.210, 46.68.041, 46.68.050, 36.82.210.
 pilotage account: RCW 88.16.061.
 proceeds from sale of insurance code: RCW 48.02.180(3).
 professional engineers' account established, disposition of fees into: RCW 18.43.080, 18.43.150.
 public utility district privilege tax: RCW 54.28.040, 54.28.050.
 real estate commission account, disposition of fees in: RCW 18.85.220.
 reclamation revolving account, generally: RCW 89.16.020–89.16-.040, 90.16.090.
 sanitarians' licensing account, fees deposited in: RCW 18.90.040.
 school apportionment from: RCW 28A.48.010.
 seed account, moneys collected under seed law to go into: RCW 15.49.470.
 state institutional personnel, charges for quarters: RCW 72.01.282.
 state lottery, moneys from deposited in: RCW 67.67.030, 67.67.103, 67.67.180 and 67.67.240.
 state school equalization fund, transfer of excess funds to state general fund: RCW 28A.46.010.
 traffic safety education account: RCW 46.81.060.
 unclaimed property, proceeds of sale paid into: RCW 63.28.240.
- General fund—Community college capital improvements account: RCW 28B.56.030.
- Hay and grain inspection fund: RCW 22.09.500.
- Highway bond retirement funds: Chapter 47.10 RCW.
- Highway equipment fund: RCW 47.08.120, 47.08.121.
- Highway safety fund
 ability to respond in damages abstract fee deposited in: RCW 46.29.050.
 county road and bridge violations, fines paid into: RCW 36.82.210.
 created, use: RCW 46.68.060.
 fees for copies of motor vehicle licensing records to go into: RCW 46.01.250.
 for-hire motor vehicle certificates and operators' permits, moneys from to go into: RCW 46.72.110.
 moneys accruing from fees for motor vehicle operators' licenses to go into: RCW 46.68.041.
 moneys for abstracts of operating records to go into: RCW 46.52.130.
 moneys from certain fines and forfeitures for violations under Title 46 RCW to go into: RCW 46.68.050.
 moneys from sale of abandoned cars to go into: RCW 46.52.112.
 operating record abstract fee deposited in: RCW 46.29.050.
- Home industries revolving fund for blind persons: RCW 74.16.190.
- Hop inspection fund: RCW 22.09.500.
- Horticultural inspection trust fund, use: RCW 15.04.100.
- Hospital and medical facilities construction fund: RCW 70.40.150.
- Industrial insurance funds: Chapter 51.44 RCW.
- Institutional building bond redemption fund: RCW 72.99.040.
- Institutional industries revolving fund: RCW 72.60.240–72.60.270.
- Juvenile correctional institution building bond redemption fund: RCW 72.19.100.
- Juvenile correctional institution building construction account: RCW 72.19.080.

- Law enforcement officers' training fund: RCW 43.100.150.
- Liquor excise tax fund: RCW 82.08.160, 82.08.170.
- Liquor revolving fund: RCW 66.08.170.
- Log patrol revolving fund, brand and mark registration fees deposited in: RCW 76.36.160.
- Marine fuel tax refund account: RCW 43.99.040.
- Marketing act revolving fund: RCW 15.65.460.
- Medical aid fund: RCW 51.44.020.
- Monthly financial report of state treasurer as to: RCW 43.08.150.
- Morrill fund: RCW 28B.30.275.
- Motor vehicle excise fund: Chapter 82.44 RCW.
- Motor vehicle fund: State Constitution Art. 2 § 40 (Amendment 18), RCW 46.68.070.
vehicle license proceeds, deposits in: RCW 46.68.030.
- Municipal revolving fund: RCW 43.09.282.
- Mutual savings banks, deposit of public funds in authorized: RCW 32.12.100.
- Northwest nursery fund
created: RCW 15.69.020.
depositories for: RCW 15.69.030.
expenditures from, use: RCW 15.69.040.
planting stock act moneys to go into: RCW 15.14.130.
- Nuclear energy, perpetual maintenance fund: RCW 43.31.300.
- OASI contribution fund: RCW 41.48.060.
- Opticians' account created: RCW 18.34.130.
- Optometry account created, disposition of fees into: RCW 18.53.050.
- Optometry account, payment of administrative expenses from: RCW 18.54.140.
- Outdoor recreation account, disposition of outdoor recreational bond issue proceeds in: RCW 43.99.060.
- Oyster reserve fund, proceeds from sale or lease of oyster reserves paid into: RCW 79.20.110.
- Parks and parkways account, deposits in: RCW 36.82.210, 43.51.090, 43.51.210, 46.68.041, 46.68.050.
- Parks and parkways account, disposition of outdoor recreational facilities bond issue proceeds in: RCW 43.98.020.
- Parolee and probationer revolving fund: RCW 9.95.360.
- Permanent common school fund: State Constitution Art. 9 § 2 applied exclusively to common schools: State Constitution Art. 9 § 2.
apportionment by Art. 2 § 28(7).
banks and trust companies, liquidation and winding up dividends unclaimed deposited in: RCW 30.44.150, 30.44.180.
personal property, proceeds deposited in: RCW 30.44.220.
credit union unclaimed funds on liquidation escheat to: RCW 31.12.410.
defalcation, fraud or mismanagement losses borne by state, interest: RCW 28A.40.020.
enlargement authorized: State Constitution Art. 9 § 3.
game and game fish lands, withdrawn from lease, payment of amount of lease into: RCW 77.12.360.
income from, to be applied to common schools: State Constitution Art. 9 § 2.
interest in deposited in current state school fund: RCW 28A.41.020
used for current expenses: State Constitution Art. 9 § 2.
investment, what securities: State Constitution Art. 16 § 5.
losses from, how made good: State Constitution Art. 9 § 5.
permanent and irreducible: State Constitution Art. 9 § 3; RCW 28A.40.010.
proceeds of lands and property reverting to state: RCW 28A.40.010.
safe deposit box contents
rent unpaid, sale, proceeds deposited in: RCW 22.28.040.
unclaimed after liquidation and winding up of bank or trust company, proceeds from sale deposited in: RCW 30.44.220.
savings and loan associations not authorized investment of: RCW 33.52.010.
sources of, from what derived: State Constitution Art. 9 § 3.
state lands
acquired, lease and sale of, proceeds to go into: RCW 79.01.612.
withdrawn for game purposes, payment of amount of lease into: RCW 77.12.360.
- Printing revolving fund: RCW 43.78.070.
- Professional engineers' account established, disposition of fees into: RCW 18.43.080, 18.43.150.
- Public assistance, central operating fund: RCW 74.08.278.
- Public depositories, deposit and investment of public funds: Chapter 39.58 RCW.
- Public schools building bond redemption funds: Chapter 28A.47 RCW.
- Public service revolving fund: RCW 80.01.080.
- Puget Sound reserve account
created, use: Chapter 47.60 RCW.
distribution of motor vehicle fuel tax proceeds to: RCW 82.36.020.
- Receipt and keeping of: RCW 43.88.160(2).
- Reserve fund, moneys in may be invested in motor vehicle fund warrants: RCW 47.12.210.
- Resource management cost account: RCW 79.64.020.
- Retirement system expense funds: RCW 41.40.080.
- Revolving funds: RCW 43.88.180, 43.88.190.
- Sanitarians licensing account, fees deposited in: RCW 18.90.040.
- State board of psychological examiners account: RCW 18.83.051.
- State building and higher education construction account, redemption fund: RCW 43.83.072, 43.83.074.
- State building construction account: RCW 72.99.110.
- State capitol historical association museum account: RCW 27.36.070.
- State capitol vehicle parking account: RCW 46.08.172.
- State colleges bond retirement funds: RCW 28B.40.370.
- State fair fund: RCW 15.76.100, 15.76.170.
- State institutional revolving account: RCW 72.01.160, 72.08.070.
- State patrol retirement fund: RCW 43.43.130.
- State school equalization fund
created: RCW 28A.46.010.
excess funds, transferred to state general fund: RCW 28A.46.010.
motor vehicle excise fund, apportionment and distribution to: RCW 82.44.150.
- State trade fair fund
allocations to state trade fairs from: Chapter 43.31 RCW.
horse racing money: RCW 67.16.100.
- Statute law committee publications account: RCW 1.08.0392.
- Stream gauging fund abolished: RCW 43.21.141.
- Surplus property purchase revolving fund: RCW 39.32.030.
- Teachers' retirement fund: RCW 41.32.030.
- Teachers' retirement pension reserve fund: RCW 41.32.030.
- Toll bridge authority revolving fund established: RCW 47.60.180.
- Toll bridge authority trust fund for revenues from sale of Puget Sound ferry and toll bridge system bonds: RCW 47.60.150.
- Toll bridge funds: Chapter 47.56 RCW.
- Tort claims revolving fund created: RCW 4.92.130.
- Traffic safety education account: RCW 46.81.060.
moneys from juvenile agricultural driving permits to go into: RCW 46.20.070.
- Undistributed receipts fund: RCW 43.01.050.
- Unemployment compensation funds, generally: RCW 50.16.010, 50.16.020.
- University of Washington
bond retirement fund: RCW 28B.20.720.
building account: RCW 28B.15.210.
- Veterans' loan insurance funds: Chapter 73.12 RCW.
- Veterans' rehabilitation council account: RCW 43.61.050.
- Volunteer firemen's relief and pension fund: RCW 41.24.030.
- War veterans' compensation bond retirement fund, excess revenues paid into public schools building bond redemption fund: RCW 28A.47.440.
- Washington State University
bond retirement fund: RCW 28B.30.740.
building account: RCW 28B.30.730.
Morrill fund: RCW 28B.30.275.
- Weather modification board revolving account: RCW 43.37.060.

World fair fund: RCW 43.31.600.

43.79.010 General fund, how constituted. All moneys paid into the state treasury, except moneys received from taxes levied for specific purposes, and the several permanent and irreducible funds of the state and the moneys derived therefrom, shall be paid into the general fund of the state. [1965 c 8 § 43.79.010. Prior: 1907 c 8 § 1; RRS § 5509.]

43.79.020 License fees to general fund. Except as otherwise provided by law, all moneys received as fees for the issuance of licenses upon examination, and the renewal thereof, and paid into the state treasury, shall be credited to the general fund; and all expenses incurred in connection with the examination of applicants for licenses, and the issuance and renewal of licenses upon examination shall be paid by warrants drawn against the general fund. [1965 c 8 § 43.79.020. Prior: 1921 c 81 § 1; RRS § 5511.]

43.79.060 University permanent fund. There shall be in the state treasury a permanent and irreducible fund known as the "state university permanent fund," into which shall be paid all moneys derived from the sale of lands granted, held, or devoted to state university purposes. [1965 c 8 § 43.79.060. Prior: 1907 c 168 § 1; RRS § 5518.]

43.79.071 University of Washington fund—Moneys transferred to general fund. All moneys in the state treasury to the credit of the University of Washington fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the University of Washington fund, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.071. Prior: 1955 c 332 § 1.]

43.79.072 University of Washington fund—Appropriations to be paid from general fund. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the University of Washington fund shall be paid out of moneys in the general fund. [1965 c 8 § 43.79.072. Prior: 1955 c 332 § 2.]

43.79.073 University of Washington fund—Abolished. From and after the first day of May, 1955, the University of Washington fund is abolished. [1965 c 8 § 43.79.073. Prior: 1955 c 332 § 3.]

43.79.074 University of Washington fund—Warrants to be paid from general fund. From and after the first day of May, 1955, all warrants drawn on the University of Washington fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.074. Prior: 1955 c 332 § 4.]

43.79.075 University of Washington fund—Other revenue for support of university. No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the University of Washington fund, shall be used for any purpose except the support of the University of Washington. [1965 c 8 § 43.79.075. Prior: 1955 c 332 § 5.]

43.79.080 University building fund. There shall be in the state treasury a fund known and designated as the "University of Washington building account" in the general fund. [1965 c 8 § 43.79.080. Prior: 1915 c 66 § 1; RRS § 5535.]

43.79.090 Rentals to building fund—Use of fund. All rentals received on account of that certain lease of the former university site in the city of Seattle, known as the "old university grounds," made and entered into on the first day of February, 1907, by and between the state of Washington, lessor, and James A. Moore, lessee, and thereafter assigned by said lessee to the Metropolitan Building Company, a corporation, shall be paid into and credited to the University of Washington building account in the general fund, to be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings at the state university. [1965 c 8 § 43.79.090. Prior: 1915 c 66 § 7; RRS § 5536.]

43.79.100 Scientific school grant to Washington State University. The one hundred thousand acres of land granted by the United States government to the state for a scientific school in section 17 of the enabling act, are assigned to the support of Washington State University. [1965 c 8 § 43.79.100. Prior: 1917 c 11 § 1; RRS § 5525.]

43.79.110 Scientific permanent fund. There shall be in the state treasury a permanent and irreducible fund known as the "scientific permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for a scientific school. [1965 c 8 § 43.79.110. Prior: 1901 c 81 § 4; RRS § 5526.]

43.79.120 Agricultural college grant to Washington State University. The ninety thousand acres of land granted by the United States government to the state for an agricultural college in section 16 of the enabling act are assigned to the support of Washington State University. [1965 c 8 § 43.79.120.]

43.79.130 Agricultural permanent fund. There shall be in the state treasury a permanent and irreducible fund known as the "agricultural permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for an agricultural college. [1965 c 8 § 43.79.130.]

43.79.140 Washington State University—Moneys paid into general fund for support of. There shall be paid into the state general fund for the support of Washington State University the following moneys:

(1)—All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the agricultural college and school of science;

(2)—All interest or income arising from the proceeds of the sale of any of such lands;

(3)—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands. [1965 c 8 § 43.79.140. Prior: 1905 c 43 § 2; RRS § 5521.]

43.79.150 Normal school grant to colleges of education. The one hundred thousand acres of land granted by the United States government to the state for state normal schools in section 17 of the enabling act are assigned to the support of the state colleges of education. [1965 c 8 § 43.79.150.]

43.79.160 Normal school permanent fund. There shall be in the state treasury a permanent and irreducible fund known as the "normal school permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for state normal schools. [1965 c 8 § 43.79.160.]

43.79.180 State colleges of education—Moneys paid into general fund for support of. There shall be paid into the state general fund for the use and support of the state colleges of education the following moneys:

(1)—All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the state normal schools;

(2)—All interest or income arising from the proceeds of the sale of such lands;

(3)—All moneys received or collected as interest on deferred payments on contracts for the sale of such lands. [1965 c 8 § 43.79.180. Prior: 1905 c 43 § 4; RRS § 5523.]

43.79.201 C.E.P. & R.I. fund—Moneys transferred to charitable, educational, penal and reformatory institutions account in general fund—Exception. All moneys in the state treasury to the credit of that fund now denoted as the C.E.P. & R.I. fund on and after March 20, 1961, and all moneys thereafter paid into the state treasury for or to the credit of such fund shall be and are hereby transferred to and placed in the charitable, educational, penal and reformatory institutions account, hereby created, in the state general fund, into which fund there shall also be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893. [1965

ex.s. c 135 § 2; 1965 c 8 § 43.79.201. Prior: 1961 c 170 § 1.]

43.79.202 C.E.P. & R.I. fund—Abolished—Appropriations to be paid from and warrants drawn on account in general fund. On and after March 20, 1961, the C.E.P. & R.I. fund is abolished; all appropriations made by the thirty-seventh legislature from such abolished fund shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund and all warrants drawn on the C.E.P. & R.I. fund prior to March 20, 1961 and not theretofore presented for payment shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund. [1965 c 8 § 43.79.202. Prior: 1961 c 170 § 2.]

43.79.210 Federal cooperative extension fund. There shall be in the state treasury a fund known as the federal cooperative agricultural extension fund, and all moneys paid into the state treasury for, or to the credit of, the Smith-Lever and Capper-Ketcham funds shall be placed in the federal cooperative agricultural extension fund. [1965 c 8 § 43.79.210. Prior: 1935 c 63 § 1; RRS § 5536-4.]

43.79.260 Governor designated state's agent. The governor is designated the agent of the state to accept and receive all funds from federal and other sources not otherwise provided for by law and to deposit them in the state treasury to the credit of the appropriate fund or account. [1973 c 144 § 1; 1965 c 8 § 43.79.260. Prior: 1945 c 243 § 3; Rem. Supp. 1945 § 5517-12.]

43.79.270 Duty of department heads. Whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: *Provided*, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the legislative budget committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor. [1973 c 144 § 2; 1965 c 8 § 43.79.270. Prior: 1945 c 243 § 4; Rem. Supp. 1945 § 5517-13.]

43.79.280 Duty of governor on approval. If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the legislative budget committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law. [1973 c 144 § 3; 1965 c 8 § 43.79.280. Prior: 1945 c 243 § 5; Rem. Supp. 1945 § 5517-14.]

43.79.282 Compliance with RCW 43.79.260-43.79.280. No state department, agency, board, or commission shall expend money in excess of appropriations provided by law based on the receipt of unanticipated revenues without complying with the provisions of RCW 43.79.260 through 43.79.280. [1973 c 144 § 4.]

43.79.300 Central College fund—Moneys transferred to general fund. All moneys in the state treasury to the credit of the Central College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Central College fund, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.300. Prior: 1955 c 333 § 1.]

43.79.301 Central College fund—Appropriations to be paid from general fund. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Central College fund shall be paid out of moneys in the general fund. [1965 c 8 § 43.79.301. Prior: 1955 c 333 § 2.]

43.79.302 Central College fund—Abolished. From and after the first day of May, 1955, the Central College fund is abolished. [1965 c 8 § 43.79.302. Prior: 1955 c 333 § 3.]

43.79.303 Central College fund—Warrants to be paid from general fund. From and after the first day of May, 1955, all warrants drawn on the Central College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.303. Prior: 1955 c 333 § 4.]

43.79.304 Central College fund—Other revenue for support of Central Washington State College. No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Central College fund, shall be used for any purpose except the support of the Central Washington State College. [1965 c 8 § 43.79.304. Prior: 1955 c 333 § 5.]

43.79.310 Eastern College fund—Moneys transferred to general fund. All moneys in the state treasury to the credit of the Eastern College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Eastern College fund, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.310. Prior: 1955 c 334 § 1.]

43.79.311 Eastern College fund—Appropriations to be paid from general fund. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Eastern College fund shall be paid out of moneys in the general fund. [1965 c 8 § 43.79.311. Prior: 1955 c 334 § 2.]

43.79.312 Eastern College fund—Abolished. From and after the first day of May, 1955, the Eastern College fund is abolished. [1965 c 8 § 43.79.312. Prior: 1955 c 334 § 3.]

43.79.313 Eastern College fund—Warrants to be paid from general fund. From and after the first day of May, 1955, all warrants drawn on the Eastern College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.313. Prior: 1955 c 334 § 4.]

43.79.314 Eastern College fund—Other revenue for support of Eastern Washington State College. No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Eastern College fund, shall be used for any purpose except the support of the Eastern Washington State College. [1965 c 8 § 43.79.314. Prior: 1955 c 334 § 5.]

43.79.320 Western College fund—Moneys transferred to general fund. All moneys in the state treasury to the credit of the Western College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Western College fund, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.320. Prior: 1955 c 335 § 1.]

43.79.321 Western College fund—Appropriations to be paid from general fund. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Western College fund shall be paid out of moneys in the general fund. [1965 c 8 § 43.79.321. Prior: 1955 c 335 § 2.]

43.79.322 Western College fund—Abolished. From and after the first day of May, 1955, the Western College fund is abolished. [1965 c 8 § 43.79.322. Prior: 1955 c 335 § 3.]

43.79.323 Western College fund—Warrants to be paid from general fund. From and after the first day of May, 1955, all warrants drawn on the Western College

fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.323. Prior: 1955 c 335 § 4.]

43.79.324 Western College fund—Other revenue for support of Western Washington State College. No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Western College fund, shall be used for any purpose except the support of the Western Washington State College. [1965 c 8 § 43.79.324. Prior: 1955 c 335 § 5.]

43.79.330 Miscellaneous state funds—Moneys transferred to general fund. All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state general fund, the creation of which is hereby authorized:

- (1) Capitol building construction fund moneys, to the capitol building construction account;
- (2) Cemetery fund moneys, to the cemetery account;
- (3) Commercial feed fund moneys, to the commercial feed account;
- (4) Commission merchants fund moneys, to the commission merchants account;
- (5) Electrical licenses fund moneys, to the electrical licenses account;
- (6) Feed and fertilizer fund moneys, to the feed and fertilizer account;
- (7) Fertilizer, agricultural mineral and limes fund moneys to the fertilizer, agricultural mineral and limes account;
- (8) Forest development fund moneys, to the forest development account;
- (9) Harbor improvement fund moneys, to the harbor improvement account;
- (10) Institutional building construction fund moneys, to the institutional building construction account;
- (11) Investment reserve fund moneys, to the investment reserve account;
- (12) Lewis river hatchery fund moneys, to the Lewis river hatchery account;
- (13) Millersylvania Park current fund moneys, to the Millersylvania Park current account;
- (14) Nursery inspection fund moneys, to the nursery inspection account;
- (15) State parks and parkways fund moneys, to the state parks and parkways account;
- (16) Public school building construction fund moneys, to the public school building construction account;
- (17) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;
- (18) Real estate commission fund moneys, to the real estate commission account;
- (19) Reclamation revolving fund moneys, to the reclamation revolving account;
- (20) Seed fund moneys, to the seed account;

(21) United States vocational education fund moneys, to the United States vocational education account;

(22) University of Washington building fund moneys, to the University of Washington building account;

(23) University of Washington medical and dental building and equipment fund moneys, to the University of Washington medical and dental building and equipment account;

(24) State College of Washington building fund moneys, to the Washington State University building account;

(25) Veterans rehabilitation council fund moneys, to the veterans rehabilitation council account; and

(26) School emergency construction fund moneys, to the public school building construction account. [1965 c 8 § 43.79.330. Prior: 1959 c 273 § 6; 1957 c 115 § 6; 1955 c 370 § 1.]

43.79.331 Miscellaneous state funds—Abolished. From and after the first day of May, 1955, all funds from which moneys are transferred to general fund accounts pursuant to RCW 43.79.330, are abolished. [1965 c 8 § 43.79.331. Prior: 1955 c § 370 § 2.]

43.79.332 Miscellaneous state funds—Appropriations of 34th legislature to be paid from general fund. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from any of the funds abolished by RCW 43.79.331, shall be paid from the general fund from the account to which the moneys of the abolished fund have been transferred by RCW 43.79.330. [1965 c 8 § 43.79.332. Prior: 1955 c 370 § 3.]

43.79.333 Miscellaneous state funds—Warrants to be paid from general fund. From and after the first day of May, 1955, all warrants drawn on any fund abolished by RCW 43.79.331 and not theretofore presented for payment, shall be paid from the general fund from the account to which the moneys of the abolished fund are directed by RCW 43.79.330 to be transferred. [1965 c 8 § 43.79.333. Prior: 1955 c 370 § 4.]

43.79.334 Miscellaneous state funds—Expenditures—Revenue from other than general fund. Expenditures from any account described in RCW 43.79.330 shall be limited to the moneys credited to the account. No revenue from any source other than the general fund, which, except for the provisions of RCW 43.79.330 through 43.79.334, would have been paid into any fund other than the general fund, shall be used for any purpose except those purposes for which such moneys were authorized prior to the enactment hereof. [1965 c 8 § 43.79.334. Prior: 1955 c 370 § 5.]

43.79.335 Miscellaneous state funds—State College of Washington building account—Name changed to Washington State University building account. Upon and after June 30, 1961 the account within the general fund in the state treasury known as the "State College of Washington Building Account" shall be known and

referred to as the "Washington State University Building Account." This section shall not be construed as effecting any change in such fund other than the name thereof and as otherwise provided by law. [1965 c 8 § 43.79.335. Prior: 1961 ex.s. c 11 § 3.]

43.79.336 Puget Sound pilotage account redesignated as pilotage account. See RCW 88.16.061.

43.79.340 General obligation bond retirement fund—Moneys transferred to general fund. All moneys in the state treasury to the credit of the general obligation bond retirement fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the general obligation bond retirement fund, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.340. Prior: 1955 c 330 § 1.]

43.79.341 General obligation bond retirement fund—Appropriations of 34th legislature to be paid from general fund. From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the general obligation bond retirement fund shall be paid out of moneys in the general fund. [1965 c 8 § 43.79.341. Prior: 1955 c 330 § 2.]

43.79.342 General obligation bond retirement fund—Abolished. From and after the first day of May, 1955, the general obligation bond retirement fund is abolished. [1965 c 8 § 43.79.342. Prior: 1955 c 330 § 3.]

43.79.343 General obligation bond retirement fund—Warrants to be paid from general fund. From and after the first day of May, 1955, all warrants drawn on the general obligation bond retirement fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.343. Prior: 1955 c 330 § 4.]

43.79.350 Suspense fund. There is established in the state treasury a special fund to be known as the suspense fund. All moneys which heretofore have been deposited with the state treasurer in the state treasurer's suspense fund, and moneys hereafter received which are contingent on some future action, or which cover overpayments and are to be refunded to the sender in part or whole, and any other moneys of which the final disposition is not known, shall be transmitted to the state treasurer and deposited in the suspense fund in the state treasury. [1965 c 8 § 43.79.350. Prior: 1955 c 226 § 1.]

43.79.370 Suspense fund—Disbursements—Vouchers—Warrants. Disbursement from the suspense fund (not to exceed receipts), shall be by warrant issued against the fund by the state treasurer, upon a properly authenticated voucher presented by the state department or office which deposited the moneys in the fund. [1965 c 8 § 43.79.370. Prior: 1955 c 226 § 3.]

43.79.381 Penitentiary revolving account abolished. From and after the first day of August, 1957, the penitentiary revolving account is abolished. [1965 c 8 § 43.79.381. Prior: 1957 c 115 § 2.]

43.79.390 United States vocational education account—Moneys transferred to general fund. All moneys in the state treasury to the credit of the United States vocational education account in the general fund on August 1, 1957, and all moneys thereafter paid into the state treasury for or to said account, shall be and are hereby transferred to and placed in the general fund. [1965 c 8 § 43.79.390. Prior: 1957 c 226 § 1.]

43.79.391 United States vocational education account—Appropriations to be paid from general fund. From and after the first day of July, 1957, all appropriations made by the thirty-fifth legislature from the United States vocational education account shall be paid out of moneys in the general fund. [1965 c 8 § 43.79.391. Prior: 1957 c 226 § 2.]

43.79.392 United States vocational education account—Abolished. From and after the first day of August, 1957, the United States vocational education account in the general fund is abolished. [1965 c 8 § 43.79.392. Prior: 1957 c 226 § 3.]

43.79.393 United States vocational education account—Warrants to be paid from general fund. From and after the first day of August, 1957, all warrants drawn on the United States vocational education account in the general fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund. [1965 c 8 § 43.79.393. Prior: 1957 c 226 § 4.]

43.79.400 State payroll revolving fund, agency payroll revolving fund—Created—Utilization. See RCW 42.16.011.

43.79.405 Parks and parkways account abolished—Funds transferred to general fund. The state parks and parkways account created under section 43.79.330(15), chapter 8, Laws of 1965, is hereby abolished and all funds remaining therein at August 1, 1969, transferred to the state general fund. [1969 c 99 § 4.]

Effective date—1969 c 99: Effective date of this section is July 1, 1969, see note following RCW 43.51.060.

43.79.410 Legal services revolving fund—Created—Purpose—Uses. See RCW 43.10.150–43.10.200.

43.79.415 Federal revenue sharing trust fund. The proceeds from federal revenue sharing shall be deposited in the federal revenue sharing trust fund hereby created in the state treasury and shall be used for purposes as authorized by the legislature and within federal rules

and regulations. On the effective date of the appropriation, or if previously appropriated the state treasurer shall transfer out of the trust fund the amount appropriated less amounts previously transferred to the fund out of which such appropriation has been made. In the event that federal revenue sharing trust funds have been appropriated out of more than one fund the first priority shall be to transfer sufficient moneys to meet the ensuing quarters' cash requirements of each appropriation. Interest earnings on the federal revenue sharing trust fund shall be determined and distributed in accordance with RCW 43.85.241 as now or hereafter amended.

In administering the conditions set forth in RCW 43.88.110(2) and 43.88.160, the revenue sharing trust fund shall be treated as a complement to the state's basic general fund.

If any part of this section shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal revenue sharing funds to the state, such conflicting part of this section is declared to be inoperative solely to the extent of such conflict: *Provided*, That all state agencies and each school district shall comply with the provisions of Public Law 92-512, the federal Revenue Sharing Act, and regulations issued thereunder. [1974 1st ex.s. c 53 § 1; 1973 1st ex.s. c 129 § 1.]

Appropriations paid from general fund: "On or after the effective date of this 1974 amendatory act, all appropriations made by the forty-third Legislature from the federal revenue sharing trust fund shall be paid out of the state general fund." [1974 1st ex.s. c 53 § 2.]

Transfer of assets to general fund: "On or after the effective date of this 1974 amendatory act, the state treasurer shall transfer to the general fund all assets in the federal revenue sharing trust fund." [1974 1st ex.s. c 53 § 3.]

43.79.420 Miscellaneous state funds—Moneys transferred to basic state general fund. All moneys to the credit of the following state funds or accounts on the first day of July, 1973, are hereby transferred to the basic state general fund:

- (1) Mass transit trust moneys;
- (2) Probation services moneys;
- (3) Columbia river gorge commission moneys;
- (4) Washington state song proceeds moneys;
- (5) Juvenile correction institution building construction fund moneys. [1973 1st ex.s. c 59 § 3.]

Effective date—1973 1st ex.s. c 59: "This 1973 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 July 1, 1973." [1973 1st ex.s. c 59 § 7.] This applies to RCW 1.20.071, 13.07.020, and 43.79.420-43.79.422, and to the repeal of RCW 72.19.080, 72.19.090 and 72.19.091.

43.79.421 Miscellaneous state funds—Abolished. From and after the first day of July, 1973, all funds from which moneys are transferred to the basic state general fund pursuant to subsections (1), (2), (4), and (5) of RCW 43.79.420 are abolished. [1973 1st ex.s. c 59 § 4.]

Effective date—1973 1st ex.s. c 59: See note following RCW 43.79.420.

43.79.422 Miscellaneous state funds—Warrants to be paid from basic state general fund. From and after the first day of July, 1973, all warrants drawn on any fund abolished by RCW 43.79.421 and not theretofore presented for payment, shall be paid from the basic state general fund. [1973 1st ex.s. c 59 § 5.]

Effective date—1973 1st ex.s. c 59: See note following RCW 43.79.420.

Chapter 43.79A TREASURER'S TRUST FUND

Sections

- 43.79A.010 Purpose.
43.79A.020 Treasurer's trust fund—Created—Nontreasury trust funds to be placed in—Exceptions.
43.79A.030 Segregation—Withdrawals.
43.79A.040 Management—Income—Distribution.

43.79A.010 Purpose. This chapter shall apply to all trust funds which are in the official custody of the state treasurer but are not required by law to be maintained in the state treasury. The purpose of this chapter is to establish a system for the centralized management, protection and control of such funds, hereinafter referred to as nontreasury trust funds, and to assure their investment in such a manner as to realize the maximum possible return consistent with safe and prudent fiscal management. [1973 1st ex.s. c 15 § 1.]

43.79A.020 Treasurer's trust fund—Created—Nontreasury trust funds to be placed in—Exceptions. There is hereby created a trust fund outside the state treasury to be known as the "treasurer's trust fund". All nontreasury trust funds which are in the custody of the state treasurer on April 10, 1973 shall be placed in the treasurer's trust fund and be subject to the terms of this chapter: *Provided*, That funds of the Washington state toll bridge authority shall be placed in the treasurer's trust fund only if mutually agreed to by the state treasurer and the toll bridge authority: *Provided further*, That in order to assure an orderly transition to a centralized management system, the state treasurer may place each of such trust funds in the treasurer's trust fund at such times as he deems advisable: *Provided, however*, That except for Washington toll bridge authority trust funds, all such funds shall be incorporated in the treasurer's trust fund by June 30, 1975. Other funds in the custody of state officials or state agencies may, upon their request, be established as accounts in the treasurer's trust fund with the discretionary concurrence of the state treasurer. [1973 1st ex.s. c 15 § 2.]

43.79A.030 Segregation—Withdrawals. The state treasurer shall be responsible for maintaining segregated accounts of moneys of each fund which is deposited in the treasurer's trust fund. Except as provided by law, all money deposited in the treasurer's trust fund shall be held in trust by the state treasurer and may be withdrawn only upon the order of the depositing agency or its disbursing officer. [1973 1st ex.s. c 15 § 3.]

43.79A.040 Management—Income—Distribution. Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. On or before July 20 of each year, the state treasurer shall distribute all money in the investment income account in the following manner. Twenty percent to the treasurer's service fund in the state treasury to help defray the costs of managing the treasurer's trust fund. The remaining eighty percent shall be divided among the various agency accounts from which such investments were made, in proportion to the respective balances thereof. [1973 1st ex.s. c 15 § 4.]

Chapter 43.80 FISCAL AGENCIES

Sections	
43.80.100	Definitions.
43.80.110	Appointment of fiscal agencies—Location—Places for payment of bonds.
43.80.120	Designation of fiscal agencies—Qualifications—Duration of designation—Compensation.
43.80.130	Receipts—Payment procedure—Cremation—Certificate of destruction.
43.80.140	Notice of establishment of fiscal agencies—Publication—Bonds and coupons paid at fiscal agencies.
43.80.150	Treasurers not responsible for funds remitted.
43.80.160	Return of funds remitted to redeem bonds and coupons which remain unredeemed.
43.80.900	Effective date—1969 ex.s. c 80.

Highway bonds, registration: Chapter 47.10 RCW.

Registration of bonds with, fee: RCW 39.44.130.

State treasurer, fiscal agent of the state: RCW 43.08.090.

Trust companies, power to act as fiscal agent for public bodies: RCW 30.08.150(2).

43.80.100 Definitions. For the purposes of this chapter and unless the context shall clearly indicate otherwise:

(1) "Fiscal agencies" means those banks or trust companies as designated in RCW 43.80.110 and 43.80.120.

(2) "Subdivision" means governmental agencies, counties, cities and towns, metropolitan municipal corporations, port districts, school districts, townships, toll bridge authority, public colleges and universities, public community colleges, municipal corporations, quasi municipal corporations, and all other such governmental agencies authorized to borrow and issue tenders of indebtedness therefor. Subdivision does not mean housing authorities and public utility districts.

(3) "Cremation" means the destruction of canceled bonds or coupons by any approved method, including but not limited to, cremation facilities, incineration facilities, shredding facilities, or dissolving in acid facilities. [1969 ex.s. c 80 § 1.]

43.80.110 Appointment of fiscal agencies—Location—Places for payment of bonds. Fiscal agencies shall be appointed for the payment of bonds and coupons issued by this state or by any subdivision thereof. The appointed fiscal agencies may be located in any major city of the country. No bonds hereafter issued by this state or by any affected subdivision thereof, shall be by their terms made payable at a specific place other than: (1) The office of the designated fiscal agencies; (2) offices of the state or local treasurers or fiscal offices of any affected subdivision; or (3) the offices of trustees if provided for in the indenture, as provided for by the terms of the bonds.

Bonds and coupons of subdivisions may be paid at one or more of the state's fiscal agents and/or at the office of the state treasurer or offices of local treasurers as provided for in the terms of the bonds. [1969 ex.s. c 80 § 2.]

43.80.120 Designation of fiscal agencies—Qualifications—Duration of designation—Compensation. The state finance committee shall designate responsible banks or trust companies as fiscal agencies, each having a paid-up capital and surplus of not less than five million dollars. The state finance committee shall designate fiscal agencies by any method deemed appropriate to the best interests of this state and its subdivisions.

The state finance committee shall make duplicate certificates of such designations, cause them to be attested under the seal of the state, and file one copy of each certification in the office of the secretary of state and transmit the other to the bank or trust company designated.

The banks or trust companies so designated shall continue to be such fiscal agencies for the term of four years from and after the filing of the certificate of its designation, and thereafter until the designation of other banks or trust companies as such fiscal agencies.

Until successors have been appointed, the banks or trust companies named shall act as the fiscal agencies of the state of Washington in accordance with such terms as shall be agreed upon between the state finance committee and the fiscal agencies so designated. The manner and amount of compensation of the fiscal agents shall be matters specifically left for the state finance committee to determine.

If no such banks or trust companies are willing to accept appointment as fiscal agencies, or if the state finance committee considers unsatisfactory the terms under which such banks or trust companies are willing so to act, the bonds and bond interest coupons normally payable at the fiscal agency, shall thereupon become payable at the state treasury or at the office of the treasurer or fiscal officer of the subdivision concerned, as the case may be. [1969 ex.s. c 80 § 3.]

43.80.130 Receipts—Payment procedure—Cremation—Certificate of destruction. The fiscal agencies, on the receipt of any moneys transmitted to them by or for this state, or for any affected subdivision, for the purpose of paying therewith any of its bonds or coupons by their terms made payable at the situs of the

state of Washington fiscal agencies, shall transmit forthwith to the sender of such moneys a proper receipt therefor; pay such bonds or coupons upon presentation thereof for payment at the office of the fiscal agencies at or after the maturity thereof, in the order of their presentation insofar as the moneys received for that purpose suffice therefor; and cancel all such bonds and coupons upon payment thereof, and thereupon forthwith return the same to the proper officers of this state or affected subdivisions which issued them; and, concerning the same, report to the state and/or affected subdivision within thirty days following a maturity date the amount of bonds and coupons presented and paid to that date: *Provided*, That nothing herein shall prevent the state or any of the subdivisions thereof from designating its fiscal agencies, or the trustee of any revenue bond issue, or both, also as its agencies for cremation and to provide by agreement therewith, that after one year any general or revenue obligation bonds or interest coupons that have been canceled or paid, may be destroyed as directed by the proper officers of the state or other subdivisions hereinbefore mentioned: *Provided further*, That a certificate of destruction giving full descriptive reference to the instruments destroyed shall be made by the person or persons authorized to perform such destruction and one copy of the certificate shall be filed with the treasurer of the state or local subdivisions as applicable. Whenever said treasurer has redeemed any of the bonds or coupons referred to in this section through his local office, or whenever such redemption has been performed by the trustee of any revenue bond issue, and the canceled instruments or certificates of transmittal thereafter have been forwarded to said treasurer for recording, such canceled instruments may be forwarded to the fiscal agents designated as agents for cremation for destruction pursuant to any agreements therefor, or said treasurer may, notwithstanding any provision of state statute to the contrary, himself destroy such canceled instruments in the presence of the public officers or boards or their authorized representatives, which by law perform the auditing functions within the state or such political subdivisions as hereinbefore specified: *Provided*, That he and the said auditing officers or boards shall execute a certificate of destruction, giving full descriptive reference to the instruments destroyed, which certificates shall be filed with those of the agencies for cremation herein designated. No certificate required by this section shall be destroyed until all of the bonds and coupons of the issue or series described thereon shall have matured and been paid or canceled. [1969 ex.s. c 80 § 4.]

43.80.140 Notice of establishment of fiscal agencies—Publication—Bonds and coupons paid at fiscal agencies. The state finance committee shall, immediately after the establishment of fiscal agencies, publish a notice thereof, once a week for two consecutive weeks, in some financial newspaper of general circulation in cities designated as headquarters of the fiscal agents. All bonds and coupons of this state or of any affected subdivision thereafter issued shall be paid at the designated

fiscal agencies or at such other place as allowed by law and provided for in the bonds. [1969 ex.s. c 80 § 5.]

43.80.150 Treasurers not responsible for funds remitted. Neither the state treasurer nor the treasurer or other fiscal officer of any subdivision thereof shall be held responsible for funds remitted to the fiscal agencies. [1969 ex.s. c 80 § 6.]

43.80.160 Return of funds remitted to redeem bonds and coupons which remain unredeemed. Upon the written request of the state or local treasurer, after a period of one year after the last legal payment date on matured bonds of the state of Washington and of its subdivisions, the funds remitted to fiscal agencies to redeem coupons and bonds which are subsequently unredeemed by the holders of the bonds and coupons, shall herewith be returned to the state treasurer or the local treasurer as the case may be. The state or local treasurer shall remain obligated for the final redemption of the unredeemed bonds or coupons. [1969 ex.s. c 80 § 7.]

43.80.900 Effective date—1969 ex.s. c 80. This act shall take effect on April 1, 1971, or at such time that the present fiscal agent agreement, contracted through April 1, 1971, is abrogated. [1969 ex.s. c 80 § 8.]

Chapter 43.82 STATE AGENCY HOUSING

Sections	
43.82.010	Acquisition of real estate, leases, construction, alteration, repair, improvement of buildings, property, etc.—Delegation of director's functions—Charges—Studies—Approval of attorney general.
43.82.020	Approval by capitol committee when real estate located in Thurston county.
43.82.030	Acquisition of property and rights declared public use—Eminent domain.
43.82.040	Revenue bonds, coupons—Authorized, issuance, payment, etc.—Negotiability.
43.82.050	Revenue bonds, coupons—Signatures and seal.
43.82.060	Revenue bonds, coupons—Sale—Bonds are legal investment and security.
43.82.070	Revenue bonds, coupons—Registration.
43.82.080	Revenue bonds, coupons—Payable solely from revenues and not state obligation.
43.82.090	General administration construction fund—Designation of bonds as to project—Investment of bond proceeds, interest.
43.82.110	General administration bond redemption fund—Lease of space—Surplus space—Pledge of rental.
43.82.120	General administration bond redemption guarantee fund, limitation on total deposit—General administration management fund—Deposits.
43.82.125	Authorized uses for general administration management fund—Surplus to general fund.
43.82.130	Powers and duties of director.
43.82.140	Insurance on buildings.

43.82.010 Acquisition of real estate, leases, construction, alteration, repair, improvement of buildings, property, etc.—Delegation of director's functions—Charges—Studies—Approval of attorney general. The director of the department of general administration, as agent for the agency involved, shall purchase, lease or rent all real estate, improved or unimproved,

needed for any offices, warehouses and similar purposes as may be required by elected state officials, institutions, departments, commissions, other state agencies, or federal agencies where joint state and federal activities are undertaken necessitating a close working relationship and proximity between state and federally employed personnel: *Provided*, The director may delegate any or all of these functions to any agency upon such terms and conditions as he deems advisable: *Provided further*, That this section shall not apply to the acquisition of real estate by the colleges and universities for research or experimental purposes.

The director is also authorized to purchase, lease or rent improved or unimproved real estate as owner or lessee, and to lease or sublet all or a part of such real estate to state or federal agencies. The director shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

If the director determines that it is necessary or advisable to undertake any work, construction, alteration, repair or improvement on any such leased or rented property, he shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: *Provided*, That the cost of executing such work shall not exceed the sum of twenty-five hundred dollars. Work, construction, alteration, repair or improvement in excess of twenty-five hundred dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

In order to obtain maximum utilization of space, the director shall make space utilization studies, and shall establish standards for use of space by state agencies.

The director may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his management.

All contracts to purchase, lease or rent shall be approved as to form by the attorney general. [1969 c 121 § 1; 1967 c 229 § 1; 1965 c 8 § 43.82.010. Prior: 1961 c 184 § 1; 1959 c 255 § 1.]

East capitol site, acquisition and development: RCW 79.24.500.
Housing costs for state offices and departments: RCW 43.01.090.
Public works: Chapter 39.04 RCW.

43.82.020 Approval by capitol committee when real estate located in Thurston county. The acquisition of real estate, and use thereof, shall be subject to the approval of the state capitol committee when the real estate is located in Thurston county. [1965 c 8 § 43.82.020. Prior: 1961 c 184 § 2; 1959 c 255 § 2.]

43.82.030 Acquisition of property and rights declared public use—Eminent domain. The acquisition of any real property or any rights or interests therein for the purpose of this chapter is hereby declared to be for a

public use. In furtherance of the purposes of this chapter, the right of eminent domain may be exercised as provided for in chapter 8.04 RCW. [1965 c 8 § 43.82-.030. Prior: 1959 c 255 § 3.]

43.82.040 Revenue bonds, coupons—Authorized, issuance, payment, etc.—Negotiability. To provide funds for the acquisition of real estate, the improvement of existing facilities thereon, the construction of buildings, the acquisition of furnishings and equipment therefor, and to pay interest on the revenue bonds authorized to be issued by this chapter during the estimated period of such improvement or construction and for six months after completion of such improvement or construction, if required, there shall be issued and sold revenue bonds of the state of Washington as determined to be necessary by the director of the department of general administration, but not in excess of the amounts appropriated or reappropriated for expenditures under the terms of this chapter.

The issuance and sale of the bonds shall be under the supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for the issuance of coupon or registered bonds to be dated, issued, and sold at the request of the director at such time or times and in such amount or amounts as may be necessary to finance the program authorized in this chapter.

Each bond shall be made payable at any time not exceeding forty years from date of issuance, with such reversed rights of prior redemption, bearing such rate of interest, payable semiannually or annually, and with such terms, conditions, and covenants to safeguard the security and the rights of the holders thereof, including any provision for reserves, as the state finance committee may prescribe to be specified therein. The bonds may be payable at such places and be in such denominations as the committee may prescribe. All such bonds shall be fully negotiable. [1965 c 8 § 43.82.040. Prior: 1961 c 184 § 3; 1959 c 255 § 4.]

43.82.050 Revenue bonds, coupons—Signatures and seal. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons may have printed or lithographic facsimile of the signatures of such officers. A lithographed facsimile reproduction of the seal of the state may be imprinted on the bonds in lieu of manually affixing an impression of the original seal. [1965 c 8 § 43.82.050. Prior: 1959 c 255 § 5.]

43.82.060 Revenue bonds, coupons—Sale—Bonds are legal investment and security. The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That, if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it shall deem sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits. [1965 c 8 § 43.82.060. Prior: 1959 c 255 § 6.]

43.82.070 Revenue bonds, coupons—Registration.

Any of such bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone or as to both principal and interest, under such regulations as the state treasurer may prescribe. [1965 c 8 § 43.82.070. Prior: 1959 c 255 § 7.]

43.82.080 Revenue bonds, coupons—Payable solely from revenues and not state obligation. Bonds issued under provisions of this chapter shall distinctly state that they are not a general obligation of the state of Washington, but are payable solely out of revenues in the manner provided in this chapter. [1965 c 8 § 43.82.080. Prior: 1959 c 255 § 8.]

43.82.090 General administration construction fund—Designation of bonds as to project—Investment of bond proceeds, interest. There is hereby created within the state treasury a special fund to be known as the "general administration construction fund" in which shall be deposited all moneys arising from the sale of such bonds, and all other moneys which may become available for carrying out the purposes of this chapter, provided, that from the moneys arising from the sale of such bonds there may be deposited in the general administration bond redemption fund an amount equal to the interest accruing on such bonds during the estimated period of construction of the project for which such bonds are issued and for six months after the completion of such construction. All such bonds shall be designated as to the project for which they are issued and the proceeds thereof shall be used solely for that project, and for the payment of the expense incurred in the printing, issuance and sale of such bonds and to pay interest on such bonds for the period aforesaid.

The state finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities of the United States government: *Provided*, That such investment will not impede the orderly progress of the project for which the bonds were issued. The interest from such investments shall be deposited in the general administration bond redemption fund to the credit of the particular project involved. [1965 c 8 § 43.82.090. Prior: 1959 c 255 § 9.]

43.82.110 General administration bond redemption fund—Lease of space—Surplus space—Pledge of rental. All office or other space made available through the provisions of this chapter shall be leased by the director to such state or federal agencies, for such rental, and on such terms and conditions as he deems advisable: *Provided, however*, If space becomes surplus, the

director is authorized to lease office or other space in any project to any person, corporation or body politic, for such period as the director shall determine said space is surplus, and upon such other terms and conditions as he may prescribe.

There is hereby created within the treasury a special fund to be known as the "general administration bond redemption fund" in which all pledged rentals shall be deposited. In the event bonds are issued for more than one project, the rentals from each project will be maintained as separate accounts. The funds in this account or accounts shall be used to meet principal and interest payments when due on the bonds issued to finance the specific project for which each such account was created until all of such bonds and interest thereon have been paid.

The bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on the rentals deposited in the general administration bond redemption fund, as aforesaid, and received from the project for which the bonds were issued. Such rentals shall be pledged by the state for such purpose. [1969 c 121 § 2; 1965 c 8 § 43.82.110. Prior: 1961 c 184 § 4; 1959 c 255 § 11.]

43.82.120 General administration bond redemption guarantee fund, limitation on total deposit—General administration management fund—Deposits. There is hereby established within the state treasury a reserve fund to be known as the "general administration bond redemption guarantee fund." All unpledged rental income collected by the department of general administration from rental of state buildings shall be deposited in the general administration bond redemption guarantee fund until a total of two hundred thousand dollars is on deposit in said fund after which all unpledged rental income shall be deposited in the general administration management fund, the creation of which is hereby authorized. In the event the general administration bond redemption guarantee fund is diminished, it shall be replenished in the same manner.

If at any time there is insufficient money in the general administration bond redemption fund to make any payments of interest or principal due on any bonds payable from such fund, the state treasurer shall transfer from such general administration bond redemption guarantee fund to the general administration bond redemption fund an amount sufficient to meet such payments. [1965 c 8 § 43.82.120. Prior: 1961 c 184 § 5; 1959 c 255 § 12.]

43.82.125 Authorized uses for general administration management fund—Surplus to general fund. The general administration management fund shall be used to pay all costs incurred by the department in the operation of real estate managed under the terms of this chapter. Moneys received into the general administration management fund shall be used to pay rent to the owner of the space for occupancy of which the charges have been made and to pay utility and operational costs

of the space utilized by the occupying agency: *Provided*, That moneys received into the fund for occupancy of space owned by the state where utilities and other operational costs are covered by appropriation to the department of general administration shall be immediately transmitted to the general fund: *Provided further*, That the director may expend not to exceed fifty thousand dollars per biennium from the general administration management fund to cover unusual or unexpected expenses connected with space occupancy or management that cannot be charged directly to any specific state agency. In the event the director determines that there is a surplus in this fund, he shall transfer such surplus to the general fund. [1965 c 8 § 43.82.125. Prior: 1961 c 184 § 6.]

43.82.130 Powers and duties of director. The director of the department of general administration is authorized to do all acts and things necessary or convenient to carry out the powers and duties expressly provided in this chapter. [1965 c 8 § 43.82.130. Prior: 1959 c 255 § 13.]

43.82.140 Insurance on buildings. The director may, in his discretion, obtain fire or other hazard insurance on any building under his management. [1965 c 8 § 43.82.140. Prior: 1961 c 184 § 7.]

**Chapter 43.83
CAPITAL IMPROVEMENTS**

Sections

1959-1961 BOND ISSUE

- 43.83.010 Limited obligation bonds—Authorized—Issuance, sale, form, payment, etc.—Continuation of tax levy.
- 43.83.020 Limited obligation bonds—Proceeds to be deposited in state building construction account—Use.
- 43.83.030 Limited obligation bonds—Retirement from state building construction bond redemption fund—Retail sales tax collections, continuation of levy.
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- 43.83.060 Limited obligation bonds—Authorized—Issuance, sale, form, payment, etc.—Continuation of tax levy.
- 43.83.062 Limited obligation bonds—Proceeds to be deposited in state building construction account—Use.
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- 43.83.066 Limited obligation bonds—Legislature may provide additional means of raising revenue.
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1965-1967 BOND ISSUE

- 43.83.070 General obligation bonds—Authorized—Issuance, sale, form, payment, etc.
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- 43.83.110 General obligation bonds—Authorized—Issuance—Payment.
- 43.83.112 General obligation bonds—Powers and duties of state finance committee.
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- 43.83.126 Severability—1973 1st ex.s. c 217.

Community colleges, refunding bonds for: RCW 28B.50.360, 28B.50.403-28B.50.407 and 28B.50.409.

Washington State University Tree Fruit Research Center office-laboratory facility, financing: RCW 28B.30.600-28B.30.619.

1959-1961 BOND ISSUE

43.83.010 Limited obligation bonds—Authorized—Issuance, sale, form, payment, etc.—Continuation of tax levy. For the purpose of furnishing funds to finance projects in the 1959-1961 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of ten million eighty-nine thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they

shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.010 through 43.83.050 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide. [1965 c 8 § 43.83.010. Prior: 1959 ex.s. c 9 § 1.]

43.83.020 Limited obligation bonds—Proceeds to be deposited in state building construction account—Use. The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1959, and for payment of the expense incurred in the printing, issuance, and sale of such bonds. [1965 c 8 § 43.83.020. Prior: 1959 ex.s. c 9 § 2.]

43.83.030 Limited obligation bonds—Retirement from state building construction bond redemption fund—Retail sales tax collections, continuation of levy. Retirement of the bonds and interest authorized by RCW 43.83.010 through 43.83.050 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June 30th of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.010 through 43.83.050. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to the charges thereon created by chapters 229 and 230, Laws of 1949, and chapter 298, Laws of 1957. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.010 through 43.83.050, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said

payments when due until all bonds and the interest thereon authorized under RCW 43.83.010 through 43.83.050 shall have been paid. [1965 c 8 § 43.83.030. Prior: 1959 ex.s. c 9 § 3.]

Reviser's note: Chapter 298, Laws of 1957 and chapter 230, Laws of 1949 referred to herein are codified in chapter 72.99 RCW, and chapter 229, Laws of 1949 is codified in chapter 28A.47 RCW.

43.83.040 Limited obligation bonds—Legislature may provide additional means of raising revenue. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.010 through 43.83.050 and RCW 43.83.010 through 43.83.050 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington. [1965 c 8 § 43.83.040. Prior: 1959 ex.s. c 9 § 4.]

43.83.050 Limited obligation bonds—Bonds are negotiable, legal investment and security. The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits. [1965 c 8 § 43.83.050. Prior: 1959 ex.s. c 9 § 5.]

1961–1963 BOND ISSUE

43.83.060 Limited obligation bonds—Authorized—Issuance, sale, form, payment, etc.—Continuation of tax levy. For the purpose of furnishing funds to finance projects in the 1961–1963 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-seven million five hundred fifty-six thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.060 through 43.83.068 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto: *Provided*, That any bonds issued under authority of RCW 43.83.060 through 43.83.068 for the purpose of financing the construction of the correctional institution authorized by chapter 214, Laws of 1959, shall be so identified and shall be subject to call prior to the maturity date thereof. Such bonds shall be payable at such places as the state finance committee may provide. The state finance committee shall, in making its invitation or call for bids on the sale or issuance of such bonds, other than those governed by the proviso in this section, secure bids on the condition that the bonds may be called prior to maturity and it shall also secure bids on the condition that they shall not be subject to prior call. [1965 c 8 § 43.83.060. Prior: 1961 ex.s. c 23 § 1.]

Correctional institution established by 1959 c 214: See chapter 72.13 RCW.

43.83.062 Limited obligation bonds—Proceeds to be deposited in state building construction account—Use. The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1961, and for payment of the expense incurred in the printing, issuance, and sale of such bonds. [1965 c 8 § 43.83.062. Prior: 1961 ex.s. c 23 § 2.]

43.83.064 Limited obligation bonds—Retirement from state building construction bond redemption fund—Retail sales tax collections, continuation of levy. Retirement of the bonds and interest authorized by RCW 43.83.060 through 43.83.068 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June thirtieth of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.060 through 43.83.068. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to

levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.060 through 43.83.068, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.060 through 43.83.068 shall have been paid. [1965 c 8 § 43.83.064. Prior: 1961 ex.s. c 23 § 3.]

State building construction bond redemption fund: RCW 72.99.120.

43.83.066 Limited obligation bonds—Legislature may provide additional means of raising revenue. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.060 through 43.83.068 and RCW 43.83.060 through 43.83.068 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington. [1965 c 8 § 43.83.066. Prior: 1961 ex.s. c 23 § 4.]

43.83.068 Limited obligation bonds—Bonds are negotiable, legal investment and security. The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits. [1965 c 8 § 43.83.068. Prior: 1961 ex.s. c 23 § 5.]

1965–1967 BOND ISSUE

43.83.070 General obligation bonds—Authorized—Issuance, sale, form, payment, etc. For the purpose of providing needed capital improvements for the institutions of higher education, the department of institutions, the department of natural resources and other state agencies, the state finance committee is hereby authorized to issue, at any time prior to January 1, 1970, general obligation bonds of the state of Washington in the sum of forty million five hundred seventy-five thousand dollars, or so much thereof as shall be required to finance the capital projects set forth in RCW 43.83.080, to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: *Provided*, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of six percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such

terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds. [1965 ex.s. c 172 § 1.]

43.83.072 General obligation bonds—Proceeds to be deposited in state building and higher education construction account. The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the state finance committee may direct the state treasurer to deposit therein shall be deposited in the state building and higher education construction account hereby created in the state general fund. [1965 ex.s. c 172 § 2.]

43.83.074 General obligation bonds—Retirement from state building and higher education bond redemption fund—Retail sales tax collections, continuation of levy. The state building and higher education bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 43.83.070 through 43.83.084. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in said state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein. [1965 ex.s. c 172 § 3.]

43.83.076 General obligation bonds—Legislature may provide additional means of raising revenue. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and RCW 43.83.070 through 43.83.084 shall not be deemed to provide an exclusive method for such payment. [1965 ex.s. c 172 § 4.]

43.83.078 General obligation bonds—Legal investment for state and local funds. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations. [1965 ex.s. c 172 § 5.]

43.83.080 General obligation bonds—Appropriations for capital improvements and projects. The following sums, or so much thereof as may be necessary, are

appropriated from the state building and higher education construction account: *Provided*, That the legislature may reappropriate the unexpended balance from any project for other projects within the scope of RCW 43.83.070.

For the Reformatory	
Renovation of utilities	\$ 342,000.00
Construct chapel	\$ 137,500.00
For the Women's Correction Center	
Construct and equip, or remodel and equip	\$2,166,333.00
For the Maple Lane School	
Construct and equip two residential units, demolish Spruce and Hawthorne cottages	\$ 350,000.00
For the Group Homes	
Construct and equip three group homes	\$ 276,600.00
For the Fifth Youth Forestry Camp	
Construct and equip	\$ 668,631.00
For the Western Hospital	
Renovate utilities	\$ 228,000.00
For the Rainier School	
Construct and equip laundry addition	\$ 273,013.00
For the Yakima Valley School	
Construct and equip three wings for two hundred seventy additional beds; remodel and equip kitchen	\$1,978,033.00
For the Fircrest School	
Construct and equip activities building	\$ 483,500.00
For the University of Washington	
Construct and equip college of architecture building	\$1,960,000.00
Construct and equip physics-atmospheric science building	\$2,275,000.00
Construct and equip art wing	\$ 750,000.00
Renovate forestry building and construct pulp and paper teaching facility	\$2,290,000.00
Construct and equip general classroom building	\$2,600,000.00
Construct graduate center facility	\$ 500,000.00
For Washington State University	
Construct Research and Laboratory building—Puyallup	\$1,334,782.00
For Eastern Washington State College	
New heating plant and extension of utilities	\$1,500,000.00
Construct and equip music building ..	\$1,375,000.00
Construct and equip general classroom building	\$ 890,000.00
For Central Washington State College	
Construct and equip fine and applied arts—language and literature facility	\$4,119,638.00
Land acquisition	\$ 300,000.00
For Western Washington State College	
Construct and equip classroom—faculty offices addition	\$1,704,000.00
Construct and equip addition to the library	\$1,167,000.00

For the Washington State Historical Society
 Construct new wing to museum building: *Provided*, That the sum appropriated herein or so much thereof as is necessary shall not be expended unless such sum is matched in an equal amount from private contribution and other sources collected on or before January 1, 1969 \$ 339,000.00
 For the Department of Natural Resources
 Clearwater Honor Camp \$ 500,000.00
 For the University of Washington
 Construct and equip health sciences expansion \$9,600,000.00
 For the Finance Committee \$ 40,744.00

[1965 ex.s. c 172 § 6.]

43.83.082 General obligation bonds—Capital improvement and capital project defined. The words "capital improvement" or "capital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets. [1965 ex.s. c 172 § 7.]

43.83.084 General obligation bonds—Referral to electorate. RCW 43.83.070 through 43.83.084 shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1966, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof. [1965 ex.s. c 172 § 8.]

1967-1969 BOND ISSUE

43.83.090 General obligation bonds—Authorized—Issuance, sale, form, payment, etc. For the purpose of providing needed capital improvements for the department of general administration, the institutions of higher education and the department of institutions, the state finance committee is authorized to issue, at any time prior to January 1, 1972, general obligation bonds of the state of Washington in the sum of sixty-three million fifty-nine thousand dollars or so much thereof as shall be required to finance the capital projects set forth in RCW 43.83.100, to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: *Provided*, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of six percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional

promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds. [1967 ex.s. c 148 § 1.]

43.83.092 General obligation bonds—Proceeds to be deposited in state building and higher education construction account. The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the state finance committee may direct the state treasurer to deposit therein shall be deposited in the state building and higher education construction account created in the state general fund. [1967 ex.s. c 148 § 2.]

43.83.094 General obligation bonds—Retirement from state building and higher education bond redemption fund—Retail sales tax collections, continuation of levy. The state building and higher education bond redemption fund is created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 43.83.090 through 43.83.104. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections; and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof which has been heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein. [1967 ex.s. c 148 § 3.]

Reviser's note: The state tax commission was abolished by 1967 ex.s. c 26 § 7 and its powers and duties were transferred to the director of the department of revenue.

43.83.096 General obligation bonds—Legislature may provide additional means of raising revenue. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and RCW 43.83.090 through 43.83.104 shall not be deemed to provide an exclusive method for such payment. [1967 ex.s. c 148 § 4.]

43.83.098 General obligation bonds—Legal investment for state and local funds. The bonds herein authorized shall be a legal investment for all state funds or

for funds under state control and all funds of municipal corporations. [1967 ex.s. c 148 § 5.]

43.83.100 General obligation bonds—Appropriations for capital improvements and projects. The following sums, or so much thereof as may be necessary, are appropriated from the state building and higher education construction account: *Provided*, That the legislature may reappropriate the unexpended balance from any project for other projects within the scope of RCW 43.83.090.

For the Department of General Administration	
Construct and equip addition to state library	\$ 562,113
For the Washington Correction Center	
Construct and equip honor housing for 270 inmates	\$ 1,875,630
For the Maple Lane School	
Construct and equip treatment security unit	\$ 264,970
For the Spruce Canyon Youth Camp	
Construct and equip vocational-gymnasium building	\$ 194,411
For the School for the Blind	
Construct and equip student residence hall	\$ 373,000
For the School for the Deaf	
Construct and equip field house	\$ 150,000
For the Rainier School	
Construct and equip training and service building	\$ 650,000
Construct and equip volunteer services building	\$ 150,000
For the Fircrest School	
Replace Redwood Hall, Phase II	\$ 2,550,000
For the University of Washington	
Construct and equip law school center	\$ 5,100,000
Construct and equip psychology building	\$ 3,500,000
Construct and equip performing arts building	\$ 3,700,000
Construct and equip computer center addition	\$ 1,300,000
Construct and equip electrical engineering addition	\$ 650,000
Enlarge plant services building	\$ 1,900,000
Expand and equip radiation therapy and hospital clinic	\$ 2,050,000
For Washington State University	
Construct and equip agricultural services building	\$ 3,934,775
Construct and equip physical sciences building	\$ 3,148,630
For Western Washington State College	
Construct additional instruction facilities	\$ 1,883,500
Construct and equip physical education addition	\$ 490,000
Construct and equip classroom building	\$ 1,650,000
Renovation of Old Main	\$ 975,000
Complete construction and equipping of education-psychology building ...	\$ 850,000

For Central Washington State College	
Construct and equip instructional center	\$ 3,009,500
Construct and equip library addition ...	\$ 2,070,000
For Eastern Washington State College	
Construct and equip health and physical education building	\$ 1,125,000
Construct and equip classroom building	\$ 1,500,000
Construct and equip radio-television building	\$ 500,000
Construct and equip drama building ...	\$ 800,000
Construct and equip art building	\$ 1,090,000
For the Fourth State College	
Construction Phase I	\$15,000,000
For the Finance Committee	
	\$ 62,471

[1969 ex.s. c 187 § 1; 1967 ex.s. c 148 § 6.]

Institutions of higher education project planning appropriations: See note following RCW 43.75.030.

43.83.102 General obligation bonds—Capital improvement and capital project defined. The words "capital improvement" or "capital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets. [1967 ex.s. c 148 § 7.]

43.83.104 General obligation bonds—Referral to electorate. RCW 43.83.090 through 43.83.104 shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1968, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof. [1967 ex.s. c 148 § 8.]

Reviser's note: RCW 43.83.090 through 43.83.104 was adopted and ratified by the people at the November 5, 1968 general election (Referendum Bill No. 19). Governor's proclamation declaring approval of measure is dated December 5, 1968. State Constitution Art. 2 § 1 (d) provides: "... Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved ..."

1973 BOND ISSUE

43.83.110 General obligation bonds—Authorized—Issuance—Payment. For the purpose of acquiring land, funding and providing the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment, and facilities, of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as are determined to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms, and to provide executive office and housing for the governor, and to provide executive office space for other elective officials and such other state agencies as may

be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty-seven million dollars, or so much thereof as may be required, to finance the projects defined in RCW 43.83.110 through 43.83.126 and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. [1973 1st ex.s. c 217 § 1.]

43.83.112 General obligation bonds—Powers and duties of state finance committee. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide. [1973 1st ex.s. c 217 § 2.]

43.83.114 General obligation bonds—Anticipation notes—Proceeds. At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by RCW 43.83.110 through 43.83.126 shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83.110 through 43.83.126 and for the payment of expenses incurred in the issuance and sale of the bonds. [1973 1st ex.s. c 217 § 3.]

43.83.116 General obligation bonds—Administration of proceeds from sale. The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the state department of general administration. [1973 1st ex.s. c 217 § 4.]

43.83.118 General obligation bonds—Payment from bond redemption fund—Procedure—General obligation of state. The state building bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by RCW 43.83.110 through 43.83.126. The state finance committee, shall, on or before June 30th of each year, certify to

the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of RCW 43.83.110 through 43.83.126 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1973 1st ex.s. c 217 § 5.]

43.83.120 General obligation bonds—Charges against state agencies to reimburse state general fund. In addition to any other charges authorized by law and to assist in reimbursing the state general fund for expenditures from the general state revenues in paying the principal and interest on the bonds and notes herein authorized, the director of general administration shall assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for each square foot of floor space assigned to or occupied by it. Payment of the amount so billed to the entity for such occupancy shall be made annually and in advance at the beginning of each fiscal year. The director of general administration shall cause the same to be deposited in the state treasury to the credit of the general fund. [1973 1st ex.s. c 217 § 6.]

43.83.122 General obligation bonds—Legislature may provide additional means for payment. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and RCW 43.83.110 through 43.83.126 shall not be deemed to provide an exclusive method for such payment. [1973 1st ex.s. c 217 § 7.]

43.83.124 General obligation bonds—Legal investment for state and other public bodies. The bonds herein authorized shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [1973 1st ex.s. c 217 § 8.]

43.83.126 Severability—1973 1st ex.s. c 217. If any provision of this 1973 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. [1973 1st ex.s. c 217 § 9.]

Chapter 43.83A

WASTE DISPOSAL FACILITIES BOND ISSUE

Sections

- 43.83A.010 Declaration.
- 43.83A.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.
- 43.83A.030 Proceeds to be deposited in state and local improvements revolving account.
- 43.83A.040 Administration of proceeds—Use of funds—Integration of disposal systems.
- 43.83A.050 Definitions.
- 43.83A.060 Referral to electorate.
- 43.83A.070 Form, terms, conditions, etc., of bonds.
- 43.83A.080 Anticipation notes—Pledge and promise—Seal.
- 43.83A.090 Retirement of bonds from waste disposal facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders.
- 43.83A.100 Legislature may provide additional means for payment of bonds.
- 43.83A.110 Bonds legal investment for public funds.
- 43.83A.900 Appropriation.

43.83A.010 Declaration. The long-range development goals for the state of Washington must include the protection of the resources and environment of the state and the health and safety of its people by providing adequate facilities and systems for the collection, treatment, and disposal of solid and liquid waste materials. [1972 ex.s. c 127 § 1.]

43.83A.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required. For the purpose of providing funds for the planning, acquisition, construction, and improvement of public waste disposal facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of two hundred twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold. [1972 ex.s. c 127 § 2.]

43.83A.030 Proceeds to be deposited in state and local improvements revolving account. The proceeds from the sale of bonds authorized by this chapter and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds. [1972 ex.s. c 127 § 3.]

43.83A.040 Administration of proceeds—Use of funds—Integration of disposal systems. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general

fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local or other funds are made available on a matching basis for improvements within the purposes of this chapter.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the legislature may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems. [1972 ex.s. c 127 § 4.]

43.83A.050 Definitions. As used in this chapter, the term "waste disposal facilities" shall mean any facilities owned or operated by a public body for the collection, storage, treatment, and disposal of liquid wastes or solid wastes, including, but not limited to, sanitary sewage, storm water, residential, industrial, and commercial wastes, and any combination thereof, and all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to such purpose.

As used in this chapter, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. [1972 ex.s. c 127 § 5.]

43.83A.060 Referral to electorate. This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1972 ex.s. c 127 § 6.]

Reviser's note: Chapter 43.83A RCW was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 26). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved. . ."

43.83A.070 Form, terms, conditions, etc., of bonds. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of

them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value. [1972 ex.s. c 127 § 7.]

43.83A.080 Anticipation notes—Pledge and promise—Seal. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes. [1972 ex.s. c 127 § 8.]

43.83A.090 Retirement of bonds from waste disposal facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders. The waste disposal facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the waste disposal facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1972 ex.s. c 127 § 9.]

43.83A.100 Legislature may provide additional means for payment of bonds. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment. [1972 ex.s. c 127 § 10.]

43.83A.110 Bonds legal investment for public funds. The bonds herein authorized shall be a legal investment for all state funds, or for funds under state control, and for all funds of any other public body. [1972 ex.s. c 127 § 11.]

43.83A.900 Appropriation. There is appropriated to the state department of ecology, from the state and local improvements revolving account out of the proceeds of sale of the bonds or notes authorized herein, for the period from the effective date of this act through June 30, 1973, the sum of ten million dollars for use by said department for grants to public bodies as state matching funds for the purpose of aiding in the planning, acquisition, construction, and improvement of waste disposal facilities. [1972 ex.s. c 127 § 12.]

Chapter 43.83B

WATER SUPPLY FACILITIES BOND ISSUE

Sections

- 43.83B.010 Declaration.
- 43.83B.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.
- 43.83B.030 Proceeds to be deposited in state and local improvements revolving account.
- 43.83B.040 Administration of proceeds—Use of funds.
- 43.83B.050 Definitions.
- 43.83B.060 Referral to electorate.
- 43.83B.070 Form, terms, conditions, etc., of bonds.
- 43.83B.080 Anticipation notes—Pledge and promise—Seal.
- 43.83B.090 Retirement of bonds from water supply facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders.
- 43.83B.100 Legislature may provide additional means for payment of bonds.
- 43.83B.110 Bonds legal investment for public funds.

43.83B.010 Declaration. The long-range development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and employment including the furnishing of an adequate supply of water for domestic, industrial, and agricultural purposes. [1972 ex.s. c 128 § 1.]

43.83B.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required. For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of seventy-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold. [1972 ex.s. c 128 § 2.]

43.83B.030 Proceeds to be deposited in state and local improvements revolving account. The proceeds from the sale of bonds authorized by this chapter, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the

general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds. [1972 ex.s. c 128 § 3.]

43.83B.040 Administration of proceeds—Use of funds. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter. [1972 ex.s. c 128 § 4.]

43.83B.050 Definitions. As used in this chapter, the term "water supply facilities" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to the acquisition, construction, installation, or use of any municipal, industrial, or agricultural water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. [1972 ex.s. c 128 § 5.]

43.83B.060 Referral to electorate. This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1972 ex.s. c 128 § 6.]

Reviser's note: Chapter 43.83B RCW was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 27). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiaives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

43.83B.070 Form, terms, conditions, etc., of bonds. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and

issuance. None of the bonds herein authorized shall be sold for less than their par value. [1972 ex.s. c 128 § 7.]

43.83B.080 Anticipation notes—Pledge and promise—Seal. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes. [1972 ex.s. c 128 § 8.]

43.83B.090 Retirement of bonds from water supply facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders. The water supply facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the water supply facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1972 ex.s. c 128 § 9.]

43.83B.100 Legislature may provide additional means for payment of bonds. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment. [1972 ex.s. c 128 § 10.]

43.83B.110 Bonds legal investment for public funds. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body. [1972 ex.s. c 128 § 11.]

Chapter 43.83C

RECREATION IMPROVEMENTS BOND ISSUE

Sections

- 43.83C.010 Declaration.
- 43.83C.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.
- 43.83C.030 Proceeds to be deposited in state and local improvements revolving account.
- 43.83C.040 Administration of proceeds—Division into shares—Use of funds.
- 43.83C.050 Definitions.
- 43.83C.060 Referral to electorate.
- 43.83C.070 Form, terms, conditions, etc., of bonds.
- 43.83C.080 Anticipation notes—Pledge and promise—Seal.
- 43.83C.090 Retirement of bonds from recreation improvements bond redemption fund—Retail sales tax collections—Remedies of bond holders.
- 43.83C.100 Legislature may provide additional means for payment of bonds.
- 43.83C.110 Bonds legal investment for public funds.

43.83C.010 Declaration. The long-range development goals for the state of Washington must include the acquisition, preservation, and improvement of recreation areas and facilities for the use and enjoyment of present and future residents of the state and the further development of the state's tourism and recreation economic base. [1972 ex.s. c 129 § 1.]

43.83C.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required. For the purpose of providing funds for the planning, acquisition, preservation, development, and improvement of recreation areas and facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold. [1972 ex.s. c 129 § 2.]

43.83C.030 Proceeds to be deposited in state and local improvements revolving account. The proceeds from the sale of bonds authorized by this chapter, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds. [1972 ex.s. c 129 § 3.]

43.83C.040 Administration of proceeds—Division into shares—Use of funds. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be divided into three shares as follows:

(1) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor recreation account and allocated to the state of Washington, or any agency or department thereof, for the acquisition, preservation, and development of recreation areas and facilities by the state. The committee may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

(2) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor recreation account and allocated to public bodies for the acquisition, preservation, development, and improvement of recreational areas and facilities within the jurisdiction of such bodies. The committee may use or permit the use of any portion of such share for loans or grants to public bodies including use as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

(3) Thirty percent of such proceeds shall be allocated to the state parks and recreation commission, subject to legislative appropriation, for improvement of existing state parks and the acquisition and preservation of historic sites and buildings. The commission may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

In the event that the bonds authorized by this chapter are sold in more than one series the above division into shares shall apply to the total proceeds of the bonds authorized by this chapter and not to the proceeds of each separate series. [1972 ex.s. c 129 § 4.]

43.83C.050 Definitions. As used in this chapter, the phrase "acquisition, preservation, development, and improvement of recreation areas and facilities" shall include the acquisition, development, and improvement of real property, or any interest therein, for park and recreation purposes, including the acquisition and construction of all structures, utilities, equipment, and improvements necessary or incidental to such purposes, the acquisition and preservation of historic sites and buildings and of scenic and environmentally valuable areas of the state, and the improvement of existing park and recreation areas and facilities.

As used in this chapter, the term "public body" means any political subdivision, taxing district, or municipal corporation of the state of Washington, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. [1972 ex.s. c 129 § 5.]

43.83C.060 Referral to electorate. This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1972 ex.s. c 129 § 6.]

Reviser's note: Chapter 43.83C RCW was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 28). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

43.83C.070 Form, terms, conditions, etc., of bonds. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value. [1972 ex.s. c 129 § 7.]

43.83C.080 Anticipation notes—Pledge and promise—Seal. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes. [1972 ex.s. c 129 § 8.]

43.83C.090 Retirement of bonds from recreation improvements bond redemption fund—Retail sales tax collections—Remedies of bond holders. The recreation improvements bond redemption fund is hereby created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the recreation improvements bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the

state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1972 ex.s. c 129 § 9.]

43.83C.100 Legislature may provide additional means for payment of bonds. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment. [1972 ex.s. c 129 § 10.]

43.83C.110 Bonds legal investment for public funds. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any public body. [1972 ex.s. c 129 § 11.]

Chapter 43.83D SOCIAL AND HEALTH SERVICES FACILITIES BOND ISSUE

Sections

- 43.83D.010 Declaration.
- 43.83D.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required.
- 43.83D.030 Proceeds to be deposited in state and local improvements revolving account.
- 43.83D.040 Administration of proceeds—Comprehensive plan—Use of funds.
- 43.83D.050 Definitions.
- 43.83D.060 Referral to electorate.
- 43.83D.070 Form, terms, conditions, etc., of bonds.
- 43.83D.080 Anticipation notes—Pledge and promise—Seal.
- 43.83D.090 Retirement of bonds from social and health service facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders.
- 43.83D.100 Legislature may provide additional means for payment of bonds.
- 43.83D.110 Bonds legal investment for public funds.

43.83D.010 Declaration. The physical and mental health of the people of the state directly affects the achievement of economic progress and full employment. The establishment of a system of regional and community health and social service facilities will provide the improved and convenient health and social services needed for an efficient work force and a healthy and secure people. [1972 ex.s. c 130 § 1.]

43.83D.020 General obligation bonds—Authorized—Issuance, sale, terms—Appropriation required. For the purpose of providing funds for the planning, acquisition, construction, and improvement of health and social service facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance

or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold. [1972 ex.s. c 130 § 2.]

43.83D.030 Proceeds to be deposited in state and local improvements revolving account. The proceeds from the sale of bonds authorized by this chapter, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds. [1972 ex.s. c 130 § 3.]

43.83D.040 Administration of proceeds—Comprehensive plan—Use of funds. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of social and health services, subject to legislative appropriation. The department shall prepare a comprehensive plan for a system of social and health service facilities for the state and may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish such plan by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter. [1972 ex.s. c 130 § 4.]

43.83D.050 Definitions. As used in this chapter, the term "social and health service facilities" shall mean real property, and interests therein, equipment, buildings, structures, mobile units, parking facilities, utilities, landscaping, and all incidental improvements and appurtenances, developed as a part of a comprehensive plan for a system of social and health service facilities for the state including, without limitation, facilities for social services, adult and juvenile correction or detention, child welfare, day care, drug abuse and alcoholism treatment, mental health, public health, developmental disabilities, and vocational rehabilitation.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. [1972 ex.s. c 130 § 5.]

43.83D.060 Referral to electorate. This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the

provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1972 ex.s. c 130 § 6.]

Reviser's note: Chapter 43.83D RCW was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 29). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

43.83D.070 Form, terms, conditions, etc., of bonds. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value. [1972 ex.s. c 130 § 7.]

43.83D.080 Anticipation notes—Pledge and promise—Seal. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes. [1972 ex.s. c 130 § 8.]

43.83D.090 Retirement of bonds from social and health service facilities bond redemption fund—Retail sales tax collections—Remedies of bond holders. The social and health service facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1 of each year the state treasurer shall deposit such amount in the social and health service facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may, by mandamus or other appropriate proceeding,

require the transfer and payment of funds as directed herein. [1972 ex.s. c 130 § 9.]

43.83D.100 Legislature may provide additional means for payment of bonds. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment. [1972 ex.s. c 130 § 10.]

43.83D.110 Bonds legal investment for public funds. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body. [1972 ex.s. c 130 § 11.]

Chapter 43.83F

REFUNDING BONDS—CAPITOL FACILITIES REVENUE BONDS, 1969—EAST CAPITOL SITE BONDS, 1969

Sections

- 43.83F.010 Refunding bonds—Issuance—Authorization.
- 43.83F.020 Refunding bonds—Powers and duties of state finance committee.
- 43.83F.030 Refunding bonds—Administration of proceeds from sale—Exception.
- 43.83F.040 Refunding bonds—Payment from bond redemption fund—Procedure—General obligation of state.
- 43.83F.050 Refunding bonds—Legislature may provide additional means for payment.
- 43.83F.060 Refunding bonds—Legal investment for state and other public bodies.
- 43.83F.900 Severability—1974 1st ex.s. c 113.

43.83F.010 Refunding bonds—Issuance—Authorization. The state finance committee is authorized to issue general obligation bonds of the state in the amount of twenty-one million dollars, or so much thereof as may be required to refund, at or prior to maturity, the outstanding "State of Washington Capitol Facilities Revenue Bonds, 1969", dated October 1, 1969, and the outstanding "State of Washington East Capitol Site Bonds, 1969", dated October 1, 1969, and to pay any premium payable with respect thereto and all interest thereon, and to pay all costs incidental thereto and to the issuance of the bonds authorized by this chapter. The bonds authorized by this chapter shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1, of the state Constitution. [1974 1st ex.s. c 113 § 1.]

43.83F.020 Refunding bonds—Powers and duties of state finance committee. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof

under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds. Such bonds shall be payable at such places as the committee may provide. [1974 1st ex.s. c 113 § 2.]

43.83F.030 Refunding bonds—Administration of proceeds from sale—Exception. The proceeds from the sale of bonds authorized by this chapter shall be set aside for the payment of the bonds to be refunded in accordance with chapter 39.53 RCW, except that investment and reinvestment thereof shall be limited to direct obligations of the United States of America. [1974 1st ex.s. c 113 § 3.]

43.83F.040 Refunding bonds—Payment from bond redemption fund—Procedure—General obligation of state. The state building refunding bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by this chapter. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of this chapter shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1974 1st ex.s. c 113 § 4.]

43.83F.050 Refunding bonds—Legislature may provide additional means for payment. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment. [1974 1st ex.s. c 113 § 5.]

43.83F.060 Refunding bonds—Legal investment for state and other public bodies. The bonds authorized in this chapter shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [1974 1st ex.s. c 113 § 6.]

43.83F.900 Severability—1974 1st ex.s. c 113. If any provision of this 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. [1974 1st ex.s. c 113 § 8.]

Chapter 43.84
INVESTMENTS AND INTERFUND LOANS

Sections

- 43.84.031 Management of permanent funds—Procedural policies—Limitation on purchase, sale or exchange prices for securities.
- 43.84.041 Management of permanent funds—Disposition of securities.
- 43.84.051 Management of permanent funds—Collection of interest, income and principal of securities—Disposition.
- 43.84.061 Management of permanent funds—Degree of judgment and care required in making investments.
- 43.84.080 Investment of current state funds.
- 43.84.090 Reserve to be set aside.
- 43.84.095 Exemption from reserve fund—Motor vehicle fund income from United States securities.
- 43.84.100 Interfund loans.
- 43.84.110 Interest on loans.
- 43.84.120 Investment in state warrants.
- 43.84.130 Separate accounting as to permanent school fund.
- 43.84.140 Investment of scientific school, agricultural college, and state university funds in regents' revenue bonds.
- 43.84.150 Authorized investments for state finance committee, boards and trustees—Power of trustees of funds to authorize state finance committee to make investments, etc.
- 43.84.160 Investment counseling fees payable from earnings.
- 43.84.170 Investment of surplus moneys in common school fund, agricultural college fund, normal school fund, scientific school fund or university fund.

Federal home owner's loan corporation bonds, valid investment for public and trust funds: RCW 39.60.010.

Firemen's pension board, investments by: RCW 41.16.040(4).

Highway construction bonds, investment in: Chapter 47.10 RCW.

Housing authority bonds, authorized as legal investments: RCW 35.82.220.

Industrial insurance funds: Chapter 51.44 RCW.

Interest on state warrants: RCW 39.56.010.

Metropolitan municipal corporation obligations, authorized for public deposits: RCW 35.58.510.

Motor vehicle fund warrants for highway acquisition: RCW 47.12-.180-47.12.240.

Mutual savings banks, investments in state bonds: RCW 32.20.050.

Port district toll facility bonds and notes as legal investments: RCW 53.34.150.

Public utility district revenue obligations as legal investments: RCW 54.24.120.

Savings and loan associations, investment of public funds in authorized: RCW 33.52.010.

School building construction bonds: Chapter 28A.47 RCW.

Schools and school districts' bonds, investment of permanent school fund in: State Constitution Art. 16 § 5 (Amendment 44).

State employees' retirement funds: RCW 41.40.071, 41.40.075.

State patrol retirement fund: RCW 43.43.170.

State-wide city employees' retirement system funds: RCW 41.44.100.

Teachers' retirement funds: RCW 41.32.200.

United States corporation bonds, valid investment for public and trust funds: RCW 39.60.010.

Urban renewal bonds: RCW 35.81.110.

43.84.031 Management of permanent funds—Procedural policies—Limitation on purchase, sale or exchange prices for securities. Subject to the limitation of authority delegated by RCW 43.84.031 through 43.84.061 and RCW 43.84.150, the state finance committee may by unanimous approval adopt procedural policies governing the management of said permanent trust funds. [1973 1st ex.s. c 103 § 5; 1965 ex.s. c 104 § 3.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.84.041 Management of permanent funds—Disposition of securities. All securities purchased or held on behalf of said funds, shall be held and disbursed through the state treasury and shall be in the physical custody of the state treasurer, who may deposit with the fiscal agent of the state, or with a state depository, such of said securities as he shall consider advisable to be held in safekeeping by said agent or bank for collection of principal and interest, or of the proceeds of sale thereof. [1965 ex.s. c 104 § 4.]

43.84.051 Management of permanent funds—Collection of interest, income and principal of securities—Disposition. It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his custody pursuant to RCW 43.84.041 as the said sums become due and payable, and to pay the same when so collected into the respective funds to which the principal and interest shall accrue. [1965 ex.s. c 104 § 5.]

43.84.061 Management of permanent funds—Degree of judgment and care required in making investments. Any investments made hereunder shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived. [1965 ex.s. c 104 § 6.]

43.84.080 Investment of current state funds. Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States;

(2) In state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state finance committee may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

(3) In motor vehicle fund warrants when authorized by agreement between the committee and the state highway commission requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction;

(4) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates

of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system. [1971 c 16 § 1; 1967 c 211 § 1; 1965 c 8 § 43.84.080. Prior: 1961 c 281 § 11; 1955 c 197 § 1; 1935 c 91 § 1; RRS § 5508-1.]

Motor vehicle fund warrants for state highway acquisition: RCW 47-12.180-47.12.240.

43.84.090 Reserve to be set aside. Twenty percent of all income received from such investments shall be set aside in a reserve account: *Provided*, That the legislature may appropriate such amounts from this account as may be necessary to pay operating expenses of the state treasurer for the servicing of investments and outstanding bonded indebtedness of the state and for operating expenses of the state finance committee and the state building authority, and may transfer further amounts from the reserve account to the general fund on a periodic basis.

Investments purchased for more or less than par shall be amortized to obtain the true amount of income, and the amortized value of the principal, at any time, shall be the cost of the security plus or minus such portion of the income as has been assigned to principal.

Any loss sustained by selling investments for less than the amortized value of the principal may be charged to the reserve fund. Any profits obtained from selling investments for more than the amortized value of the principal shall be considered as income. All income other than that set aside in the reserve fund shall be credited to the deposit interest fund in the state treasury. [1969 c 50 § 1; 1967 c 66 § 1; 1965 ex.s. c 82 § 1; 1965 c 8 § 43.84.090. Prior: 1935 c 91 § 2; RRS § 5508-2.]

43.84.095 Exemption from reserve fund—Motor vehicle fund income from United States securities. Whenever moneys of the motor vehicle fund shall be invested in bonds, notes, bills or certificates of the United States treasury payable at par upon demand, or within a term not greater than one year, it shall not be necessary to place any portion of the income therefrom in the reserve fund provided for in RCW 43.84.090. [1965 c 8 § 43.84.095. Prior: 1953 c 56 § 1.]

43.84.100 Interfund loans. Whenever there is in any fund in the state treasury insufficient moneys to meet the current expenditures properly payable therefrom and there are in any other funds moneys in excess of the amount required to meet the current expenditures therefrom, the state treasurer, with the consent of the state finance committee, may make temporary loans from the funds having excess moneys to those having insufficient moneys of such sums as may be necessary to meet the demands thereon: *Provided*, That this shall not authorize the loan of any moneys from the permanent common school fund, or from any of the permanent irreducible funds, of the state. [1965 c 8 § 43.84.100. Prior: 1915 c 15 § 1; RRS § 5507.]

43.84.110 Interest on loans. When any such loan is made, the state treasurer shall charge the receiving fund with the loan and with interest thereon at the depository interest rate as fixed by the state finance committee and shall repay such loan to the fund from which it was borrowed, at such times and in such amounts as there shall be moneys in the borrowing fund not required to meet the current expenditures payable therefrom, sufficient to repay the loan or a part thereof, and shall credit the loaning fund with the deposit interest, as required by law, the same as if no loan had been made.

The state treasurer shall transfer from the borrowing fund to the credit of the deposit interest fund for the account of the loaning fund the amount of unearned deposit interest, at the then prevailing depository interest rate, occasioned by the withdrawal of the moneys from deposit because of the loan. [1973 c 95 § 2; 1965 c 8 § 43.84.110. Prior: 1915 c 15 § 2; RRS § 5508.]

43.84.120 Investment in state warrants. Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, and over and above the amount belonging to the permanent school fund as shown by the separation made by the state treasurer, the state treasurer may invest such portion of such funds or balances over and above that belonging to the permanent school fund in registered warrants of the state of Washington at such times and in such amounts, and may sell them at such times, as he deems advisable: *Provided*, That those funds having statutory authority to make investments are excluded from the provisions of RCW 43.84.120.

Upon such investment being made, the state treasurer shall pay into the appropriate fund the amount so invested, and the warrants so purchased shall be deposited with the state treasurer, who shall collect all interest and principal payments falling due thereon and allocate the same to the proper fund or funds. [1971 ex.s. c 88 § 4; 1965 c 8 § 43.84.120. Prior: 1951 c 232 § 2.]

Severability—1971 ex.s. c 88: See note following RCW 39.56.010. Interest on state warrants: RCW 39.56.010.

43.84.130 Separate accounting as to permanent school fund. For the purposes of RCW 43.84.120 the state treasurer shall make and keep an accounting separation of the amount of cash balances in the state treasury belonging to the permanent school fund. [1965 c 8 § 43.84.130. Prior: 1951 c 232 § 1.]

43.84.140 Investment of scientific school, agricultural college, and state university funds in regents' revenue bonds. In addition to the provisions of RCW 43.84.010, the state finance committee is authorized to invest moneys in the scientific school permanent fund and the agricultural college permanent fund in regents' revenue bonds issued by the board of regents of Washington State University for the purposes provided for in RCW 28B.10.300 and to invest moneys in the state university permanent fund in regents' revenue bonds issued by the board of regents of the University of Washington for

the purposes provided in RCW 28B.10.300. [1965 c 8 § 43.84.140. Prior: 1959 c 150 § 1.]

Reviser's note: RCW 43.84.010 was repealed by 1965 ex.s. c 104 § 7.

43.84.150 Authorized investments for state finance committee, boards and trustees—Power of trustees of funds to authorize state finance committee to make investments, etc. Except where otherwise specifically provided by law, the state finance committee and those boards otherwise responsible for the management of their respective funds shall have full power to invest and reinvest funds in the following classes of securities, and not otherwise:

(1) Bonds, notes, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof, or the obligation of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system.

(2) Bonds, debentures, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, the inter-American development bank, or by the federal national mortgage association; in addition to bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17, 1961, known as the "Federal Farm Loan Act", (as from time to time amended).

(3) First mortgages on unencumbered real property which are insured by the federal housing administration under the national housing act (as from time to time amended) or are guaranteed by the veterans' administration under the servicemen's readjustment act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by an agency or instrumentality thereof to the extent that the investor protection thereby given is essentially the same as that as provided under the foregoing federal enactments.

(4) Conventional fee simple or leasehold first mortgages on real property located within the state of Washington.

(5) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state; obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority.

(6) Bonds, notes, or other obligations issued, guaranteed or assumed by any other state or municipal or political subdivision thereof.

(7) Bonds, debentures, notes or other full faith and credit obligations issued, guaranteed, or assumed as to

both principal and interest by the government of the Dominion of Canada, or by any province of Canada, or by any city of Canada, which has a population of not less than one hundred thousand inhabitants: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: *Provided further*, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(8) Bonds, debentures, notes, or other obligations of any corporation duly organized and operating in any state of the United States: *Provided*, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(9) Capital notes, debentures, or other obligations of any national or state commercial or mutual savings bank doing business in the United States of America.

(10) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America: *Provided*, That the bonds or debentures of the company are rated "A" or better by at least one nationally recognized rating agency.

(11) Commercial paper: *Provided*, That it is given the highest attainable rating by at least two nationally recognized rating agencies.

(12) Subject to the limitations hereinafter provided, those funds created under chapters 2.10, 2.12, 41.24, 41.26, 41.32, 41.40, and 43.43 RCW and the accident reserve fund created by RCW 51.44.010 may be invested in the common or preferred stock or shares, whether or not convertible as well as convertible bonds and debentures of corporations created or existing under the laws of the United States, or any state, district or territory thereof: *Provided*, That:

(a) Those trustees responsible for the management of their respective funds shall contract with an investment counseling firm or firms or the trust department of a national or state chartered commercial bank having its principal office or a branch in this state and/or the staff of the state finance committee for the purpose of managing issues defined by subsection (12) of this section. The trustees shall receive advice which shall become part of the official minutes of the next succeeding meeting of the board. No investment counseling firm shall be engaged in buying, selling or otherwise marketing securities in which commissions or profit credits arising from these activities accrue to the firm during the time of its employment by the boards. Nothing in the preceding sentence shall be deemed to apply to the marketing of bonds, notes or other obligations of the United States or any agency thereof, or of a state or any municipal or political subdivision thereof by a bank in the normal course of its business.

(b) Stock investments to include convertible preferred stock investments, and investments in convertible bonds and debentures shall not exceed twenty-five percent of the total investments (cost basis) of the system: *Provided*, That in the case of the accident reserve fund created by RCW 51.44.010 such stock investments shall not exceed ten percent of the total investments.

(c) Investment in the stock of any one corporation shall not exceed five percent of the common shares outstanding.

(d) No single common stock investment, based on cost, may exceed two percent of the assets of the total investments (cost basis) of the system.

(e) Such corporation has paid a cash and/or stock dividend on its common stock in at least eight of the ten years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash and/or stock dividend in each of the last three years.

(f) In the case of convertible bond, debenture and convertible preferred stock investments, the common stock into which such investments are convertible otherwise qualifies as an authorized investment under the provisions of this section.

(g) The common stock of any corporation concerned is registered on a national securities exchange provided in the "Securities Exchange Act of 1934" (as from time to time amended). Such registration shall not be required with respect to the following stocks:

(i) The common stock of a bank which is a member of the federal deposit insurance corporation and has capital funds represented by capital, surplus, and undivided profits of at least fifty million dollars.

(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus, and unassigned surplus of at least fifty million dollars.

(iii) Any preferred stock, as well as any convertible bond, debenture or preferred stock.

(iv) The common stock of Washington corporations meeting all the other qualifications except that of being registered on a national exchange.

(13) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state, including investment in their savings accounts, deposit accounts, bonds, debentures and other obligations or securities (except capital stock) which are insured or guaranteed by an agency of the federal government or by a private corporation approved by the state insurance commissioner and licensed to insure real estate loans in the state of Washington; savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: *Provided*, That the investment of any one fund in the foregoing institutions shall not exceed the amount insured or guaranteed.

(14) Appropriate contracts of life insurance or annuities from insurers duly organized to do business in the state of Washington, if and when such purchase or purchases would in the judgment of the board be appropriate or necessary to carry out the purposes of this chapter.

Subject to the above limitations, the trustees of the several funds shall have the power to authorize the state

finance committee to make purchases, sales, exchanges, investments and reinvestments, of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any money belonging to said funds. [1973 1st ex.s. c 103 § 12.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.84.160 Investment counseling fees payable from earnings. Investment counseling fees established by contract shall be payable from the investment earnings derived from those assets being managed by investment counsel. [1973 1st ex.s. c 103 § 13.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.84.170 Investment of surplus moneys in common school fund, agricultural college fund, normal school fund, scientific school fund or university fund. Whenever there are surplus moneys available for investment in the permanent common school fund, the agricultural college permanent fund, the normal school permanent fund, the scientific school permanent fund, or the university permanent fund, the state finance committee shall have full power to invest or reinvest such funds in the manner prescribed by RCW 43.84.150, and not otherwise. [1973 1st ex.s. c 103 § 14.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

Agricultural college permanent fund: RCW 43.79.130.

Normal school permanent fund: RCW 43.79.160.

Permanent common school fund: State Constitution Art. 9 § 3, RCW 28A.40.010.

Scientific school permanent fund: RCW 43.79.110.

University permanent fund: RCW 43.79.060.

Chapter 43.85 STATE DEPOSITARIES

Sections	
43.85.010	Qualifications of depositaries—Record of commission proceedings.
43.85.020	Bank includes trust company.
43.85.030	Collateral—Segregation.
43.85.070	Deposits deemed in state treasury—Liability.
43.85.130	Deposit of land commissioner's funds.
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43.85.180	Form of statement—Penalty.
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43.85.250	Banks claiming exemption from sales, use or ad valorem taxes— Designation as state depository prohibited.
43.85.260	Banks claiming exemption from sales, use or ad valorem taxes —Deposit of state moneys in prohibited.

43.85.270 Banks claiming exemption from sales, use or ad valorem taxes—Construction as to existing contracts or agreements.

Public depositories, deposit and investment of public funds: Chapter 39.58 RCW.

43.85.010 Qualifications of depositories—Record of commission proceedings. Any national or state banking corporation, or other incorporated bank, or branch banks or branches thereof, authorized to do business in the state and approved by the public deposit protection commission, may, upon segregating collateral as provided in RCW 39.58.050 as now or hereafter amended and upon compliance with all other requirements of law, become a qualified public depository.

No state funds shall be deposited in any institution other than a qualified public depository.

The record of the proceedings of the commission shall be kept in the office of the commission and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceedings in any court of this state. [1973 c 126 § 15; 1969 ex.s. c 193 § 14; 1965 c 8 § 43.85.010. Prior: 1935 c 139 § 1; 1927 c 304 § 1; 1907 c 37 § 1; RRS § 5548.]

Construction—Severability—1969 ex.s. c 193: See notes following RCW 39.58.010.

43.85.020 Bank includes trust company. The word "bank" includes any trust company organized under the laws of the state, engaged in the banking business. [1965 c 8 § 43.85.020. Prior: 1907 c 37 § 7; RRS § 5554.]

43.85.030 Collateral—Segregation. Every qualified public depository, before it shall be entitled to receive any state moneys, shall segregate eligible securities for collateral as provided in RCW 39.58.050 as now or hereafter amended. [1973 c 126 § 16; 1969 ex.s. c 193 § 15; 1967 c 132 § 1; 1965 c 8 § 43.85.030. Prior: 1955 c 78 § 1; 1945 c 129 § 1; 1939 c 146 § 1; 1935 c 139 § 2; 1931 c 87 § 1; 1909 c 151 § 1; 1907 c 37 § 2; Rem. Supp. 1945 § 5549.]

Construction—Severability—1969 ex.s. c 193: See notes following RCW 39.58.010.

43.85.070 Deposits deemed in state treasury—Liability. The state treasurer may deposit with any qualified public depository which has fully complied with all requirements of law and the regulations of the public deposit protection commission any state moneys in his hands or under his official control and any sum so on deposit shall be deemed to be in the state treasury, and he shall not be liable for any loss thereof resulting from the failure or default of any such depository without fault or neglect on his part or on the part of his assistants or clerks. [1969 ex.s. c 193 § 18; 1965 c 8 § 43.85-.070. Prior: 1945 c 129 § 2; 1943 c 134 § 1; 1935 c 139 § 3; 1931 c 87 § 2; 1907 c 37 § 4; Rem. Supp. 1945 § 5551.]

Construction—Severability—1969 ex.s. c 193: See notes following RCW 39.58.010.

Liability of treasurers for losses of deposits: RCW 39.58.140.

43.85.130 Deposit of land commissioner's funds. The commissioner of public lands shall deposit daily all moneys and fees collected or received by him in the discharge of his official duties, including all moneys and fees which remain in his custody and control awaiting disposition under the provisions of the land laws, or the action of the department of natural resources: *Provided*, That all moneys collected or received by him, belonging to the state at the time, or to any department or institution thereof, in payment of principal and interest under outstanding contracts and leases, where no question is raised as to the right of the state to receive payment, shall be paid to the state treasurer daily in the manner provided by law.

Money shall not be deemed to have been paid to the state upon any sale or lease of land until it has been paid to the state treasurer. [1965 c 8 § 43.85.130. Prior: (i) 1911 c 51 § 1; RRS § 5555. (ii) 1909 c 133 § 1, part; 1907 c 96 § 1, part; RRS § 5501, part.]

43.85.140 Designation of depositories. The deposit of all moneys other than the moneys paid to the state treasurer as required by law, shall be made only in special depositories. The depositories shall be designated and selected by the state finance committee in the manner provided for the designation of state depositories, and after such selection and designation by the committee notice thereof shall be given to the commissioner of public lands, and the commissioner shall thereupon make daily deposits therein of the moneys in his official custody and control. [1965 c 8 § 43.85.140. Prior: 1911 c 51 § 2; RRS § 5556.]

43.85.160 Rate of interest. The state finance committee shall from time to time fix the rate of interest to be paid by depositories upon moneys deposited with them by the commissioner of public lands. [1965 c 8 § 43.85.160. Prior: 1935 c 60 § 1; 1911 c 51 § 4; RRS § 5558.]

43.85.180 Form of statement—Penalty. The statements required of the depositories shall be upon such forms as may be prescribed by the state finance committee and shall be accompanied by the affidavit of the president and cashier of such depository, to the effect that it is in all respects true and correct, and that except for the interest therein credited, neither said depository nor any officer, agent or employees thereof, nor any person in its behalf, has in any way whatsoever given, paid, or rendered, or promised to give, pay, or render to any member of the state finance committee or to any person or corporation whatever, any money, credit, service, or benefit whatsoever by reason or in consideration of a deposit with it of any portion of the moneys in the custody, possession, or control of the commissioner of public lands. Any person who shall make any false statement in any such affidavit shall be guilty of perjury. [1965 c 8 § 43.85.180. Prior: 1911 c 51 § 6.]

43.85.190 Investment deposits and rate of interest. It is the purpose of RCW 43.85.190 through 43.85.240 to authorize the state treasurer to make investment deposits of state moneys or funds in his custody in state depositories at a rate of interest fixed by the public deposit protection commission in accordance with RCW 39.58.120. [1969 ex.s. c 193 § 21; 1965 c 8 § 43.85.190. Prior: 1955 c 198 § 1.]

Construction—Severability—1969 ex.s. c 193: See notes following RCW 39.58.010.

43.85.200 Investment deposits and rate of interest—State moneys defined. All moneys or funds belonging to or in the custody of the state under the control of the state treasurer shall be considered as state moneys or funds. [1965 c 8 § 43.85.200. Prior: 1955 c 198 § 2.]

43.85.210 Investment deposits and rate of interest—Demand and time accounts authorized. The state treasurer may deposit state moneys or funds at interest in any qualified state depository bank upon a demand or time account basis. [1965 c 8 § 43.85.210. Prior: 1955 c 198 § 3.]

43.85.220 Investment deposits and rate of interest—Members of federal reserve or federal deposit insurance corporation. If state depositories are member banks of the federal reserve system, or are banks the deposits of which, within certain limits, are insured by the federal deposit insurance corporation and, as such, are prohibited by a statute of the United States or by a lawful regulation of the federal reserve system or of the federal deposit insurance corporation, or of any authorized agency of the federal government, from paying interest upon demand deposits of public funds of a state, the payment of interest shall not be required of such depositories to the extent and for the period of time that payment thereof is prohibited. [1965 c 8 § 43.85.220. Prior: 1955 c 198 § 4.]

43.85.230 Investment deposits and rate of interest—Term deposit basis. The state treasurer, upon approval by the state finance committee, may deposit moneys not required to meet current demands upon a term deposit basis not to exceed one year at such interest rates and upon such conditions as to withdrawals of such moneys as may be agreed upon between the state finance committee and any qualified depository bank or banks in the state. [1965 c 8 § 43.85.230. Prior: 1955 c 198 § 5.]

43.85.241 Deposits and rate of interest—Distribution of interest credited to deposit interest fund. On or before July 20 of each year, the state treasurer shall distribute all interest credited to the deposit interest fund as of June 30, which fund is hereby reestablished. Said fund shall be divided among the various funds from which such investments and investment deposits are made, in proportion to the respective amounts thereof. Interest so distributed shall be credited to the proper fund in the fiscal year in which it was collected:

Provided, That interest earned on the balances of the forest reserve fund, the liquor excise tax fund, the tort claims revolving fund, the deposit interest fund, the suspense fund, the undistributed receipts fund, the state payroll revolving fund, the agency payroll revolving fund, the agency vendor payment revolving fund, and the local sales and use tax revolving fund shall be credited to the state treasurer's service fund. [1973 c 27 § 1; 1971 ex.s. c 72 § 2.]

State treasurer's service fund: RCW 43.08.190.

43.85.250 Banks claiming exemption from sales, use or ad valorem taxes—Designation as state depository prohibited. The state finance committee shall not approve, designate or select as a depository for any state funds any bank which claims exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state. The director of revenue shall notify the state finance committee on or before July 1, 1969, and quarterly on the first day of October, January, April and July thereafter of the names and addresses of any banks which have claimed exemption from the payment of any of said taxes. [1969 ex.s. c 230 § 1.]

43.85.260 Banks claiming exemption from sales, use or ad valorem taxes—Deposit of state moneys in prohibited. The state treasurer or any other state officer shall not deposit state moneys in any bank which claims exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state. The director of revenue shall notify the state treasurer on or before July 1, 1969, and quarterly on the first day of October, January, April and July thereafter of the names and addresses of any banks which have claimed exemption from the payment of any said taxes. [1969 ex.s. c 230 § 2.]

43.85.270 Banks claiming exemption from sales, use or ad valorem taxes—Construction as to existing contracts or agreements. Nothing contained in RCW 35.38.120 through 35.38.140, 36.48.160 through 36.48.180 and 43.85.250 and 43.85.260 shall be construed or interpreted to impair the obligation of any contract. RCW 35.38.120 through 35.38.140, 36.48.160 through 36.48.180 and 43.85.250 and 43.85.260 shall be construed to limit the obligations of the state, any county, or any city or town on any existing contract or agreement for the deposit of public moneys or funds to that which is specifically provided in any such contract to the shortest term or period of time authorized by such contract. All options of the state, a county, or city or town to terminate in any manner whatsoever any agreement in conflict with the provisions of RCW 35.38.120 through 35.38.140, 36.48.160 through 36.48.180 and 43.85.250 and 43.85.260 shall be and hereby are exercised. Every officer, board, commission and employee administering any of the affairs or matters of the state, a county, or city or town and having the right to exercise such an option is hereby directed to exercise such option. [1969 ex.s. c 230 § 9.]

Chapter 43.86 STATE BUDGET

Sections

- 43.86.090 Deficiencies prohibited.
43.86.100 Emergencies.
43.86.130 Penalty.
43.86.140 Terms defined.

Reviser's note: Chapter 123, Laws of 1973 was inadvertently codified in the 1973 supplement as a part of chapter 43.86 RCW. In accordance with the legislative direction contained in section 7 of said act, chapter 123, Laws of 1973 has been recodified as chapter 43.86A RCW.

State budget and accounting system: Chapter 43.88 RCW.

43.86.090 Deficiencies prohibited. It shall be unlawful for any department head or disbursing officer to incur any deficiency and any appointive officer or employee violating the provisions of this section shall be subject to summary removal. [1965 c 8 § 43.86.090. Prior: 1925 c 9 § 9; RRS § 10927-9.]

Expenditures or contracts in excess of appropriation: RCW 43.88.130.

43.86.100 Emergencies. Whenever an emergency shall arise necessitating an expenditure for the preservation of peace, health or safety, or for the carrying on of the necessary work required by law of any department for which insufficient or no appropriations have been made, the head of such department shall submit to the governor, duplicate copies of a sworn statement, setting forth the facts constituting the emergency and the estimated amount of money required therefor. If the governor approves such estimate in whole or in part, he shall indorse on each copy of the statement his approval, together with a statement of the amount approved and transmit one copy to the head of the department and thereby authorize him to incur such liability. Such authorization and full compliance with its provisions shall relieve the person incurring any such liability from personal liability or penalty therefor.

The total amount of such liabilities outstanding on December 1st of the year preceding the biennial session of the legislature shall be included in the governor's budget as a deficiency, and provision for an appropriation therefor made in his budget bill: *Provided*, That in no biennium shall the total amount of such liabilities exceed the sum of two hundred fifty thousand dollars. [1965 c 8 § 43.86.100. Prior: 1933 c 126 § 1; 1929 c 162 § 6; 1925 c 9 § 10; RRS § 10927-10.]

43.86.130 Penalty. Any officer or employee violating, or wilfully refusing or failing to comply with, any provision of this chapter shall be guilty of a misdemeanor. [1965 c 8 § 43.86.130. Prior: 1925 c 9 § 13; RRS § 10927-13.]

43.86.140 Terms defined. The term "department" as used in this chapter includes every elective office of the state government, every state department, institution, board, commission, committee, or other administrative unit expending state funds.

The term "fiscal year" means the year beginning July 1st and ending on the following June 30th. [1965 c 8 §

43.86.140. Prior: 1953 c 184 § 1; 1925 c 9 § 1; RRS § 10927-1.]

"Fiscal year"—School districts and other taxing districts: RCW 1.16.030.

Chapter 43.86A

SURPLUS FUNDS—INVESTMENT PROGRAM

Sections

- 43.86A.010 Finding—Objectives.
43.86A.020 Surplus funds held as demand deposits to be limited.
43.86A.030 Time certificate of deposit investment program—Funds available for—Allocation.
43.86A.040 Other investment powers of state treasurer not limited.
43.86A.050 Implementation of chapter by state treasurer.

Reviser's note: Chapter 123, Laws of 1973 was inadvertently codified in the 1973 supplement as a part of chapter 43.86 RCW. In accordance with the legislative direction contained in section 7 of said act, chapter 123, Laws of 1973 has been recodified as chapter 43.86A RCW.

Public funds, deposit and investment, public depositaries: Chapter 39.58 RCW.

43.86A.010 Finding—Objectives. The legislature finds that a procedure should be established for the management of short term treasury surplus funds by the state treasurer in order to insure a maximum return while they are on deposit in public depositaries. The objectives of this procedure are to minimize noninterest earning demand deposits and provide fair compensation to banks for services rendered to the state through the investment of state funds in time deposits. [1973 c 123 § 1.]

43.86A.020 Surplus funds held as demand deposits to be limited. After March 19, 1973, the state treasurer shall limit surplus funds held as demand deposits to an amount necessary for current operating expenses including direct warrant redemption payments, investments and revenue collection. The state treasurer may hold such additional funds as demand deposits as he deems necessary to insure efficient treasury management. [1973 c 123 § 2.]

43.86A.030 Time certificate of deposit investment program—Funds available for—Allocation. Funds held in public depositaries not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositaries an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1 (b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositaries. These deposits shall be allocated among the participating depositaries on a basis to be determined by the state treasurer. The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets,

loans, capital structure, investments or some combination of these factors. [1973 c 123 § 3.]

43.86A.040 Other investment powers of state treasurer not limited. Except as provided in RCW 43.86.020 and 43.86.030, nothing in this chapter shall be construed as a limitation upon the powers of the state treasurer to determine the amount of surplus treasury funds which may be invested in time certificates of deposit. [1973 c 123 § 4.]

43.86A.050 Implementation of chapter by state treasurer. The state treasurer shall devise the necessary formulae and methodology to implement the provisions of this chapter. Periodically, but at least once every six months, the state treasurer shall review all rules and shall adopt, amend or repeal them as may be necessary. These rules and a list of time certificate of deposit allocations shall be published in the treasurer's monthly financial report as required under the provisions of RCW 43.08.150. [1973 c 123 § 5.]

Chapter 43.88 BUDGET AND ACCOUNTING

Sections	
43.88.010	Purpose—Intent.
43.88.020	Definitions.
43.88.025	"Budget director" means "director of program planning and fiscal management".
43.88.030	Content of the budget document or documents—Separate budget document or schedules—Changes.
43.88.035	Changes in accounting methods, practices or statutes—Explanation in budget document or appendix required—Contents.
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43.88.060	Legislative review of budget document and budget bill or bills.
43.88.070	Appropriations.
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43.88.090	Development of budget.
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43.88.120	Revenue estimates.
43.88.130	When contracts and expenditures prohibited.
43.88.140	Lapsing of appropriations.
43.88.150	Priority of expenditures—Appropriated and nonappropriated funds.
43.88.155	Office of program planning and fiscal management.
43.88.160	Fiscal management—Powers and duties of officers and agencies.
43.88.170	Refunds of erroneous or excessive payments.
43.88.180	When appropriations required or not required.
43.88.190	Revolving funds.
43.88.195	Establishment of accounts or funds outside treasury without permission of budget director prohibited.
43.88.200	Public records.
43.88.205	Federal funds and programs—Participating agencies to notify director of program planning and fiscal management or chairman of legislative budget committee—Progress reports.
43.88.210	Transfer of certain powers and duties.
43.88.220	Federal law controls in case of conflict—Rules.
43.88.230	Legislative agencies and committees deemed part of legislative branch.
43.88.240	Exemption of certain fruit, dairy, agricultural commissions.

43.88.901 Severability—1973 1st ex.s. c 100.

Agreements and transactions between state agencies, charges, credits, transfers and advances: RCW 39.34.130–39.34.170.

Budget, governor to recommend salaries for state elective officials in: RCW 43.03.045.

Financial plan for ensuing fiscal period—State colleges and universities: RCW 28B.10.180.

Fiscal year defined: RCW 43.86.140.

Investments and interfund loans: Chapter 43.84 RCW.

Legislative budget committee: Chapter 44.28 RCW.

Post-audit: RCW 43.09.290–43.09.330.

Reporting periods: RCW 43.01.035.

State auditor: Chapter 43.09 RCW.

State board for community college education: RCW 28B.50.070.

State director of program planning and fiscal management: Chapter 43.41 RCW.

State finance committee: Chapter 43.33 RCW.

State funds: Chapter 43.79 RCW.

State payroll revolving fund, agency payroll revolving fund: RCW 42.16.010–42.16.017.

State treasurer: Chapter 43.08 RCW.

Warrants: Chapter 43.08 RCW.

43.88.010 Purpose—Intent. It is the purpose of this chapter to establish an effective budget and accounting system for all activities of the state government; to prescribe the powers and duties of the governor as these relate to securing such fiscal controls as will promote effective budget administration; and to prescribe the responsibilities of agencies of the executive branch of the state government.

It is the intent of the legislature that the powers conferred by this chapter, as amended, shall be exercised by the executive in cooperation with the legislature and its standing, special, and interim committees in its status as a separate and coequal branch of state government. [1973 1st ex.s. c 100 § 1; 1965 c 8 § 43.88.010. Prior: 1959 c 328 § 1.]

43.88.020 Definitions. (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) "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 director of program planning and fiscal management shall be head of the 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.

(7) "Ensuing biennium" shall mean the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" shall not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment. [1973 1st ex.s. c 100 § 2; 1969 ex.s. c 239 § 9; 1965 c 8 § 43.88.020. Prior: 1959 c 328 § 2.]

Office of program planning and fiscal management: Chapter 43.41 RCW.

43.88.025 "Budget director" means "director of program planning and fiscal management". Unless the context clearly requires a different interpretation, whenever "budget director" is used in this chapter, it shall mean the director of program planning and fiscal management created in RCW 43.41.060. [1969 ex.s. c 239 § 10.]

43.88.030 Content of the budget document or documents—Separate budget document or schedules—

Changes. (1) The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) Cash surplus or deficit, by fund, to the extent provided by RCW 43.88.040 and 43.88.050;

(c) Such additional information dealing with expenditures, revenues, workload, performance and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of anticipated revenues shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium.

(3) A separate budget document or schedule may be submitted consisting of:

(a) Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal period;

(b) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period. The capital program shall include for each proposed project a statement of the reason or purpose for the project along with an estimate of its cost;

(c) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature;

(d) Such other information relating to capital improvement projects as the legislature may direct by law or concurrent resolution.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document presented to a regular legislative session in an odd-numbered year relative to the format of the budget document which

was presented to the previous regular session of the legislature in an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative budget committee if the legislature is not in session. [1973 1st ex.s. c 100 § 3; 1965 c 8 § 43.88.030. Prior: 1959 c 328 § 3.]

43.88.035 Changes in accounting methods, practices or statutes—Explanation in budget document or appendix required—Contents. Any changes in accounting methods and practices or in statutes affecting expenditures or revenues for the ensuing biennium relative to the then current fiscal period which the governor may wish to recommend shall be clearly and completely explained in the text of the budget document, in a special appendix thereto, or in an alternative budget document. This explanatory material shall include, but need not be limited to, estimates of revenues and expenditures based on the same accounting practices and methods and existing statutes relating to revenues and expenditure effective for the then current fiscal period, together with alternative estimates required by any changes in accounting methods and practices and by any statutory changes the governor may wish to recommend. [1973 1st ex.s. c 100 § 9.]

43.88.040 Cash surplus. Surplus available for appropriation shall be limited to cash surplus, defined for purposes of this chapter as any money, assets or other resources available for expenditure over and above any liabilities which are expected to be incurred by the close of the current fiscal period. If the aggregate of estimated revenues for the next ensuing fiscal period, together with the surplus, if any, for the current fiscal period exceeds the applicable appropriations proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document his recommendations for the use of said excess of anticipated revenues, and said surplus, over applicable appropriations for the reduction of indebtedness, for the reduction of taxation or for other purposes as in his discretion shall serve the best interests of the state. [1965 c 8 § 43.88.040. Prior: 1959 c 328 § 4.]

43.88.050 Cash deficit. Cash deficit of the current fiscal period is defined for purposes of this chapter as the amount by which the aggregate of expenditures charged to a fund will exceed the aggregate of receipts credited to such fund in the current fiscal period, less the extent to which such deficit may have been provided for from available reserve funds.

If, for any applicable fund, the estimated revenues for the next ensuing period plus cash surplus shall be less than the aggregate of appropriations proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document his proposals as to the manner in which the anticipated deficit

shall be met, whether by an increase in the indebtedness of the state, by the imposition of new taxes, by increases in tax rates or an extension thereof, or in any like manner. The governor may provide for orderly liquidation of the currently existing deficit over a period of one or more fiscal periods, if, in his discretion, such manner of liquidation would best serve the public interest. [1965 c 8 § 43.88.050. Prior: 1959 c 328 § 5.]

43.88.060 Legislative review of budget document and budget bill or bills. The governor shall submit the budget document for the 1975–77 biennium and each succeeding biennium to the legislature no later than the twentieth day of December in the year preceding the session during which the budget is to be considered. The governor shall also submit a budget bill or bills which for purposes of this chapter is defined to mean the appropriations proposed by the governor as set forth in the budget document. Such representatives of agencies as have been designated by the governor for this purpose shall, when requested, by either house of the legislature, appear to be heard with respect to the budget document and the budget bill or bills and to supply such additional information as may be required. [1973 1st ex.s. c 100 § 4; 1965 c 8 § 43.88.060. Prior: 1959 c 328 § 6.]

43.88.070 Appropriations. Appropriations shall be deemed maximum authorizations to incur expenditures but the governor shall exercise all due supervision and control to ensure that expenditure rates are such that program objectives are realized within these maximums. [1965 c 8 § 43.88.070. Prior: 1959 c 328 § 7.]

43.88.080 Adoption of budget. Adoption of the omnibus appropriation bill or bills by the legislature shall constitute adoption of the budget and the making of appropriations therefor. A budget for state government shall be finally adopted not later than thirty calendar days prior to the beginning of the ensuing biennium. [1973 1st ex.s. c 100 § 5; 1965 c 8 § 43.88.080. Prior: 1959 c 328 § 8.]

43.88.090 Development of budget. For purposes of developing his budget proposals to the legislature, the governor shall have the power, and it shall be his duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as he shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget. Estimates for the legislature and for the supreme court shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the legislative budget committee at the same time as they are filed with the governor and the office of program planning and fiscal management. In the year of the gubernatorial election, the governor shall invite the governor-elect or his designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or his designee with such information as will enable him

to gain an understanding of the state's budget requirements. The governor-elect or his designee may ask such questions during the hearings and require such information as he deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the legislative budget committee. The governor shall also invite the legislative budget committee to designate one or more persons to be present at all hearings provided in RCW 43.88.100. The designees of the legislative budget committee may also ask such questions during the hearings and require such information as they deem necessary. [1973 1st ex.s. c 100 § 6; 1965 c 8 § 43.88.090. Prior: 1959 c 328 § 9.]

43.88.100 Executive hearings. The governor may provide for hearings on all agency requests for expenditures to enable him to make determinations as to the need, value or usefulness of activities or programs requested by agencies. The governor may require the attendance of proper agency officials at his hearings and it shall be their duty to disclose such information as may be required to enable the governor to arrive at his final determination. [1965 c 8 § 43.88.100. Prior: 1959 c 328 § 10.]

43.88.110 Expenditure programs—Allotments—Reserves. Subdivisions (1) and (2) of this section set forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch.

(1) Before the beginning of the fiscal period, all agencies shall submit to the governor a statement of proposed agency expenditures at such times and in such form as may be required by him. The statement of proposed expenditures shall show, among other things, the requested allotments of appropriations for the ensuing fiscal period for the agency concerned for such periods as may be determined by the budget director for the entire fiscal period. The governor shall review the requested allotments in the light of the agency's plan of work and, with the advice of the budget director, he may revise or alter agency allotments: *Provided*, That revision of allotments shall not be made for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; and Western Washington State College. The aggregate of the allotments for any agency shall not exceed the total of appropriations available to the agency concerned for the fiscal period.

(2) Except for agencies headed by elective officials and for institutions for higher education, as provided in this section, the approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this chapter. If at any time during the fiscal period the governor shall ascertain that available revenues for the applicable period will be less than the respective appropriations, he

shall revise the allotments concerned so as to prevent the making of expenditures in excess of available revenues. To the same end, and with the exception stated in this section for allotments involving agencies headed by elective officials and for institutions for higher education the governor is authorized to withhold and to assign to, and to remove from, a reserve status any portion of an agency appropriation which in the governor's discretion is not needed for the allotment. No expenditures shall be made from any portion of an appropriation which has been assigned to a reserve status except as provided in this section.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. [1965 c 8 § 43.88.110. Prior: 1959 c 328 § 11.]

43.88.115 Reductions in general fund expenditures for elected public officials and educational agencies—Authority of legislative budget committee. The legislative budget committee is authorized and may order reductions in general fund expenditures for other elected public officials and all public educational agencies and their facilities except institutions of higher learning up to the amount of reductions which are required by agencies under the control of the governor, to the end that while the independence of such elective offices and educational agencies except institutions of higher learning be assured, necessary measures of economy shall be shared by all agencies concerned with the functions of government. [1971 ex.s. c 263 § 1.]

43.88.120 Revenue estimates. Before the beginning of any fiscal period, any agency engaged in the collection of revenues shall submit to the governor statements of revenue estimates for the ensuing biennium at such times and in such form as may be required by him. A copy of such revenue estimates shall be filed with the legislative budget committee at the same time. [1973 1st ex.s. c 100 § 7; 1965 c 8 § 43.88.120. Prior: 1959 c 328 § 12.]

43.88.130 When contracts and expenditures prohibited. No agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated for that purpose: *Provided*, That nothing in this section shall prevent the making of contracts or the spending of money for capital improvements, nor the making of contracts of lease or for service for a period exceeding the fiscal period in which such contract is made, when such contract is permitted by law. Any contract made in violation of this section shall be null and void. [1965 c 8 § 43.88.130. Prior: 1959 c 328 § 13.]

Deficiencies prohibited: RCW 43.86.090.

43.88.140 Lapsing of appropriations. All appropriations shall lapse at the end of the fiscal period to the extent that they have not been expended or lawfully obligated. Any remaining unexpended and unobligated balance of appropriations shall revert to the fund from

which the appropriation was made. [1965 c 8 § 43.88.140. Prior: 1959 c 328 § 14.]

43.88.150 Priority of expenditures—Appropriated and nonappropriated funds. For those agencies which make expenditures from both appropriated and nonappropriated funds, the governor is authorized to direct such agencies to charge their expenditures in such ratio, as between appropriated and nonappropriated funds, as will conserve appropriated funds. [1965 c 8 § 43.88.150. Prior: 1959 c 328 § 15.]

43.88.155 Office of program planning and fiscal management. See chapter 43.41 RCW.

Reviser's note: Central budget agency abolished by RCW 43.41.940 and powers, duties and functions transferred to office of program planning and fiscal management: Chapter 43.41 RCW.

43.88.160 Fiscal management—Powers and duties of officers and agencies. This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of program planning and fiscal management. The governor, through his director of program planning and fiscal management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the office of program planning and fiscal management. The director of program planning and fiscal management may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the director of program planning and fiscal management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and he shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: *Provided*, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of

employees of any agency. He shall advise and confer with agencies including the legislative budget committee and the legislative council regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges.

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by him except that he shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges;

(e) Promulgate regulations to effectuate provisions contained in subsections (a) through (d) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: *Provided*, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under his supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by him, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of program planning and fiscal management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state-owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of program planning and fiscal management and the legislative budget committee; and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made: *Provided*, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such

individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the administrative board but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: *And provided further*, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this chapter.

The auditor's current post audit of each agency may include a separate section setting forth recommendations to the legislature as provided by subsection (3)(c) of this section.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in his discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make his official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: *Provided*, That nothing in *this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of *this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of program planning and fiscal management. It shall be the duty of the director of program planning and fiscal management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Shall promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of such of the financial transactions as it may determine of any agency and management surveys and program reviews as provided for in RCW 44.28.085 and to this end may in its discretion examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the financial affairs of the state.

(c) Make its official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management; and

(iii) A report on the efficiency and accuracy of the post audit operations of the state government. [1973 c 104 § 1; 1971 ex.s. c 170 § 4; 1967 ex.s. c 8 § 49; 1965 c 8 § 43.88.160. Prior: 1959 c 328 § 16.]

***Reviser's note:** The term "this act" first appeared in 1971 ex.s. c 170, which act consists of the 1971 amendments to RCW 43.09.050, 43.09.310, 43.88.160 and to RCW 44.28.085.

Severability—1971 ex.s. c 170: See note following RCW 43.09.050.

Legislative budget committee: Chapter 44.28 RCW.

Post-audit: RCW 43.09.290–43.09.330.

State auditor, duties: Chapter 43.09 RCW.

State director of program planning and fiscal management: Chapter 43.41 RCW.

State treasurer, duties: Chapter 43.08 RCW.

43.88.170 Refunds of erroneous or excessive payments. Whenever any law which provides for the collection of fees or other payment by an agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the agency which collected the fees or payments of all such amounts received by the agency in consequence of error, either of fact or of law. The regulations issued by the governor pursuant to this chapter shall prescribe the procedure to be employed in making refunds. [1965 c 8 § 43.88.170. Prior: 1959 c 328 § 17.]

Refunds: RCW 43.01.072–43.01.075.

43.88.180 When appropriations required or not required. Appropriations shall not be required for refunds, as provided in RCW 43.88.170, nor in the case of payments other than for administrative expenses or capital improvements to be made from trust funds specifically created by law to discharge awards, claims, annuities and other liabilities of the state. Said trust funds shall

include, but shall not be limited to, the accident fund, medical aid fund, retirement system fund, Washington state patrol retirement fund and unemployment trust fund. Appropriations may be required in the case of public service enterprises defined for the purposes of this section as proprietary functions conducted by an agency of the state. An appropriation may be required to permit payment of obligations by revolving funds, as provided in RCW 43.88.190. [1973 1st ex.s. c 100 § 8; 1965 c 8 § 43.88.180. Prior: 1959 c 328 § 18.]

43.88.190 Revolving funds. Revolving funds shall not be created by law except to finance the operations of service units, or units set up to supply goods and services to other units or agencies. Such service units where created shall be self-supporting operations featuring continuous turnover of working capital. The regulations issued by the governor pursuant to this chapter shall prescribe the procedures to be employed by agencies in accounting and reporting for revolving funds and may provide for the keeping of such funds in the custody of the treasurer. [1965 c 8 § 43.88.190. Prior: 1959 c 328 § 19.]

43.88.195 Establishment of accounts or funds outside treasury without permission of budget director prohibited. After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, state colleges, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: *Provided*, That the state budget director shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the state budget director authorizes the creation of such fund or account, he shall forthwith give written notice of the fact to the legislative budget committee. [1969 ex.s. c 248 § 1.]

43.88.200 Public records. All agency records reflecting financial transactions, such records being defined for purposes of this chapter to mean books of account, financial statements, and supporting records including expense vouchers and other evidences of obligation, shall be deemed to be public records and shall be available for public inspection in the agency concerned during official working hours. [1965 c 8 § 43.88.200. Prior: 1959 c 328 § 20.]

43.88.205 Federal funds and programs—Participating agencies to notify director of program planning and fiscal management or chairman of legislative budget committee—Progress reports. (1) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, give notice in such form and manner as the director of program planning and fiscal management or

any successor agency or committee of the legislature may prescribe, or the chairman of the legislative budget committee may request.

(2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in the same manner as prescribed or requested pursuant to subsection (1) of this section.

(3) Such agency shall promptly furnish such progress reports in relation to each such application, contract, agreement, or state plan as may be requested following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement, or state plan if such is requested. [1973 2nd ex.s. c 17 § 3; 1967 ex.s. c 41 § 4.]

Acceptance of funds by governor, administration, payment of expenses, reports to legislature: RCW 43.06.120–43.06.140.

43.88.210 Transfer of certain powers and duties. It is the intent of this chapter to assign to the governor's office authority for developing and maintaining budgeting, accounting, reporting and other systems necessary for effective expenditure and revenue control among agencies.

To this end:

(1) All powers and duties and functions of the state auditor relating to the disbursement of public funds by warrant or check are hereby transferred to the state treasurer as the governor may direct but no later than ninety days after the start of the next fiscal biennium, and the state auditor shall deliver to the state treasurer all books, records, accounts, equipment, or other property relating to such function. In all cases where any question shall arise as to the proper custody of any such books, records, accounts, equipment or property, or pending business, the governor shall determine the question;

(2) In all cases where reports, notices, certifications, vouchers, disbursements and similar statements are now required to be given to any agency the duties and responsibilities of which are being assigned or reassigned by this chapter, the same shall be given to the agency or agencies in the manner provided for in this chapter. [1965 c 8 § 43.88.210. Prior: 1959 c 328 § 21.]

43.88.220 Federal law controls in case of conflict—Rules. If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules and regulations under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state. [1965 c 8 § 43.88.220. Prior: 1959 c 328 § 22.]

43.88.230 Legislative agencies and committees deemed part of legislative branch. For the purposes of this chapter, the legislative council, the statute law committee, the legislative budget committee, and all legislative interim committees shall be deemed a part of the legislative branch of state government. [1965 c 8 § 43.88.230. Prior: 1959 c 328 § 23.]

43.88.240 Exemption of certain fruit, dairy, agricultural commissions. This chapter shall not apply to the Washington state apple advertising commission, the Washington state fruit commission, the Washington state dairy products commission, or any agricultural commodity commission created under the provisions of chapter 15.66 RCW: *Provided*, That all such commissions shall submit estimates and such other necessary information as may be required for the development of the budget and shall also be subject to audit by the appropriate state auditing agency or officer. [1965 c 8 § 43.88.240. Prior: 1959 c 328 § 24.]

43.88.901 Severability—1973 1st ex.s. c 100. If any provision of this 1973 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. [1973 1st ex.s. c 100 § 10.]

Chapter 43.89 TELETYPEWRITER COMMUNICATIONS NETWORK

Sections

- 43.89.010 Teletypewriter communications network—Establishment—Use—Charges—Duties of chief of state patrol.
- 43.89.030 Connection with and participation in network by political subdivisions.
- 43.89.040 Transfer of powers, duties, functions, contracts, rules, property, appropriation, etc., to chief of state patrol.
- 43.89.050 Transfer of powers, duties and functions not to terminate or affect state liability.

43.89.010 Teletypewriter communications network—Establishment—Use—Charges—Duties of chief of state patrol. The chief of the Washington state patrol is hereby authorized to establish a teletypewriter communications network which will interconnect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The chief of the Washington state patrol is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The chief of the Washington state patrol shall fix the monthly operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: *Provided*, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the law enforcement agencies of the state.

(4) The chief of the Washington state patrol is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada. [1965 ex.s. c 60 § 2; 1965 c 8 § 43.89.010. Prior: 1963 c 160 § 1.]

Effective date—1965 ex.s. c 60: "This 1965 amendatory act shall take effect on July 1, 1965." [1965 ex.s. c 60 § 6.]

43.89.030 Connection with and participation in network by political subdivisions. Any city, county, city and county, or other public agency may connect with and participate in the teletypewriter communications network subject to the rules, regulations, procedures and methods of operation adopted by the state communications advisory committee: *Provided*, That such city, county, city and county, or other public agency shall first agree to pay such installation charges as may be necessary for such connection and such monthly operational charges as may be established by the chief of the Washington state patrol. [1965 ex.s. c 60 § 4; 1965 c 8 § 43.89.030. Prior: 1963 c 160 § 3.]

43.89.040 Transfer of powers, duties, functions, contracts, rules, property, appropriation, etc., to chief of state patrol. The powers, duties, and functions of the director of budget relating to the state teletypewriter communication network are transferred to the chief of the Washington state patrol. All existing contracts, orders, rules, regulations, records, and obligations together with communications equipment, motor vehicles, and any other property, device, or thing and any remaining appropriation pertaining to such communication network shall be transferred by the director of budget or his agent to the chief of the Washington state patrol as of July 1, 1965. [1965 ex.s. c 60 § 1.]

43.89.050 Transfer of powers, duties and functions not to terminate or affect state liability. The transfer of the powers, duties, and functions relating to the state teletypewriter communication network from the director of budget to the chief of the Washington state patrol shall not terminate or affect the liability of the state accruing with respect to such communications network to any person, company, or corporation. [1965 ex.s. c 60 § 5.]

Chapter 43.91 AUTOMOBILE POOL

Sections

- 43.91.010 Pool may be established.

43.91.020	Purchase of cars, storage, upkeep, repair, etc.
43.91.030	Request for vehicles.
43.91.040	Check on mileage—Cost to be billed.
43.91.050	Use by other departments.
43.91.060	Highway equipment fund to finance pool.
43.91.070	Rules and regulations.
43.91.080	Private vehicles may be used.

43.91.010 Pool may be established. The director of highways may establish a centralized transportation service, known as the automobile pool, to provide all appointive state offices, boards, commissions, departments, and institutions with automotive transportation required for the transaction of official state business. [1965 c 8 § 43.91.010. Prior: 1943 c 225 § 1; Rem. Supp. 1943 § 10964-40.]

43.91.020 Purchase of cars, storage, upkeep, repair, etc. The director shall acquire by purchase from time to time a sufficient number of automobiles to fulfill the needs of the automobile pool, provide for the necessary storage, upkeep and repair thereof, and establish means for servicing all vehicles in the pool with gasoline, lubricating oil, and other necessary operating requirements. [1965 c 8 § 43.91.020. Prior: 1943 c 225 § 2; Rem. Supp. 1943 § 10964-41.]

43.91.030 Request for vehicles. All officers and employees of the various state agencies embraced in this chapter, whenever transportation by motor vehicle is necessary on state business, shall present to the director a written request for a vehicle which shall be furnished out of the automobile pool. [1965 c 8 § 43.91.030. Prior: 1943 c 225 § 3; Rem. Supp. 1943 § 10964-42.]

43.91.040 Check on mileage—Cost to be billed. The director shall keep a check on the mileage of each vehicle in the pool when in the use of any state agency, and at the end of each month shall bill the several using agencies on the basis of a mileage charge commensurate with the cost of operating the pool. [1965 c 8 § 43.91.040. Prior: 1943 c 225 § 4; Rem. Supp. 1943 § 10964-43.]

43.91.050 Use by other departments. Any state office, board, commission, department, or institution other than those mentioned in RCW 43.91.010 shall have the privilege of participating in the automobile pool whenever automotive transportation is needed for the transaction of official business and when so participating shall be subject to the same requirements, limitations, and restrictions as are, by this chapter or by rules and regulations of the director, imposed upon the state agencies mentioned in RCW 43.91.010. [1965 c 8 § 43.91.050. Prior: 1943 c 225 § 5; Rem. Supp. 1943 § 10964-44.]

43.91.060 Highway equipment fund to finance pool. The establishment, maintenance, and operation of the automobile pool shall be financed by the director of highways out of the highway equipment fund, to which shall be credited all receipts from the pool operation, and out of which shall be paid all necessary expenses

incurred. [1965 c 8 § 43.91.060. Prior: 1943 c 225 § 6; Rem. Supp. 1943 § 10964-45.]

43.91.070 Rules and regulations. The director of highways may promulgate such rules and regulations as may be necessary to effectuate the purposes of this chapter. [1965 c 8 § 43.91.070. Prior: 1943 c 225 § 7; Rem. Supp. 1943 § 10964-46.]

43.91.080 Private vehicles may be used. This chapter shall not be construed to prohibit a state officer or employee from using his personal motor vehicle on state business and being reimbursed therefor. [1965 c 8 § 43.91.080. Prior: 1943 c 225 § 8; Rem. Supp. 1943 § 10964-47.]

Chapter 43.92 GEOLOGICAL SURVEY

Sections

43.92.010	Duty of director—Supervisor of geology.
43.92.020	Objects of survey.
43.92.030	Report to legislature.
43.92.040	Printing and distribution of reports.
43.92.050	Materials distributed to schools.
43.92.060	Cooperation with federal geological survey.
43.92.070	Topographic map—Stream measurements.
43.92.080	Entry on lands authorized.

Reviser's note: The powers, duties and functions of the department of conservation with respect to geology as set forth in chapter 43.92 RCW were transferred to the department of natural resources by 1967 c 242 § 15 [RCW 43.27A.130].

43.92.010 Duty of director—Supervisor of geology. There shall be a geological survey of the state which shall be under the direction of the director of conservation who shall have general charge of the survey, and shall appoint as supervisor of the survey a geologist of established reputation, to be known as the supervisor of geology: [1965 c 8 § 43.92.010. Prior: 1901 c 165 § 1; 1890 p 647 § 1; 1890 p 249 § 1; RRS § 5993.]

43.92.020 Objects of survey. The survey shall have for its objects:

An examination of the economic products of the state, viz: The gold, silver, copper, lead, and iron ores, as well as building stones, clays, coal, and all mineral substances of value; an examination and classification of the soils, and the study of their adaptability to particular crops; investigation and report upon the water supplies, artesian wells, the water power of the state, gauging the streams, etc., with reference to their application for irrigation and other purposes; an examination and report upon the occurrence of different road building material; an examination of the physical features of the state with reference to their practical bearing upon the occupations of the people; the preparation of special geological and economic maps to illustrate the resources of the state; the preparation of special reports with necessary illustrations and maps, which shall embrace both the general and detailed description of the geology and natural resources of the state, and the consideration of such other kindred scientific and economic questions as in the judgment of the director shall

be deemed of value to the people of the state. [1965 c 8 § 43.92.020. Prior: 1901 c 165 § 2; 1890 p 249 § 3; 1890 p 648 §§ 3, 4, 5, 6, 7; RRS § 5994.]

43.92.030 Report to legislature. The director of conservation shall cause to be prepared a report to the legislature before each regular session, showing the progress and condition of the survey, together with such other information as he may deem necessary and useful or as the legislature may require. [1965 c 8 § 43.92.030. Prior: 1901 c 165 § 3; RRS § 5995.]

43.92.040 Printing and distribution of reports. The regular and special reports of the survey with proper illustrations and maps, shall be printed as the director may direct, and the reports shall be distributed or sold by him as the interests of the state and of science demand; and all money obtained by the sale of reports shall be paid into the state treasury. [1965 c 8 § 43.92.040. Prior: 1901 c 165 § 4; RRS § 5996.]

43.92.050 Materials distributed to schools. All materials collected after having served the purpose of the survey shall be distributed by the director to the University of Washington, Washington State University, the Colleges of Education, and the leading high schools of the state in such a manner as to be of the greatest advantage to the educational interests of the state. [1965 c 8 § 43.92.050. Prior: 1901 c 165 § 5; RRS § 5997.]

43.92.060 Cooperation with federal geological survey. The director may make provisions for topographic, geologic, and hydrographic surveys of the state in cooperation with the United States geological survey in such manner as in his opinion will be of the greatest benefit to the agricultural, industrial, and geological requirements of the state: *Provided*, That the director of the United States geological survey agrees to expend on the part of the United States upon such surveys a sum equal to that expended by the state. [1965 c 8 § 43.92.060. Prior: 1903 c 157 § 1; 1901 c 165 § 6; RRS § 5998.]

43.92.070 Topographic map—Stream measurements. In order to complete the topographic map of the state and for the purpose of making more extensive stream measurements, and otherwise investigating and determining the water supply of the state, the director may enter into such agreements with the director of the United States geological survey as will insure that the surveys and investigations be carried on in the most economical manner, and that the maps and data be available for the use of the public as quickly as possible. [1965 c 8 § 43.92.070. Prior: 1909 c 245 § 1; RRS § 5999.]

43.92.080 Entry on lands authorized. In order to carry out the purposes of this chapter all persons employed hereunder are authorized to enter and cross all land within the state doing thereby no damage to private property. [1965 c 8 § 43.92.080. Prior: 1909 c 245 § 3; RRS § 6000.]

**Chapter 43.94
OCEANOGRAPHIC COMMISSION**

Sections	
43.94.010	Declaration.
43.94.020	Commission created—Composition—Terms—Vacancies—Expenses.
43.94.030	Chairman—Secretary—Employees—Meetings—Quorum—Voting.
43.94.040	Powers, duties and functions.
43.94.050	Oceanographic institute—Formation—Composition—Powers and duties.
43.94.900	Severability—1967 c 243.

43.94.010 Declaration. The state of Washington is geographically endowed with a seacoast centered adjacent to a vast continental shelf area and an inland sea known as Puget Sound which constitutes the largest salt water harbor in the world. Situated in a temperate climate, this virtually unspoiled area with its developments in industrial and educational fields presents a natural base for expanding efforts to uncover and utilize the potentially rich food, oil and mineral natural resources of the western Pacific Ocean continental shelf, to locate and harvest abundant fish and marine life, to develop fish farms and aquatic agriculture through the utilization of the estuaries and bays of Puget Sound, to conduct studies of marine and aquatic life, to research and develop seafood uses and seafood processing plants, to locate a temperate zone marine laboratory, to collect and distribute living marine organisms for marine and biological research, and to conduct research into weather forecasting and modification. A permanent organization is vitally needed to fully exploit the strategic position of this state as a natural base for these activities with due regard to the ancillary needs of providing planned waterfront development, public recreation, conservation, and prevention of water pollution and to assist the University of Washington and other participating institutions in the development and operation of local and regional programs under the National Sea Grant College and Program Act of 1966. [1967 c 243 § 1.]

Effective date—1967 c 243: "The effective date of this act is July 1, 1967." [1967 c 243 § 7.]

43.94.020 Commission created—Composition—Terms—Vacancies—Expenses. There is created the oceanographic commission of Washington to consist of twelve members to be selected as follows: Five to be appointed by the governor from the public at large, at least one of whom shall be representative of higher education, one representative of private industry, and one representative of labor; three members of the state senate, no more than two of whom shall be members of the same political party, to be appointed by the president of the senate; and three members of the house of representatives, no more than two of whom shall be members of the same political party, to be appointed by the speaker of the house. The chairman of the state marine resources and development committee shall be an ex officio member without a vote. Members shall serve for terms of five years expiring on January 15th: *Provided*, That of the members first appointed by the governor, one shall be appointed for a term of one year, one for a

term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. The position of any legislative member shall be deemed vacated whenever such member ceases to be a member of the house or senate from which he was appointed. Any vacancies occurring in the membership of the commission shall be filled for the remainder of the unexpired term by the appointive power of the position vacated. Members shall serve without compensation but shall be reimbursed for necessary travel and other expenses incurred in the performance of their duties as commission members on the same basis as provided under RCW 44.04.120, as now or hereafter amended. [1967 c 243 c 2.]

43.94.030 Chairman—Secretary—Employees—Meetings—Quorum—Voting. The commission shall by majority vote select a chairman. The commission shall employ an executive secretary and may employ and fix the compensation of such other persons as may be necessary to carry out its powers and duties. All matters relating to payment of compensation and other expenses of the commission shall be subject to the state budget and accounting system.

The commission shall meet at least four times each year and at such other times as determined by the chairman. A majority of the members shall constitute a quorum. No member shall vote on any matter from which he would derive any direct economic benefit. [1967 c 243 § 3.]

43.94.040 Powers, duties and functions. The commission shall have the following powers, duties and functions:

(1) Encourage, assist, develop and maintain a coordinated program in oceanography for the benefit of the citizens of the state and the nation;

(2) Encourage private industrial enterprise to utilize the Puget Sound area as a base for oceanographic work;

(3) Promote national interest in Puget Sound as a base for national oceanographic programs;

(4) Assist in developing educational programs to provide the professional and technical graduates required by oceanographic expansion in the area;

(5) Undertake projects designed to inform the citizenry of the importance of oceanography to the development of the area;

(6) Assist in the study of problems of waterfront development, pollution, and parks and recreation areas for public use;

(7) Accept funds, gifts, bequests, and devise from any lawful source given or made available for the purposes of this chapter, including but not limited to grants of funds made with or without a matching requirement by the federal government;

(8) Encourage, supplement and assist the development of programs under the National Sea Grant College and Program Act of 1966 by the University of Washington and other participating educational institutions of the state and region. The programs and mission

of the commission and its institute are not to be in duplication of the existing program of the University of Washington or other educational institutions of the state in oceanographic research, training or public service, or of the program developed under the National Sea Grant College and Program Act of 1966;

(9) Make annual reports to the Washington state legislature, or to the appropriate interim committee thereof, all activities undertaken in connection with the power, duties and functions assigned in this section together with any recommendations for new legislation designed to accomplish the purposes of this chapter;

(10) Delegate in its discretion and to the extent permitted by the state Constitution, any of the powers and duties set forth in subsections (1) through (8) to the Oceanographic Institute of Washington formed pursuant to RCW 43.94.050. [1967 c 243 § 4.]

43.94.050 Oceanographic institute—Formation—Composition—Powers and duties. To facilitate the exercise of its powers, duties and functions, the members of the commission are empowered to form a nonprofit corporation under the provisions of chapter 24.04 RCW. The members of the commission shall be members and trustees of any such corporation as long as they are members of the commission. The commission members of such corporation shall accept by majority vote additional members of the corporation so that the total membership thereof including commission members shall be comprised of not less than thirteen and not more than twenty members. Any nonprofit corporation so formed shall be known and designated as the Oceanographic Institute of Washington.

The Oceanographic Institute of Washington shall, subject to the advice and consent of the commission, coordinate, promote and carry out such policies for oceanographic programs and development as may be formulated by the commission. In the coordination, promotion and carrying out of commission policies, the institute shall have in addition to powers prescribed in chapter 24.04 RCW, the power to accept, use and expend such public funds as may be lawfully made available to it for such purposes by the federal or state governments, or any political subdivision or municipal corporation, and such other powers and duties as may be lawfully delegated to it by the commission.

The institute may employ, engage and retain such staff and consultants as it deems necessary in carrying out its duties. [1967 c 243 § 5.]

43.94.900 Severability—1967 c 243. If any provision of this chapter, or its application to any person, public or private organization, or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons, public or private organizations, or circumstances is not affected. [1967 c 243 § 6.]

Chapter 43.96A
WORLD FAIR COMMISSION—OSAKA
EXPOSITION

Sections

- 43.96A.010 Exposition—Commission recommends participation in.
- 43.96A.020 Exposition—Commission findings accepted—State participation authorized.
- 43.96A.030 Exposition—Site development, buildings, equipment, as state purpose.
- 43.96A.040 World fair commission—Members.
- 43.96A.050 World fair legislative committee—Members—Selection.
- 43.96A.060 In lieu payments and travel expenses—Meetings—Vacancies—Staff.
- 43.96A.070 Commission may form nonprofit corporation.
- 43.96A.080 Commission powers and duties—Disposition of funds realized.
- 43.96A.090 Appropriation—Department as disbursing agent.
- 43.96A.100 Time as factor.
- 43.96A.900 Severability—1969 c 43.

43.96A.010 Exposition—Commission recommends participation in. The 1967 legislature, by virtue of chapter 138, Laws of 1967 ex. sess. created a world fair commission to study the feasibility and desirability of state participation in the 1970 world exposition to be held in Osaka, Japan, and to report its conclusions and recommendations to the 1969 legislature. The commission has met, has studied the matter, has issued its report, and has concluded that participation by the state is both feasible and desirable and so recommends. [1969 c 43 § 1.]

43.96A.020 Exposition—Commission findings accepted—State participation authorized. The legislature accepts the findings of the commission. The state of Washington, acting through its duly constituted agents, is hereby authorized to participate in the 1970 world exposition to be held in Osaka, Japan, March 15 to September 13, 1970. [1969 c 43 § 2.]

43.96A.030 Exposition—Site development, buildings, equipment, as state purpose. The development of a site (to be made available to the state pursuant to the rules and regulations of the Bureau of International Expositions) and the purchase, construction, or acquisition of buildings, equipment and appurtenances therefor, suitable for use for a world fair presentation is hereby declared to be a state purpose. [1969 c 43 § 3.]

43.96A.040 World fair commission—Members. There is hereby created the world fair commission to be composed of seven members as follows: The lieutenant governor, the director of the department of general administration, the director of the department of commerce and economic development who shall also serve as chairman of the commission, and four citizen members to be appointed by the governor. [1969 c 43 § 4.]

43.96A.050 World fair legislative committee—Members—Selection. There is hereby created a world fair legislative committee composed of five members to be selected as follows:

Two senators (being one from the senate majority and one from the senate minority), by the presiding officer of the senate, and two representatives (being one from the house majority and one from the house minority) by the speaker of the house of representatives, who shall also be a member. The senate and house members of the committee shall serve the commission in an advisory capacity only. [1969 c 43 § 5.]

43.96A.060 In lieu payments and travel expenses—Meetings—Vacancies—Staff. Members of the commission and the committee shall serve without compensation but shall receive while on official business the sum of twenty-five dollars per day in lieu of per diem, plus necessary travel expenses, and shall meet at such times as they are called by the governor or chairman of the commission.

Vacancies occurring on the commission or committee shall be filled in the same manner and from the same sources as the original appointment.

The commission may employ such staff and personnel as is necessary to carry out its duties. [1969 c 43 § 6.]

43.96A.070 Commission may form nonprofit corporation. The members of the world fair commission may form a nonprofit corporation under the provisions of chapter 24.04 RCW or any act successor thereto. In the event that such a corporation is formed, the members of the corporation shall be members so long as they are members of the commission or until their successors are appointed and qualify. [1969 c 43 § 7.]

Reviser's note: Chapter 24.04 RCW was repealed in its entirety by 1967 c 235 § 100 [RCW 24.03.090] and was replaced by chapter 24.03 RCW.

43.96A.080 Commission powers and duties—Disposition of funds realized. The world fair commission shall have the power to accept and develop a site at the 1970 world exposition; let contracts for the construction of buildings, displays, exhibits, and do any other thing necessary to a successful presentation; employ personnel to represent the state at the exposition; and provide for the dismantling of the exhibit at the conclusion of the exposition.

The commission is further empowered to dispose of all equipment and other salvage in any manner deemed advantageous to it. Any funds realized from the sale or other disposal of such equipment and salvage shall be remitted to the general fund. If in the judgment of the commission there are any items remaining which have a future potential for promotion of the state, the commission shall turn such items over to the department of commerce and economic development for future state use and/or disposition.

Any funds realized from the sale of souvenirs or mementos commemorating the state's participation in the 1970 world exposition over and above the cost thereof shall be remitted to the general fund. [1969 c 43 § 8.]

43.96A.090 Appropriation—Department as disbursing agent. There is hereby appropriated to the department of commerce and economic development from the general fund the sum of nine hundred seventy-five thousand dollars to carry out the purposes of this chapter. The department shall act as disbursing agent for the commission and shall provide assistance to the commission within the capabilities of the staff. [1969 c 43 § 9.]

43.96A.100 Time as factor. Recognizing the critical time limitations imposed by the Japan Association for the 1970 World Exposition and approved by the Bureau of International Expositions and further recognizing the quantity of effort needed for a successful presentation, the legislature hereby declares time to be of the essence. [1969 c 43 § 10.]

43.96A.900 Severability—1969 c 43. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1969 c 43 § 12.]

Chapter 43.96B EXPO '74

Sections

- 43.96B.010 Declaration of purpose.
- 43.96B.020 Approval and adoption of report and recommendations.
- 43.96B.030 Name of exposition.
- 43.96B.040 Expo '74 commission—Created—Membership—Meetings.
- 43.96B.050 Members may be directors of nonprofit corporation—Duty to stage exposition.
- 43.96B.060 Cooperation with agencies, political subdivisions, states, federal and foreign governments enjoined.
- 43.96B.070 Acquisition of site—Acquisition, lease, or construction of buildings for state use—Plans and surveys.
- 43.96B.080 Acquisition of site by department of commerce and economic development.
- 43.96B.090 Lease of land by state building authority from department or construction of buildings—Lease or release of buildings to department.
- 43.96B.100 Leasing by department authorized.
- 43.96B.110 Rental rates.
- 43.96B.120 Determination of building costs—Right of department to purchase buildings and land, terminate lease.
- 43.96B.130 Use of site and buildings by Expo '74 commission.
- 43.96B.140 Declaration of public purpose.

STATE PAVILION—BOND ISSUE

- 43.96B.200 Legislative finding.
- 43.96B.205 Bond issue—Authorized.
- 43.96B.210 Bond issue—Issuance and sale of bonds—Form, terms, conditions, etc.—Authority of state finance committee.
- 43.96B.215 Bond issue—Anticipation notes—Disposition of proceeds—Acquisition of property by Expo '74 commission authorized.
- 43.96B.220 Bond issue—Administration of proceeds.
- 43.96B.225 Bond issue—Redemption fund—Payment of bonds.
- 43.96B.230 Bond issue—Additional means of payment.
- 43.96B.235 Bond issue—Legal investment for public funds.
- 43.96B.240 Appropriation.
- 43.96B.245 Severability—1973 1st ex.s. c 116.
- 43.96B.900 Severability—1971 ex.s. c 3.

43.96B.010 Declaration of purpose. The Alaska-Yukon-Pacific and the Century 21 Expositions held in Seattle in 1909 and 1962, respectively, contributed substantially to the growth of this state and the eminence which it enjoys by exhibiting to our sister states and the world at large our agriculture, trade, and manufacturing capabilities. In the almost ten years that have elapsed since Century 21, man's place in nature and his relation to his environment has become the most critical concern of our state and nation. Today all sectors of society question man's ability to relate himself to the environment in a manner which will continue to support life on this planet. Because of this state's unique natural endowments, the state of Washington is capable of demonstrating to the nation and the world at large that man can live in harmony with his environment. It is therefore fitting that another exposition be held in the state of Washington which will demonstrate to people everywhere our great natural resources, our great forests and rivers, and our great outdoor recreational capabilities. It is also fitting that this exposition be held in the city of Spokane, the queen city of the Inland Empire, which in 1974 will celebrate the commencement of its second hundred years of growth. [1971 ex.s. c 1 § 1.]

43.96B.020 Approval and adoption of report and recommendations. A complete study, investigation, and report of the feasibility and desirability of such an exposition has been made and this report and its recommendations on participation of the state of Washington in such an exposition is hereby approved and adopted. [1971 ex.s. c 1 § 2.]

43.96B.030 Name of exposition. The exposition shall be known and called "Expo '74". [1971 ex.s. c 1 § 3.]

43.96B.040 Expo '74 commission—Created—Membership—Meetings. There is created the Expo '74 commission to consist of fifteen members to be selected as follows: Five by the governor, of whom one shall be designated by the governor as chairman of the commission, three by the president of the senate (lieutenant governor) and three by the speaker of the house of representatives to serve until April 30, 1975, the lieutenant governor, the speaker of the house of representatives, one member of the board of county commissioners of Spokane county to be appointed by such board, and one member of the Spokane city council to be appointed by such council. The commission shall serve without compensation and shall meet at such time as it is called by the governor or by the chairman of the commission. [1971 ex.s. c 1 § 4.]

43.96B.050 Members may be directors of nonprofit corporation—Duty to stage exposition. The members of the exposition commission may become directors of Expo '74, a nonprofit corporation organized under the provisions of chapter 24.03 RCW and may remain directors of the corporation as long as they are members of the commission or until their successors are appointed and qualified. The exposition commission through the nonprofit corporation shall stage an exposition in

the city of Spokane during the year 1974 or as soon thereafter as deemed practical by the commission and shall carry out the purposes of the exposition by suitable exhibits. [1971 ex.s. c 1 § 5.]

43.96B.060 Cooperation with agencies, political subdivisions, states, federal and foreign governments enjoined. The department of commerce and economic development and the department of ecology, as well as all other interested departments and agencies, shall cooperate with the exposition commission to the end that the exposition to be conducted by the commission shall become a memorable success.

The exposition commission and all other state departments and agencies are further enjoined to cooperate in all respects with the city of Spokane and with other departments, agencies, political subdivisions, and municipal corporations of this state. The department of commerce and economic development and the exposition commission shall cooperate with the government of the United States and with governments or agencies of other states or foreign countries or their lesser subdivisions to the extent required to secure their participation in the exposition. [1971 ex.s. c 1 § 6.]

43.96B.070 Acquisition of site—Acquisition, lease, or construction of buildings for state use—Plans and surveys. The state building authority is authorized to acquire by gift, purchase, lease, or condemnation a site in the city of Spokane on or in the vicinity of Havermale Island and to construct or otherwise acquire or lease a building or buildings and appurtenant improvements at a cost to the building authority to approximate but not to exceed the sum of seven million five hundred thousand dollars thereon for use by the state for purposes to be prescribed hereafter by the legislature and to be used temporarily as a portion of the grounds and a building for and exposition known as "Expo '74".

The state building authority is further authorized to make all necessary plans and surveys for such acquisition and construction and any such plans shall be subject to the approval of the department of commerce and economic development and the Expo '74 commission created by the legislature. The authority may delegate responsibility for such plans and surveys to the department of general administration or the department of commerce and economic development. The provisions of RCW 43.19.450 shall govern with regard to such delegation. [1971 ex.s. c 3 § 1.]

43.96B.080 Acquisition of site by department of commerce and economic development. In furtherance of the purposes of RCW 43.96B.070 through 43.96B.140 and in lieu of the acquisition of the building site by the state building authority, the department of commerce and economic development may acquire such site by gift, purchase or condemnation. [1971 ex.s. c 3 § 2.]

43.96B.090 Lease of land by state building authority from department or construction of buildings—Lease or release of buildings to department. The state building

authority may contract with the department of commerce and economic development to lease land from such department acquired by such department for the purpose of erecting thereon the building or buildings as requested by such department for the purposes specified in RCW 43.96B.070 or the authority may, on land acquired by the authority, construct such building or buildings and appurtenant facilities. Such building or buildings, together with the land upon which it shall be built, shall be leased or released by the authority to the department of commerce and economic development at any time prior to or subsequent to the commencement of construction thereof for a term of years not to exceed seventy-five at reasonable rental rates. [1971 ex.s. c 3 § 3.]

43.96B.100 Leasing by department authorized. The department of commerce and economic development is authorized to enter into a lease as provided in RCW 43.96B.070 through 43.96B.140. The lease shall provide for the building or buildings erected to become or remain the sole property of the department upon termination of the lease. [1971 ex.s. c 3 § 4.]

43.96B.110 Rental rates. The provisions of RCW 43.75.060 shall apply with respect to the fixing of rental rates for the building or buildings leased by the state building authority to the department of commerce and economic development. [1971 ex.s. c 3 § 5.]

43.96B.120 Determination of building costs—Right of department to purchase buildings and land, terminate lease. Upon the completion of construction of the building or buildings, the authority shall make a determination of the cost thereof and the amount required to reimburse the authority for its expenditures in connection therewith. The department of commerce and economic development shall have the right to purchase the interest of the authority in any building or buildings and land pertaining thereto at any time and to terminate the lease thereon by paying to the authority the amount agreed upon by the authority and the department. [1971 ex.s. c 3 § 6.]

43.96B.130 Use of site and buildings by Expo '74 commission. The department of commerce and economic development is authorized to lease or otherwise permit for a temporary period the site and building or buildings herein provided for to be used by the Expo '74 commission in conducting or assisting to be conducted such exposition. [1971 ex.s. c 3 § 7.]

43.96B.140 Declaration of public purpose. The acquisition and development of a site and the purchase, construction, or acquisition by any lawful means of the building or buildings, equipment, and appurtenances therefor suitable for use as a site for an exposition and for the future use by the state in promoting and fostering the well-being of its citizens is declared to be a state public purpose. [1971 ex.s. c 3 § 8.]

STATE PAVILION—BOND ISSUE

43.96B.200 Legislative finding. The legislature finds that an expansion of the state pavilion at Expo '74 initially authorized for construction by the 1971 legislature is consistent with the purposes of the exposition and the needs of the state of Washington in order that the facility produced will both more adequately serve the state during the exposition and as a permanent structure for the benefit of the state afterwards. [1973 1st ex.s. c 116 § 1.]

43.96B.205 Bond issue—Authorized. For the purpose of providing additional space for the Washington State Pavilion at Expo '74 as determined to be necessary by the Expo '74 commission, including the planning, acquisition, construction, remodeling and equipping, together with all improvements and enhancements of said project, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two million nine hundred thousand dollars, or so much thereof as may be required, to finance the projects defined in RCW 43.96B.200 through 43.96B.245 and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. [1973 1st ex.s. c 116 § 2.]

43.96B.210 Bond issue—Issuance and sale of bonds—Form, terms, conditions, etc.—Authority of state finance committee. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds authorized in RCW 43.96B.200 through 43.96B.245 shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide. [1973 1st ex.s. c 116 § 3.]

43.96B.215 Bond issue—Anticipation notes—Disposition of proceeds—Acquisition of property by Expo '74 commission authorized. At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized

by RCW 43.96B.200 through 43.96B.245 and any interest earned on the interim investment of such proceeds, shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.96B.200 through 43.96B.245 and for the payment of expenses incurred in the issuance and sale of the bonds. The Expo '74 commission is hereby authorized to acquire property, real and personal, by lease, purchase[,] condemnation or gift to achieve the objectives of chapters 1, 2, and 3, Laws of 1971 ex. sess., and RCW 43.96B.200 through 43.96B.245. The commission is further directed pursuant to RCW 43.19.450 to utilize the department of general administration services to accomplish the purposes set forth herein. [1973 1st ex.s. c 116 § 4.]

43.96B.220 Bond issue—Administration of proceeds. The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the Expo '74 commission. [1973 1st ex.s. c 116 § 5.]

43.96B.225 Bond issue—Redemption fund—Payment of bonds. The state building bond redemption fund, 1973–A, is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by RCW 43.96B.200 through 43.96B.245. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund, 1973–A, from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of RCW 43.96B.200 through 43.96B.245 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1973 1st ex.s. c 116 § 6.]

43.96B.230 Bond issue—Additional means of payment. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and RCW 43.96B.200 through 43.96B.245 shall not be deemed to provide an exclusive method for such payment. [1973 1st ex.s. c 116 § 7.]

43.96B.235 Bond issue—Legal investment for public funds. The bonds authorized in RCW 43.96B.200 through 43.96B.245 shall be a legal investment for all state funds or funds under state control and for all

funds of any other public body. [1973 1st ex.s. c 116 § 8.]

43.96B.240 Appropriation. There is hereby appropriated to the Expo '74 commission from the state building construction account of the general fund the sum of two million nine hundred thousand dollars or so much thereof as may be necessary to accomplish the purposes of RCW 43.96B.200 through 43.96B.245. [1973 1st ex.s. c 116 § 9.]

43.96B.245 Severability—1973 1st ex.s. c 116. If any provision of this 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. [1973 1st ex.s. c 116 § 10.]

43.96B.900 Severability—1971 ex.s. c 3. If any provision of this 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. [1971 ex.s. c 3 § 9.]

Chapter 43.97

COLUMBIA RIVER GORGE COMMISSION

Sections

43.97.010	Definition.
43.97.020	Commission created.
43.97.030	Purposes—Comprehensive plan.
43.97.040	Powers and duties.
43.97.050	Columbia River Gorge commission account—Disposition.

43.97.010 Definition. As used in this chapter unless the context requires otherwise, "commission" means the Columbia River Gorge commission. [1965 c 8 § 43.97.010. Prior: 1959 c 74 § 1.]

43.97.020 Commission created. There is hereby created a nonpartisan and nonsalaried commission to be known as the Columbia River Gorge commission consisting of three members who are residents of Skamania, Klickitat and Clark counties respectively, to be appointed by the governor for six year terms and who shall be removable at his pleasure. The term of office shall commence January 1st of the year of appointment; provided the first members shall be appointed, one for two years, one for four years, and one for six years. Vacancies shall be filled for the unexpired term in the same manner as other appointments are made. [1965 c 8 § 43.97.020. Prior: 1959 c 74 § 2.]

43.97.030 Purposes—Comprehensive plan. For the purpose of preserving, developing and protecting, the recreational, scenic and historic areas of the Columbia River Gorge, the commission is directed to prepare a comprehensive plan including boundaries for the proposed conservation area, proposed acquisition and administration of land, proposed zoning, regulations and other features necessary to accomplish the transition of the Columbia River Gorge to a state recreational area. Said plan shall first be submitted to the governor for his

consideration and approval. [1965 c 8 § 43.97.030. Prior: 1959 c 74 § 3.]

43.97.040 Powers and duties. The commission shall have the following duties and powers:

(1) To acquire land in the name of the state by purchase, exchange, transfer, gift, or devise.

(2) To make expenditures, from available funds, for the development, protection and maintenance of land and property under its control.

(3) To enter into such contracts as are necessary to carry out the provisions of this chapter.

(4) To cooperate with other agencies and political subdivisions of the state, the state of Oregon, the federal government, private organizations and individuals to the extent necessary to carry out the provisions of this chapter.

(5) To receive any gifts, either inter vivos or testamentary in character. [1965 c 8 § 43.97.040. Prior: 1959 c 74 § 4.]

43.97.050 Columbia River Gorge commission account—Disposition. All moneys, from whatever sources, including moneys received by gift, bequest or contribution, shall be paid into the state treasury for deposit to the Columbia River Gorge commission account. The expenditures of the commission shall be made from this account upon vouchers approved by the commission: *Provided*, That moneys received from gifts may be expended in accordance with the terms thereof. [1965 c 8 § 43.97.050. Prior: 1959 c 74 § 5.]

Chapter 43.98

OUTDOOR RECREATIONAL FACILITIES

Sections

43.98.010	General obligation bonds authorized.
43.98.020	Disposition of proceeds of sale.
43.98.030	Bonds payable from proceeds of corporation fees.
43.98.040	Outdoor recreational bond redemption fund.
43.98.050	Remedies of bondholders.
43.98.060	Legislature may provide additional means of support.
43.98.070	Bonds legal investment for funds of state and municipal corporations.
43.98.080	Undertaking to impose corporation fees—Use, proration of one-half of proceeds.
43.98.090	Consent of world fair bondholders prerequisite to issuance of bonds authorized by this chapter.

Marine recreation land act: Chapter 43.99 RCW.

43.98.010 General obligation bonds authorized. For the purpose of providing funds for the development of outdoor recreational facilities in the state, the state finance committee is hereby authorized to issue, at any time prior to January 1, 1970, general obligation bonds of the state of Washington in the sum of ten million dollars, or so much thereof as shall be required to finance the program for which these bonds are being authorized: *Provided*, That funds realized from the sale of such bonds shall be used solely for the acquisition of land and attached appurtenances and such property shall be for outdoor recreational use.

The state finance committee is authorized to prescribe the form of such bonds and the time of sale of all

or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. [1965 c 8 § 43.98.010. Prior: 1963 ex.s. c 12 § 1.]

43.98.020 Disposition of proceeds of sale. The proceeds from the sale of the bonds authorized herein shall be deposited in the parks and parkways account of the general fund or such other account or fund as shall be established for this purpose. Any agency or commission charged with the administration of the account or fund is authorized to use or permit the use of any funds derived from the sale of bonds authorized under this chapter as matching funds in any case where federal or other funds are made available on a matching basis for projects within the purposes of this chapter. [1965 c 8 § 43.98.020. Prior: 1963 ex.s. c 12 § 2.]

Outdoor recreation account, deposit of proceeds in: RCW 43.99.060.

43.98.030 Bonds payable from proceeds of corporation fees. The bonds issued under the provisions of this chapter shall be payable from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937, as now or hereafter amended. The bonds and interest shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, upon that portion of the corporation fees so collected. [1965 c 8 § 43.98.030. Prior: 1963 ex.s. c 12 § 3.]

Reviser's note: Chapter 70, Laws of 1937 referred to above is affected by chapter 53, Laws of 1965 which enacts a new corporations code effective July 1, 1967 (Title 23A RCW). Section 166 thereof repeals it subject to the savings and continuation provision contained in section 165 which reads as follows: "Nothing contained in this act shall be construed as an impairment of any obligation of the state as evidenced by bonds held for any purpose, and subsections 2 and 13 of section 135, subsections 1 and 2 of section 136, and sections 137, 138, 139, 140, 141, 142, 146, and 147 shall be deemed to be a continuation of chapter 70, Laws of 1937, as amended, for the purpose of payment of:

(1) world's fair bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, and

(2) outdoor recreation bonds authorized by referendum bill number 11 (chapter 12, Laws of 1963 extraordinary session), approved by the people on November 3, 1964."

43.98.040 Outdoor recreational bond redemption fund. The outdoor recreational bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. [1965 c 8 § 43.98.040. Prior: 1963 ex.s. c 12 § 4.]

43.98.050 Remedies of bondholders. The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of

funds as directed herein. [1965 c 8 § 43.98.050. Prior: 1963 ex.s. c 12 § 5.]

43.98.060 Legislature may provide additional means of support. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this chapter shall not be deemed to provide an exclusive method for such payment. [1965 c 8 § 43.98.060. Prior: 1963 ex.s. c 12 § 6.]

43.98.070 Bonds legal investment for funds of state and municipal corporations. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations. [1965 c 8 § 43.98.070. Prior: 1963 ex.s. c 12 § 7.]

43.98.080 Undertaking to impose corporation fees—Use, proration of one-half of proceeds. See RCW 43.31.620 and 43.31.740.

43.98.090 Consent of world fair bondholders prerequisite to issuance of bonds authorized by this chapter. No bonds authorized by this chapter shall be issued until there shall first be obtained and filed in the office of the state finance committee the written consent of the holders of all outstanding bonds issued under authority of chapter 174, Laws of 1957, as amended by chapter 152, Laws of 1961, to the changes effected by this chapter and the 1963 amendments of RCW 43.31.620 and 43.31.740 in the order of priority of payment of said world fair bonds out of the proceeds of the corporation fees collected under chapter 70, Laws of 1937 as amended. [1965 c 8 § 43.98.090. Prior: 1963 ex.s. c 12 § 10.]

Reviser's note: See note following RCW 43.98.030.

Chapter 43.99

MARINE RECREATION LAND—INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Sections	Purpose.
43.99.010	Purpose.
43.99.020	Definition of terms.
43.99.030	Determination of proportion of motor vehicle fuel tax moneys derived from tax on marine fuel—Studies—Costs.
43.99.040	Marine fuel tax refund account—Motor vehicle fund moneys derived from tax on marine fuel—Refunding and placement in marine fuel tax refund account—Exception.
43.99.050	Marine fuel tax refund account—Claims for refunds paid from.
43.99.060	Outdoor recreation account—Deposits.
43.99.070	Outdoor recreation account—Transfers of moneys to from marine fuel tax account.
43.99.080	Outdoor recreation account—Distribution of moneys transferred.
43.99.090	Outdoor recreation account—Limitation on use of moneys transferred.
43.99.095	Interest on funds granted by committee to be returned to outdoor recreation account.
43.99.100	Conversion of marine recreation land to other uses—Approval—Substitution.
43.99.110	Interagency committee for outdoor recreation—Created—Membership—Terms—Expenses.

- 43.99.120 Plans for public outdoor recreation land acquisition or improvement—Contents—Submission—Recommendations.
- 43.99.122 Comprehensive plan for development of outdoor recreation resources.
- 43.99.124 Participation in federal programs—Authority.
- 43.99.126 Commitments or agreements forbidden unless sufficient funds available—Agreements with federal agencies on behalf of state or local agencies—Conditions.
- 43.99.130 Assistance furnished by state departments—Employment of administrator and personnel.
- 43.99.135 Washington state recreation trails system, duties of interagency committee for outdoor recreation.
- 43.99.150 Appropriations by subsequent legislatures.
- 43.99.900 Severability—1965 c 5.
- 43.99.910 Short title.

Reviser's note: (1) Throughout this chapter "director of licenses" and "department of licenses" have been changed to read "director of motor vehicles" and "department of motor vehicles" under the authority of chapter 156, Laws of 1965.

(2) Chapter 5, Laws of 1965, codified herein was Initiative Measure No. 215 which was adopted by the people November 3, 1964, and was declared effective law by proclamation signed by the governor on December 3, 1964.

Disposition of ATV registration fees: RCW 46.09.110.

Outdoor recreation account moneys appropriated, 1971 act: See note following RCW 46.09.010.

Outdoor recreational facilities: Chapter 43.98 RCW.

43.99.010 Purpose. Washington is uniquely endowed with fresh and salt waters rich in scenic and recreational value. This outdoor heritage enriches the lives of citizens, attracts new residents and businesses to the state, and is a major support of its expanding tourist industry. Rising population, increased income and leisure time, and the rapid growth of boating and other water sports have greatly increased the demand for water related recreation, while waterfront land is rapidly rising in value and disappearing from public use. There is consequently an urgent need for the acquisition or improvement of waterfront land on fresh and salt water suitable for marine recreational use by Washington residents and visitors. To meet this need, it is necessary and proper that the portion of motor vehicle fuel taxes paid by boat owners and operators on fuel consumed in their watercraft and not reclaimed as presently provided by law should be expended for the acquisition or improvement of marine recreation land on the Pacific Ocean, Puget Sound, bays, lakes, rivers, reservoirs and other fresh and salt waters of the state. [1965 c 5 § 1.]

43.99.020 Definition of terms. Definitions: As used in this chapter:

(1) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal government

for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of motor vehicles with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(4) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(5) "Committee" means the interagency committee for outdoor recreation. [1972 ex.s. c 56 § 1; 1965 c 5 § 2.]

Construction—1972 ex.s. c 56: "The provisions of this 1972 amendatory act are intended to be remedial and procedural and shall be construed to apply retroactively." [1972 ex.s. c 56 § 2.] This applies to the 1972 ex.s. amendment to this section.

43.99.030 Determination of proportion of motor vehicle fuel tax moneys derived from tax on marine fuel—Studies—Costs. From time to time, but at least once each four years, the director of motor vehicles shall determine the amount or proportion of moneys paid to him as motor vehicle fuel tax which is tax on marine fuel. The director shall make or authorize the making of studies, surveys, or investigations to assist him in making such determination, and shall hold one or more public hearings on the findings of such studies, surveys, or investigations prior to making his determination. The director may delegate his duties and authority under this section to one or more persons of the department of motor vehicles if he finds such delegation necessary and proper to the efficient performance of these duties. Except as provided in RCW 43.99.160, costs of carrying out the provisions of this section shall be paid from the marine fuel tax refund account created in RCW 43.99-.040. [1969 ex.s. c 74 § 1; 1965 c 5 § 3.]

43.99.040 Marine fuel tax refund account—Motor vehicle fund moneys derived from tax on marine fuel—Refunding and placement in marine fuel tax refund account—Exception. There is created the marine fuel tax refund account in the general fund. From time to time, but at least once each biennium, the director of motor vehicles shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be tax on marine fuel. The state treasurer shall refund such amounts and place them in the marine fuel tax refund account to be held for those entitled thereto pursuant to chapter 82.36 RCW and RCW 43.99.050, except that he shall not refund and place in the marine fuel tax refund account for any period for which a determination has been made pursuant to RCW 43.99.030 more than the greater of the following amounts: (1) an amount equal to two percent of all moneys paid to him as motor vehicle fuel tax for such period, (2) an amount necessary to meet all approved claims for refund of tax on marine fuel for such period. [1965 c 5 § 4.]

43.99.050 Marine fuel tax refund account—Claims for refunds paid from. Claims submitted pursuant to chapter 82.36 RCW for refund of tax on marine fuel which has been placed in the marine fuel tax refund account shall, if approved, be paid from that account. [1965 c 5 § 5.]

43.99.060 Outdoor recreation account—Deposits. There is created the outdoor recreation account in the general fund, in which shall be deposited all moneys received from the marine fuel tax refund account pursuant to RCW 43.99.070, the proceeds of the bond issue authorized by chapter 12, Laws of 1963, extraordinary session, and any moneys made available to the state of Washington by the federal government for outdoor recreation not specifically designated for another fund or agency.

Grants, gifts, or other financial assistance awarded or designated for a particular purpose, or proceeds received from public bodies as administrative cost contributions, may be received and, when appropriated by the legislature, may be expended in accordance with the general budget and accounting act. [1967 ex.s. c 62 § 1; 1965 c 5 § 6.]

Reviser's note: "chapter 12 RCW, Laws of 1963, extraordinary session" is codified as chapter 43.98 RCW, RCW 43.31.620 and 43.31.740.

43.99.070 Outdoor recreation account—Transfers of moneys to from marine fuel tax account. Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. From time to time, but at least once each biennium, the director of motor vehicles, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 43.99.030, shall request the state treasurer to transfer to the outdoor recreation account such of the moneys in the marine fuel tax refund account as shall not be required for payment of such refund claims or costs, and the state treasurer shall make such transfer. [1965 c 5 § 7.]

43.99.080 Outdoor recreation account—Distribution of moneys transferred. Moneys transferred to the outdoor recreation account from the marine fuel tax refund account may be used when appropriated by the legislature, as well as any federal or other funds now or hereafter available, to pay the necessary administrative and coordinative costs of the interagency committee for outdoor recreation established by RCW 43.99.110. All moneys so transferred, except those appropriated as aforesaid, shall be divided into two equal shares and shall be used to benefit watercraft recreation in this state as follows:

(1) One share by the state for (a) acquisition of title to, or any interests or rights in, marine recreation land, (b) capital improvement of marine recreation land, or (c) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (a) or (b);

(2) One share as grants to public bodies to help finance (a) acquisition of title to, or any interests or rights in, marine recreation land, or (b) capital improvement of marine recreation land. A public body is authorized to use a grant, together with its own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (a) or (b). The committee may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this chapter. [1971 ex.s. c 140 § 1; 1965 ex.s. c 136 § 1; 1965 c 5 § 8.]

43.99.090 Outdoor recreation account—Limitation on use of moneys transferred. Not more than fifty percent of the moneys transferred to the outdoor recreation account from the marine fuel tax refund account shall be used for capital improvement of marine recreation land. [1971 ex.s. c 140 § 2; 1965 c 5 § 9.]

43.99.095 Interest on funds granted by committee to be returned to outdoor recreation account. Interest earned on funds granted or made available by the committee shall not be expended by the recipient but shall be returned to the outdoor recreation account of the general fund for disbursement by the committee in accordance with general budget and accounting procedure. [1967 ex.s. c 62 § 7.]

43.99.100 Conversion of marine recreation land to other uses—Approval—Substitution. Marine recreation land with respect to which money has been expended under RCW 43.99.080 shall not, without the approval of the committee, be converted to uses other than those for which such expenditure was originally approved. The committee shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location. [1965 c 5 § 10.]

43.99.110 Interagency committee for outdoor recreation—Created—Membership—Terms—Expenses. There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, the director of game, the director of fisheries, the director of highways, and the director of commerce and economic development, the director of the department of ecology, and, by appointment of the governor, five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term; provided the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to

serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall serve without pay, but shall be entitled to reimbursement individually for necessary travel and other expenses incurred in performance of their duties as members of the committee on the same basis as is provided by law for state officials and employees generally. [1971 c 60 § 1; 1967 ex.s. c 62 § 2; 1965 c 5 § 11.]

Construction and maintenance of outdoor recreation facilities by department of natural resources, review by interagency committee for outdoor recreation: RCW 43.30.300.

Subsistence and mileage allowance for state officials and employees: RCW 43.03.050, 43.03.060.

Thermal power plant site evaluation council, membership: RCW 80.50.030.

43.99.120 Plans for public outdoor recreation land acquisition or improvement—Contents—Submission—Recommendations. Any public body or any agency of state government authorized to acquire or improve public outdoor recreation land which desires funds from the outdoor recreation account shall submit to the committee a six-year plan for developing outdoor recreation facilities within its authority and detailed plans for the projects sought to be financed from the outdoor recreation account, including estimated cost and such other information as the committee may require. The committee shall analyze all proposed plans and projects, and, except as provided in RCW 43.99.140, shall recommend to the governor for inclusion in the budget such projects as it may approve and find to be consistent with an orderly plan for the acquisition and improvement of outdoor recreation lands in the state. [1965 c 5 § 12.]

43.99.122 Comprehensive plan for development of outdoor recreation resources. The committee subject to the authority and responsibility of the state planning agency is authorized to prepare, maintain, and keep up-to-date a comprehensive plan for the development of the outdoor recreation resources of the state. [1967 ex.s. c 62 § 4.]

43.99.124 Participation in federal programs—Authority. The committee may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation not specifically designated for another fund or agency. It may enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto, and furnish to appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under such programs. [1967 ex.s. c 62 § 5.]

43.99.126 Commitments or agreements forbidden unless sufficient funds available—Agreements with federal agencies on behalf of state or local agencies—

Conditions. The committee for outdoor recreation shall make no commitment nor enter into any agreement until it has determined that sufficient funds are available to meet project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of this chapter, such areas and facilities shall be publicly maintained for outdoor recreation purposes. When requested by a state agency or public body, the committee may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition, and development projects involving participating federal-aid funds on behalf of any state agency, public body, or subdivision of this state: *Provided*, That recipients of funds give necessary assurances to the committee that they have available sufficient matching funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such state agency, public body, or subdivision for public outdoor recreation use. [1967 ex.s. c 62 § 6.]

43.99.130 Assistance furnished by state departments—Employment of administrator and personnel. When requested by the committee, members employed by the state shall furnish assistance to the committee from their departments for the analysis and review of proposed plans and projects, and such assistance shall be a proper charge against the appropriations to the several agencies represented on the committee. Assistance may be in the form of money, personnel, or equipment and supplies, whichever is most suitable to the needs of the committee.

The committee shall employ an administrator and may employ an assistant administrator to serve at the pleasure of the committee and shall appoint such professional, technical, and clerical personnel and other assistants and employees as may be necessary to carry out the work of the committee. [1967 ex.s. c 62 § 3; 1965 c 5 § 13.]

43.99.135 Washington state recreation trails system, duties of interagency committee for outdoor recreation. See chapter 67.32 RCW.

43.99.150 Appropriations by subsequent legislatures. The 1967 and subsequent legislatures shall appropriate funds requested in the budget for state agencies from the outdoor recreation account directly to the state agencies which are to expend such funds, and shall appropriate funds requested in the budget for grants to public bodies from the outdoor recreation account to the committee for allocation and disbursement. [1965 c 5 § 15.]

43.99.900 Severability—1965 c 5. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1965 c 5 § 17.]

43.99.910 Short title. This chapter shall be known and may be cited as the Marine Recreation Land Act of 1964. [1965 c 5 § 18.]

**Chapter 43.99A
OUTDOOR RECREATIONAL AREAS AND
FACILITIES—1967 BOND ACT**

Sections

- 43.99A.010 Declaration of purpose.
- 43.99A.020 General obligation bonds authorized.
- 43.99A.030 Form of bonds—Rate of interest—Sale and issuance.
- 43.99A.040 Full faith and credit of state pledged—Call prior to due date—Facsimile signatures.
- 43.99A.050 Disposition of proceeds of sale.
- 43.99A.060 Outdoor recreational bond redemption fund of 1967—Created—Use—Sales tax revenues deposited in.
- 43.99A.070 Proceeds from sale of bonds—Administration—Disposition and use.
- 43.99A.080 Construction of phrase "acquisition and development of outdoor recreational areas and facilities".
- 43.99A.090 Legislature may provide additional means for payment of bonds.
- 43.99A.100 Bonds legal investment for funds of state and municipal corporations.
- 43.99A.110 Referral to electorate.

Outdoor recreational facilities—1963 bond act: Chapter 43.98 RCW.

43.99A.010 Declaration of purpose. The state of Washington possesses unsurpassed natural wealth in the form of mountains, forests, and waters, ideal not only for recreation, but for supplying the special kind of spiritual regeneration that only close association with the outdoors can provide. As the state grows in population, this wilderness is increasingly threatened; prompt action is necessary to preserve it before much of it permanently disappears. Further, the physical expansion of our cities and towns has made it imperative that outdoor breathing space be set aside and permanently reserved for the people who live in them. Such breathing space may take the form of "green belts" especially planned to relieve the monotony of miles of uninterrupted urban or suburban development, or it may take the form of traditional parks. In any case, it must be acquired as soon as possible, while land is still available; and where appropriate, this land must be developed in order to meet the recreational needs of growing numbers of potential users. [1967 ex.s. c 126 § 1.]

43.99A.020 General obligation bonds authorized. For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the projects described in RCW 43.99A.070 and 43.99A.080. These bonds shall be paid and discharged within twenty years of the date of issuance. [1970 ex.s. c 40 § 1; 1967 ex.s. c 126 § 2.]

Adoption and ratification—1970 ex.s. c 40: The amendment to RCW 43.99A.020 and 43.99A.030 by 1970 ex.s. c 40 was adopted and ratified by the people at the November 3, 1970 general election (Referendum Bill No. 21).

Effective, when—1970 ex.s. c 40: "Sections 1 and 2 of this 1970 amendatory act shall not become effective unless this act is adopted and ratified at the referendum election provided for in section 3 of this 1970 amendatory act." [1970 ex.s. c 40 § 4.] The above annotations together with RCW 43.99A.020 and 43.99A.030 as amended in 1970 ex.s. c 40 constitute "this 1970 amendatory act".

Referral of act to electorate, when—1970 ex.s. c 40: "In the event all of the bonds authorized by RCW 43.99A.010 through 43.99A.110 have not been issued on or before September 2, 1970, then this act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1970, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof." [1970 ex.s. c 40 § 3.]

43.99A.030 Form of bonds—Rate of interest—Sale and issuance. The state finance committee is authorized to prescribe the form of the bonds, the maximum rate of interest the same shall bear, the time of sale of all or any portion of them, and the conditions of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value. [1970 ex.s. c 40 § 2; 1967 ex.s. c 126 § 3.]

Reviser's note: See notes following RCW 43.99A.020.

43.99A.040 Full faith and credit of state pledged—Call prior to due date—Facsimile signatures. The bonds shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to their due date under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds. [1967 ex.s. c 126 § 4.]

43.99A.050 Disposition of proceeds of sale. The proceeds from the sale of bonds authorized by this chapter shall be deposited in the outdoor recreation account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the chapter and for payment of the expense incurred in the issuance and sale of the bonds. [1967 ex.s. c 126 § 5.]

43.99A.060 Outdoor recreational bond redemption fund of 1967—Created—Use—Sales tax revenues deposited in. The outdoor recreational bond redemption fund of 1967 is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the outdoor recreational bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except

that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1971 c 37 § 1; 1967 ex.s. c 126 § 6.]

43.99A.070 Proceeds from sale of bonds—Administration—Disposition and use. The proceeds from the sale of bonds deposited in the outdoor recreation account of the general fund under the terms of RCW 43.99A.050 shall be administered by the interagency committee for outdoor recreation. All such proceeds shall be divided into two equal shares. One share shall be allocated for the acquisition and development of outdoor recreation areas and facilities on behalf of the state as the legislature may direct by appropriation. The other share shall be allocated to public bodies as defined in RCW 43.99.020 for the acquisition and development of outdoor recreational areas and facilities within the jurisdiction of such public bodies. The interagency committee for outdoor recreation is authorized to use or permit the use of any funds derived from the sale of bonds authorized under this chapter as matching funds in any case where federal or other funds are made available on a matching basis for projects within the purposes of this chapter. [1967 ex.s. c 126 § 7.]

43.99A.080 Construction of phrase "acquisition and development of outdoor recreational areas and facilities". As used in this chapter, the phrase "acquisition and development of outdoor recreational areas and facilities" shall be liberally construed in accordance with the broad interpretation suggested by RCW 43.99A.010. It shall include, but shall not be limited to, acquisition of fee simple or any lesser interests in land, and the development of outdoor areas and facilities for either a single recreational use or multiple recreational uses. The preservation of land or water areas in an unspoiled or undeveloped state shall be among the alternatives permissible under this chapter. [1967 ex.s. c 126 § 8.]

43.99A.090 Legislature may provide additional means for payment of bonds. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment. [1967 ex.s. c 126 § 9.]

43.99A.100 Bonds legal investment for funds of state and municipal corporations. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of municipal corporations. [1967 ex.s. c 126 § 10.]

43.99A.110 Referral to electorate. This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November 1968, in accordance with the provisions of section 3, Article VIII of the Constitution

of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1967 ex.s. c 126 § 11.]

Reviser's note: Chapter 43.99A RCW was adopted and ratified by the people at the November 5, 1968 general election (Referendum Bill No. 18). Governor's proclamation declaring approval of measure is dated December 5, 1968. State Constitution Art. 2 § 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

Chapter 43.101 CRIMINAL JUSTICE TRAINING COMMISSION—EDUCATION AND TRAINING STANDARDS BOARDS

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43.101.010 Definitions. When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any employee or volunteer of any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer

powers, the primary function of which is the implementation of specialized subject matter areas.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) The term "judicial personnel" means any judge, employee, or volunteer of any municipal, district, or superior court and any justice, employee, or volunteer of the state appellate court or the state supreme court. [1974 1st ex.s. c 94 § 1.]

43.101.020 Commission created—Purpose. There is hereby created and established a state commission to be known and designated as the Washington state criminal justice training commission.

The purpose of such commission shall be to provide programs and standards for the training of criminal justice personnel. [1974 1st ex.s. c 94 § 2.]

43.101.030 Membership. The commission shall consist of eleven members, who shall be selected as follows:

(1) The governor shall appoint two incumbent sheriffs and two incumbent chiefs of police.

(2) The governor shall appoint one person employed in a county correctional system and one person employed in the state correctional system.

(3) The governor shall appoint one incumbent county prosecuting attorney or municipal attorney.

(4) The governor shall appoint one incumbent superior or district court judge.

(5) The governor shall appoint one elected official of a local government.

(6) The two remaining members shall be:

(a) The attorney general; and

(b) The special agent in charge of the Seattle office of the federal bureau of investigation. [1974 1st ex.s. c 94 § 3.]

43.101.040 Terms of members—Vacancies. All members appointed to the commission by the governor shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth: *Provided*, That of the members first appointed three shall be appointed for two year terms, three shall be appointed for four year terms, and three shall be appointed for six year terms: *Provided, further*, That the terms of the two members appointed as incumbent police chiefs shall not expire in the same year nor shall the terms of the two members appointed as representing correctional systems expire in the same year nor shall the terms of the two members appointed as incumbent sheriffs expire in the same year. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is to succeed. Any member may be reappointed for additional terms. [1974 1st ex.s. c 94 § 4.]

43.101.050 Cessation of membership upon termination of office or employment. Any member of the commission appointed pursuant to RCW 43.101.030 as an incumbent official or as an employee in a correctional system, as the case may be, shall immediately upon the termination of his holding of said office or employment, cease to be a member of the commission. [1974 1st ex.s. c 94 § 5.]

43.101.060 Chairman and vice chairman—Quorum—Meetings. The commission shall elect a chairman and a vice chairman from among its members. Six members of the commission shall constitute a quorum. The governor shall summon the commission to its first meeting.

Meetings may be called by the chairman and shall be called by him upon the written request of five members. [1974 1st ex.s. c 94 § 6.]

43.101.070 Reimbursement of travel expenses—Per diem. Members of the commission shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties and shall receive a per diem allowance as provided by chapter 43.03 RCW. Attendance at meetings of the commission shall be deemed performance by a member of the duties of his employment. [1974 1st ex.s. c 94 § 7.]

43.101.080 Commission powers and duties—Rules and regulations. The commission shall have all of the following powers:

(1) To meet at such times and places as it may deem proper;

(2) To adopt any rules and regulations as it may deem necessary;

(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;

(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;

(6) To select and employ an executive director, and to empower him to perform such duties and responsibilities as it may deem necessary;

(7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;

(8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;

(9) To establish and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel: *Provided*, That the commission shall not have the power to invest any moneys received by it from any source for the purchase or lease of a training facility without prior approval of the legislature;

(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, innovative, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the Administrative Procedure Act, chapter 34.04 RCW, and the Open Public Meetings Act, chapter 42.30 RCW. [1974 1st ex.s. c 94 § 8.]

43.101.090 Training standards and education boards—Created and established—Purposes. (1) There are hereby created and established training standards and education boards to be known and designated as (a) the board on law enforcement training standards and education, (b) the board on prosecutor training standards and education, (c) the board on correctional training standards and education, and (d) the board on judicial training standards and education.

(2) The purpose of the board on law enforcement training standards and education shall be to provide programs and standards for the training and education of law enforcement personnel.

(3) The purpose of the board on prosecutor training standards and education shall be to provide programs and standards for the training and education of county prosecuting attorneys, municipal attorneys, and attorneys who are engaged primarily in the defense of persons charged with offenses.

(4) The purpose of the board on correctional training standards and education shall be to provide programs and standards for the training and education of correctional personnel.

(5) The purpose of the board on judicial training standards and education shall be to provide programs and standards for the training and education of judicial personnel. [1974 1st ex.s. c 94 § 9.]

43.101.100 Training standards and education boards—Members. (1) The board on law enforcement training standards and education shall consist of eleven members, who shall be appointed by the governor from incumbent law enforcement personnel. Two members shall be from police departments of cities having a population in excess of one hundred thousand and of whom one shall be a police chief, two members shall be from police departments of cities having a population of less than one hundred thousand and of whom one shall be a police chief, two members shall be from sheriffs' departments of class AA or A counties and of whom one shall be a sheriff, two members shall be from sheriffs' departments of counties less than class A and of whom one shall be a sheriff, one member shall represent the community colleges of the state, one member shall represent the four-year colleges and universities, and the final member shall be the chief of the state patrol.

(2) The board on prosecutor training standards and education shall consist of eleven members, who shall be appointed by the governor from incumbent county prosecuting attorneys, municipal attorneys, and attorneys who are engaged primarily in the defense of persons charged with offenses. Three members shall be from county prosecuting attorneys' offices, three members shall be from municipal attorneys' offices, three members shall be attorneys who are primarily engaged in the defense of persons charged with offenses, and two members shall be professors of law, and not from the same college or university.

(3) The board on correctional training standards and education shall consist of eleven members, who shall be appointed by the governor from incumbent correctional personnel. Three members shall be employed in the state correctional system, three members shall be employed in county correctional systems, three members shall be employed in the juvenile correctional system, one member shall represent the community colleges of the state, and one member shall represent the four-year colleges and universities.

(4) The board on judicial training standards and education shall consist of nine members, who shall be appointed by the chief justice of the state supreme court from incumbent judicial personnel. One member shall be an incumbent justice of the supreme court, one member shall be an incumbent judge of the appellate court, three members shall be incumbent judges of superior courts, two members shall be incumbent judges of district courts, one member shall be an incumbent judge of a municipal court, and one member shall be an incumbent court administrator. [1974 1st ex.s. c 94 § 10.]

43.101.110 Training standards and education boards—Terms—Vacancies. All members of each of the training standards and education boards as set forth in RCW 43.101.100 shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth: *Provided*, That of the members first appointed, three shall serve for terms of two years, four shall serve for terms of four years, and four shall serve for terms of six years: *Provided further*, That of

the members of the board on judicial training standards and education first appointed, three shall serve for terms of two years, three shall serve for terms of four years, and three shall serve for terms of six years. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is to succeed. Any member may be reappointed for additional terms. [1974 1st ex.s. c 94 § 11.]

43.101.120 Training standards and education boards—Cessation of membership upon termination of office or employment. Any member of the training standards and education boards appointed pursuant to RCW 43.101.100 as an incumbent official or because of his employment, shall immediately upon the termination of his holding of said office or employment, cease to be a member of a training standards and education board. [1974 1st ex.s. c 94 § 12.]

43.101.130 Training standards and education boards—Chairman and vice chairman—Meetings—Quorum. Each training standards and education board shall elect a chairman and vice chairman from among its members. A simple majority of the members of a training standards and education board shall constitute a quorum. The commission shall summon each of the training standards and education boards to its first meeting. [1974 1st ex.s. c 94 § 13.]

43.101.140 Training standards and education boards—Per diem—Travel expenses. Members of the training standards and education boards shall receive a per diem allowance as provided by chapter 43.03 RCW and reimbursement for actual and necessary travel expenses incurred in the performance of their duties. Attendance at meetings of a training standards and education board shall be deemed performance by a member of the duties of his employment. [1974 1st ex.s. c 94 § 14.]

43.101.150 Training standards and education boards—Powers—Reports. The training standards and education boards shall have all of the following powers:

- (1) To meet at such times and places as they may deem proper;
- (2) To adopt rules and regulations as to the conduct of their business as deemed necessary by each board;
- (3) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, or city government, and commissions affected by or concerned with the business of the commission;
- (4) To do any and all things necessary or convenient to enable them fully and adequately to perform their duties and to exercise the power granted to them;
- (5) To advise the commission of the training and education needs of criminal justice personnel within their specific purview;
- (6) To recommend to the commission standards for the training and education of criminal justice personnel within their specific purview;

(7) To recommend to the commission minimum curriculum standards for all training and education programs conducted for criminal justice personnel within their specific purview;

(8) To recommend to the commission standards for instructors of training and education programs for criminal justice personnel within their specific purview;

(9) To recommend to the commission alternative, innovative, and interdisciplinary training and education techniques for criminal justice personnel within their specific purview;

(10) To review and recommend to the commission the approval of training and education programs for criminal justice personnel within their specific purview;

(11) To monitor and evaluate training and education programs for criminal justice personnel within their specific purview.

Each training standards and education board shall report to the commission at the end of each fiscal year on the effectiveness of training and education programs for criminal justice personnel within its specific purview. [1974 1st ex.s. c 94 § 15.]

43.101.160 Training standards and education boards—Recommendations to commission—Adoption. For the purpose of raising the level of competence of criminal justice personnel, the commission shall adopt, as provided in RCW 43.101.080, rules recommended by the training standards and education boards establishing and prescribing:

(1) The requirements of minimum training and education which all criminal justice personnel appointed to probationary terms, except members of the Washington state patrol, shall complete before being eligible for certification by the commission, and the time within which basic training must be completed following such appointment to the probationary term;

(2) Categories or classifications of advanced and specialized training and education programs and minimum courses of study and attendance requirements with respect to such categories or classifications. [1974 1st ex.s. c 94 § 16.]

43.101.170 Training and education obtained at approved existing institutions. In establishing standards for training and education, the commission may, so far as consistent with the purposes of RCW 43.101.160, permit required training and education of any criminal justice personnel to be obtained at existing institutions approved for such training by the commission. [1974 1st ex.s. c 94 § 17.]

43.101.180 Priorities. The first priority of the commission shall be to provide for basic law enforcement training and education programs. In addition, the commission shall provide training programs for other criminal justice personnel. [1974 1st ex.s. c 94 § 18.]

43.101.190 Receipt of grants, funds or gifts authorized—Administration—Utilization of federal funds. The commission, or the executive director acting on its behalf, is authorized to accept, receive, disburse, and

administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies, for the purpose of carrying out the provisions of this chapter.

The services provided by the state through the establishment and maintenance of the programs of the commission are primarily intended for the benefit of the criminal justice agencies of the counties, cities, and towns of this state. To the extent that funds available to the state under the Crime Control Act of 1973 are utilized by the commission, it is the determination of the legislature that, to the maximum extent permitted by federal law, such funds as are so utilized shall be charged against that portion of United States law enforcement assistance administration funds which the state is required to make available to units of local government pursuant to section 303(a)(2) of Part C of the Crime Control Act of 1973. [1974 1st ex.s. c 94 § 19.]

43.101.900 Severability—1974 1st ex.s. c 94. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1974 1st ex.s. c 94 § 20.]

43.101.910 Transfer of appropriation—1974 1st ex.s. c 94. Any appropriation heretofore made to the law enforcement officers' training commission shall on July 24, 1974 be transferred and credited to the Washington state criminal justice training commission for the remainder of the 1973-1975 fiscal biennium to provide for the operating expenses of the commission and training standards and education boards. Whenever any question arises as to the transfer of any funds including unexpended balances within any accounts transferred under *this 1974 act, the director of the office of program planning and fiscal management shall make a determination as to the proper allocation and certify the same to the state agencies concerned. [1974 1st ex.s. c 94 § 22.]

*Reviser's note: "this 1974 act" consists of RCW 43.101.010-43.101.190, 43.101.900 and 43.101.910, and the repeal of RCW 43.100.010, 43.100.020, 43.100.030, 43.100.040, 43.100.050, 43.100.060, 43.100.070, 43.100.080, 43.100.085, 43.100.090, 43.100.100, 43.100.110, 43.100.120, 43.100.130, 43.100.140, 43.100.150, 43.100.160, 43.100.170, 43.100.900 and 43.100.910.

Chapter 43.105

DATA PROCESSING AND COMMUNICATIONS SYSTEMS

Sections

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43.105.043	Tasks to be completed within specified time periods—Progress reports by legislative budget committee.
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43.105.080 Data processing revolving fund—Created—Purposes—Sources.

43.105.900 Severability—1973 1st ex.s. c 219.

Legislative information system, data processing services for legislature, judicial and legal offices: RCW 1.08.100.

43.105.010 Purpose. It is the purpose of this chapter to provide, through the Washington state data processing authority, for the efficient and coordinated utilization of data processing equipment, techniques, and personnel to achieve optimum effectiveness and economy in collection, storage, interchange, retrieval, processing, and transmission of information; to authorize development, implementation, and maintenance of a coordinated state-wide plan for data processing and data communications systems; to achieve consolidation of automated data processing resources and centralization of control over automated data processing; and to ensure that automated data processing systems shall serve the management and other needs of the legislative, executive, and judicial branches of state and local government. [1973 1st ex.s. c 219 § 1; 1967 ex.s. c 115 § 1.]

Effective date—1967 ex.s. c 115: "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, 1967." [1967 ex.s. c 115 § 8.] This applies to chapter 43.105 RCW.

43.105.016 Legislative intent. It is the intention of the legislature that this chapter shall form the basis for the formulation of a long range state automated data processing plan to satisfy the requirements of the legislative, executive, and judicial branches of state government. Each legislative, executive, and judicial agency of state government shall study and define its automated data processing requirements in order that the plan allow for the unique requirements of each branch. All agencies of state government are required to cooperate with and support the development and implementation of this plan. To effectuate this intention, the state data processing authority shall have the authority to direct and require the submittal of data from all state agencies, including data from the state auditor, concerning local government agencies. In addition, the state auditor shall conduct a fiscal-legal audit of the completion of the tasks for the authority specified by RCW 43.105.043, and the legislative budget committee, or its successor, shall conduct a performance audit of such tasks. [1973 1st ex.s. c 219 § 2.]

43.105.020 Definitions. As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Authority" means the Washington state data processing authority created by RCW 43.105.032;

(2) "Automatic data processing" means that method of processing information using punch card (EAM) and/or electronic (EDP) equipment and includes data communication devices used in connection with automatic data processing equipment for the transmission of data;

(3) "Local government agencies" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the executive director of the authority;

(5) "State agency" means all offices, departments, agencies, institutions, and commissions of state government;

(6) "System" means an organized collection of men, machines, and methods to accomplish a specific objective;

(7) "Applications system" means a computerized system which accomplishes a specific objective (i.e., a payroll system or an inventory system). [1973 1st ex.s. c 219 § 3; 1967 ex.s. c 115 § 2.]

43.105.032 Data processing authority—Created—Composition—Expenses. There is hereby created the Washington state data processing authority consisting of eleven members appointed by the governor, and serving at his pleasure. The governor shall make such appointments within thirty days after April 25, 1973.

Members of the authority shall not be compensated for service on the authority but shall be reimbursed for subsistence, lodging, and travel expenses as provided in chapter 43.03 RCW, as now or hereafter amended.

The authority shall elect a chairman from among its members and shall appoint an executive director within sixty days after April 25, 1973, subject to confirmation by a majority vote of the senate. [1973 1st ex.s. c 219 § 5.]

Data processing advisory committee abolished, transfer of personnel, etc.: "The data processing advisory committee created by section 1, chapter 212, Laws of 1969 ex. sess. is hereby abolished. The staff of such committee and the data processing coordinator and his staff from the office of program planning and fiscal management shall be transferred to the authority, along with such records, files, data, materials, equipment, and supplies as they may possess, within ninety days of the effective date of this 1973 amendatory act." [1973 1st ex.s. c 219 § 4.]

43.105.041 Powers and duties of data processing authority. The authority shall have the following powers and duties:

(1) To study, organize, and/or develop automated data processing systems to serve interagency and intra-agency needs of state agencies, to provide services of said nature, and to require the development of interagency automated data processing systems;

(2) To examine the desirability of removing common application systems, such as the payroll application system, from the individual agencies and assigning such functions to a single state agency;

(3) To make contracts, and to hire employees and consultants necessary or convenient for the purposes of this chapter, and fix their compensation; to enter into appropriate agreements for the utilization of state agencies and, where deemed feasible by the state data processing authority, of local government agencies, and their facilities, services, and personnel in developing and coordinating plans and systems, or other purposes

of this chapter; to contract with any and all other governmental agencies for any purpose of this chapter including but not limited to mutual furnishing or utilization of facilities and services or for interagency, intergovernmental, or interstate cooperation in the field of data processing and communications;

(4) To develop and publish standards to implement the purposes of this chapter, including but not limited to standards for the coordinated acquisition and maintenance of data processing equipment and services, requirements for the furnishing of information and data concerning existing data processing systems by state offices, departments, and agencies and local government agencies, where deemed feasible by the state data processing authority, and standards and regulations to establish and maintain the confidential nature of information insofar as such confidentiality may be necessary for individual privacy and the protection of private rights in connection with data processing and communications;

(5) To purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment: *Provided*, That in exercising such authority due consideration and effect shall be given to the overall purpose of this chapter and the statutory obligations, total management, and needs of each agency: *Provided, further*, That, agencies and institutions of state government are expressly prohibited from acquiring data processing equipment without such delegation of authority. The acquisition of automatic data processing equipment is exempt, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.210;

(6) To require the consolidation of computing resources into central data processing service center or to establish central data processing service centers;

(7) To develop and maintain all state-wide or interagency data processing policies, standards, and procedures;

(8) To delegate to a single agency the responsibility for maintaining interagency applications systems;

(9) To provide to state agencies such automatic data processing technical training as is necessary or convenient to implement standardization of automatic data processing techniques;

(10) To carry out the tasks assigned in RCW 43.105-.043 and to report periodically and as requested by the legislature to the legislature on its progress;

(11) To enact such rules and regulations as may be necessary to carry out the purposes of this chapter. [1973 1st ex.s. c 219 § 6.]

43.105.043 Tasks to be completed within specified time periods—Progress reports by legislative budget committee. The authority shall complete the following tasks within the number of days after April 25, 1973 allotted for each task contingent upon the funding of the authority:

(1) Task 1: Preparation of an organization and staffing plan; to be accomplished within one hundred five days;

(2) Task 2: Staffing of the authority; consisting of the transfer of the data processing advisory committee's staff and the data processing coordinator and his staff to the authority within ninety days; and additional staffing to be accomplished within one hundred fifty days;

(3) Task 3: Formulation, publication, and implementation of automatic data processing language standards; to be accomplished within two hundred forty days;

(4) Task 4: Formulation and implementation of standards for resources utilization reporting, including hardware, software, and personnel; to be accomplished within two hundred seventy days;

(5) Task 5: Formulation and implementation of system development standards; to be accomplished within two hundred seventy days;

(6) Task 6: Evaluation of (a) the regional educational computer network study authorized by the council of presidents of the institutions of higher education and (b) the comprehensive plan for computing in the community colleges adopted by the board of community college education; both to be accomplished within three hundred days;

(7) Task 7: Development of a short range resource plan, including a supplemental budget request; to be accomplished within three hundred days;

(8) Task 8: Formulation of agency requirements reporting standards; to be accomplished within three hundred thirty days;

(9) Task 9: Taking inventory of local government automated data processing resources; to be accomplished within three hundred thirty days;

(10) Task 10: Presentation of a preliminary report on the status of automated data processing of the institutions of higher education and of Olympia based state agencies with recommendations for consolidation of such resources of the Olympia based state agencies; to be accomplished within three hundred thirty days;

(11) Task 11: Presentation of a progress report on the definition of standard common business identifiers; to be accomplished within three hundred sixty days;

(12) Task 12: Presentation of a report on policies and procedures for confidentiality and privacy of data; to be accomplished within three hundred sixty days;

(13) Task 13: Presentation of a preliminary progress report to the governor and to the legislature; to be accomplished within three hundred sixty days;

(14) Task 14: Summarization of consolidated agencies and institutions automated data processing requirements; to be accomplished within three hundred ninety days;

(15) Task 15: Presentation of a budget plan and request for the 1975-1977 fiscal biennium; to be accomplished within four hundred eighty days;

(16) Task 16: Development of an internal performance measurement and auditing system; to be accomplished within five hundred ten days;

(17) Task 17: Development of a standard plan for data center operation; to be accomplished within five hundred forty days;

(18) Task 18: Definition of common application systems; to be accomplished within five hundred forty days; and

(19) Task 19: Transmittal to the governor and to the legislature, a Washington state comprehensive data processing plan, which includes the recommended organization of all data processing related functions, a recommendation whether the authority should be phased out and all state data processing functions transferred to a single state agency, and development of an orderly plan for implementation of such recommendations; to the governor to be accomplished within five hundred seventy-five days. The legislative budget committee shall report to the legislature ten days prior to the first legislative session in 1974 and yearly thereafter regarding the progress being made by the authority in fulfilling the mandates and directives of this chapter. [1973 1st ex.s. c 219 § 7.]

43.105.045 Executive director—Responsibility—Staff—Salary. The executive director of the authority shall be responsible for carrying into effect the authority's orders and rules and regulations. The director shall also be authorized to employ such staff as is necessary, including but not limited to two assistant executive directors and a confidential secretary. The director shall be paid such salary as shall be deemed reasonable by the state committee on salaries. [1973 1st ex.s. c 219 § 8.]

43.105.050 Distribution of costs—Utilization of services of department of general administration. In order to facilitate proper distribution of the costs of automatic data processing equipment and services, the services of the department of general administration, and its division of purchasing, central stores and central stores revolving fund may be utilized to facilitate such purchasing or contracting and apportioning of costs. [1967 ex.s. c 115 § 5.]

Division of purchasing, central stores: RCW 43.19.190-43.19.1939.

43.105.060 Contracts by state and local agencies with authority. State and local government agencies are authorized to enter into any contracts with the authority or its successor which may be necessary or desirable to effectuate the purposes and policies of this chapter or for maximum utilization of facilities and services which are the subject of this chapter. [1973 1st ex.s. c 219 § 9; 1967 ex.s. c 115 § 6.]

43.105.070 Confidential or privileged information. This chapter shall in no way affect or impair any confidence or privilege imposed by law. Confidential or privileged information shall not be subject to submittal to the common data bank: *Provided*, That where statistical information can be derived from such classified material without violating any such confidence, the submittal of such statistical material may be required. [1969 ex.s. c 212 § 4.]

43.105.080 Data processing revolving fund—Created—Purposes—Sources. For the purposes of distributing and apportioning the full cost of data processing and data communication to its users and for the purpose of extending the useful life of state owned data processing and data communication equipment, and for such other purposes as may be necessary or convenient to carry out the purposes of this chapter, there is hereby created within the state treasury a revolving fund to be known as the "data processing revolving fund" which shall be used for the acquisition of data processing and data communication services, supplies and equipment handled or rented by the Washington state data processing authority or under its authority by any Washington state data processing service center designee, and the payment of salaries, wages and other costs incidental to the acquisition, operation and administration of acquired data processing services, supplies and equipment. The data processing revolving fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment and services rendered to governmental agencies. The data processing moneys presently held in, or hereafter accruing to, the present central stores revolving fund created by RCW 43.19.1923 are hereby transferred to the data processing revolving fund created by this section. As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and *43.19.210. [1974 1st ex.s. c 129 § 1.]

*Reviser's note: RCW 43.19.210 was repealed by 1967 ex.s. c 104 § 7.

43.105.900 Severability—1973 1st ex.s. c 219. If any provision of this 1973 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. [1973 1st ex.s. c 219 § 10.]

Chapter 43.110

MUNICIPAL RESEARCH COUNCIL

Sections

43.110.010 Council created—Membership—Terms—Compensation.

43.110.020 Transmission of funds to council from general fund for allocation—Contracts—Purposes.

43.110.010 Council created—Membership—Terms—Compensation. There shall be a state agency which shall be known as the municipal research council. The council shall be composed of twelve members. Two members shall be appointed by the president of the senate, one from each of the two major political parties; two members shall be appointed by the speaker of the house of representatives, one from each of the two major political parties; one member shall be appointed by the governor, and the other seven members, who shall be city officials, shall be appointed by the board of directors of the Association of Washington Cities. Of the members appointed by the association, at least one

shall be an official of a city having a population of twenty thousand or more; at least one shall be an official of a city having a population of one thousand five hundred to twenty thousand; and at least one shall be an official of a town having a population of less than one thousand five hundred.

No members shall be appointed by the speaker of the house of representatives until the second Monday in January, 1971, and no members shall be appointed by the president of the senate until the second Monday in January, 1973. In the meantime the governor shall appoint two additional members, one from each of the two major political parties, and the municipal research council shall consist of ten members only during such interim period until January, 1971.

The terms of members shall be for two years and shall not be dependent upon continuance in legislative or city office. Vacancies shall be filled in the same manner as original appointments were made. The first members shall be appointed on or before July 31, 1969, and shall take office August 1, 1969. The terms of all members except legislative members shall commence on the first day of August in every odd-numbered year. The speaker of the house of representatives and the president of the senate shall make their appointments on or before the third Monday in January in each odd-numbered year, and the terms of the members thus appointed shall commence on the third Monday of January in each odd-numbered year. The terms of the two interim members appointed by the governor shall expire on the third Monday of January in each odd-numbered year until January, 1973, when they shall not be renewed. Certificates of appointment of all members shall be filed in the offices of the association within ten days after the appointments are made. The initial meeting of the council shall be held on or before September 1, 1969, and shall be called by the member who is an official of a city having a population of at least twenty thousand who shall act as a temporary chairman. At such first meeting, the council shall elect a chairman and a vice chairman and appoint a secretary.

Council members shall receive no compensation but shall be reimbursed from the municipal research account for travel expense and subsistence at rates provided by law for state officials generally: *Provided*, That members of the council who are also members of the legislature shall be reimbursed from such account at the rates provided by RCW 44.04.120. None of the funds derived herein from motor vehicle excise taxes shall be used for any other expenses of the council. [1969 c 108 § 2.]

Severability—Effective date—1969 c 108: See notes following RCW 82.44.160.

43.110.020 Transmission of funds to council from general fund for allocation—Contracts—Purposes. See RCW 82.44.160.

Chapter 43.115

STATE COMMISSION ON MEXICAN-AMERICAN AFFAIRS

Sections

43.115.010	Legislative declaration.
43.115.020	Commission created.
43.115.030	Membership—Terms—Vacancies—Per diem—Quorum.
43.115.040	Officers and employees—Rules and regulations.
43.115.050	Duties—Advisory council.
43.115.060	Relationships with local government and private industry.
43.115.900	Severability—1971 ex.s. c 34.

43.115.010 Legislative declaration. The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that Mexican-Americans and other Spanish speaking Americans have unique and special problems. It is the purpose of this chapter to improve the well-being of Mexican-Americans and other Spanish speaking Americans by insuring their participation in the fields of government, business, and education. The legislature further finds that it is necessary to aid Mexican-Americans and other Spanish speaking Americans in obtaining governmental services in order to promote the health, safety and welfare of all the residents of this state. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter. [1971 ex.s. c 34 § 1.]

43.115.020 Commission created. There is created a Washington state commission on Mexican-American affairs. [1971 ex.s. c 34 § 2.]

43.115.030 Membership—Terms—Vacancies—Per diem—Quorum. (1) The commission shall consist of eleven members appointed by the governor with the advice and consent of the senate. The membership shall include:

- (a) Two members from workers in the agricultural field;
- (b) Two members from the general populace of the Spanish speaking population;
- (c) One member from the field of education;
- (d) One member from professional services; and
- (e) One member from among elected trade union officials;
- (f) Four members from the Mexican-American community in the state.

(2) The members shall hold office commencing July 1, 1971 for four years and until their successors are chosen and qualified. Four of the initial appointees shall be appointed for two-year terms and three shall be appointed for four-year terms. Vacancies shall be filled in the same manner as the original appointments.

(3) Members shall receive twenty-five dollars per diem for each day or major portion thereof plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

(4) Six members of the commission shall constitute a quorum for the purpose of conducting business. [1971 ex.s. c 34 § 3.]

43.115.040 Officers and employees—Rules and regulations. The commission shall:

- (1) Elect one of its members to serve as chairman;
- (2) Appoint a full time executive secretary;
- (3) Appoint a staff who shall be state employees pursuant to Title 41 RCW; and
- (4) Adopt rules and regulations pursuant to chapter 34.04 RCW. [1971 ex.s. c 34 § 4.]

43.115.050 Duties—Advisory council. (1) The commission shall advise state departments and agencies regarding appropriate action to be taken to help assure that state programs are providing the assistance needed by Mexican-Americans and other Spanish speaking Americans.

(2) The commission shall further advise such departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Mexican-Americans and other Spanish speaking Americans.

(3) Each state department and agency shall appoint one staff member to an interagency advisory council on Mexican-American affairs. The advisory council shall give technical assistance to the commission in order that the commission may carry out the purposes of this chapter. [1971 ex.s. c 34 § 5.]

43.115.060 Relationships with local government and private industry. In carrying out its duties the commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity for Mexican-Americans in government, education and employment. [1971 ex.s. c 34 § 6.]

43.115.900 Severability—1971 ex.s. c 34. If any provision of this 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. [1971 ex.s. c 34 § 7.]

Chapter 43.117

STATE COMMISSION ON ASIAN-AMERICAN AFFAIRS

Sections

43.117.010	Legislative declaration.
43.117.020	Definitions.
43.117.030	Commission established.
43.117.040	Membership—Terms—Vacancies—Per diem—Quorum—Executive director.
43.117.050	Officers—Rules and regulations—Meetings.
43.117.060	Staff.
43.117.070	Duties of commission—State agencies to give assistance.
43.117.080	Promotion of equal opportunity and benefits.
43.117.090	Hearings—Information to be furnished to commission.
43.117.100	Gifts, grants and endowments—Receipt and expenditure.

43.117.900 Severability—1974 1st ex.s. c 140.

43.117.910 Expiration of chapter.

43.117.010 Legislative declaration. The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that Asian-Americans have unique and special problems. It is the purpose of this chapter to improve the well-being of Asian-Americans by insuring their participation in the fields of government, business, and education. The legislature further finds that it is necessary to aid Asian-Americans in obtaining governmental services in order to promote the health, safety, and welfare of all the residents of this state. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter. [1974 1st ex.s. c 140 § 1.]

43.117.020 Definitions. As used in this chapter unless the context indicates otherwise:

(1) "Asian-Americans" include persons primarily of Japanese, Chinese, Filipino, or Korean ancestry; "Asian-Americans" also include persons of Samoan, Guamanian, Thai, Viet-Nameese, other Far East or South East Asian and Pacific Island ancestry.

(2) "Commission" means the Washington state commission on Asian-American affairs in the office of the governor. [1974 1st ex.s. c 140 § 2.]

43.117.030 Commission established. There is established a Washington state commission on Asian-American affairs in the office of the governor. The now existing Asian-American advisory council shall become the commission upon enactment of this chapter. The council may transfer all office equipment, including files and records to the commission. [1974 1st ex.s. c 140 § 3.]

43.117.040 Membership—Terms—Vacancies—Per diem—Quorum—Executive director.

(1) The commission shall consist of twenty-four members appointed by the governor with the advice and consent of the senate. In making such appointments, the governor shall give due consideration to recommendations submitted to him by the commission. The governor may also consider nominations of members made by the various Asian-American organizations in the state. The governor shall consider nominations for membership based upon maintaining a balanced distribution of Asian-ethnic, geographic, sex, age, and occupational representation, where practicable.

(2) The currently serving Asian-American advisory council members shall serve out their original terms which commenced on July 1, 1972, as follows: Seven to serve one year; seven to serve two years; and six to serve three years. Upon expiration of said original terms, subsequent appointments shall be for three years except in case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. Vacancies shall be filled in the same manner as the original appointments.

(3) Members shall receive twenty-five dollars per diem for each day or major portion thereof plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

(4) Sixty percent of the membership plus one shall constitute a quorum for the purpose of conducting business.

(5) The governor shall appoint an executive director based upon recommendations made by the council. [1974 1st ex.s. c 140 § 4.]

43.117.050 Officers—Rules and regulations—Meetings. The commission shall:

(1) Elect one of its members to serve as chairman; and also such other officers as necessary to form an executive committee;

(2) Adopt rules and regulations pursuant to chapter 34.04 RCW;

(3) Meet at the call of the chairman or the call of a majority of its members, but in no case less often than once during any three month period;

(4) Be authorized to appoint such citizen task force as it deems appropriate. [1974 1st ex.s. c 140 § 5.]

43.117.060 Staff. The executive director shall employ a staff who shall be state employees pursuant to Title 41 RCW and prescribe their duties as may be necessary to implement the purposes of this chapter. [1974 1st ex.s. c 140 § 6.]

43.117.070 Duties of commission—State agencies to give assistance. (1) The commission shall examine and define issues pertaining to the rights and needs of Asian-Americans, and make recommendations to the governor and state agencies with respect to desirable changes in program and law.

(2) The commission shall further advise such state government agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Asian-Americans.

(3) Each state department and agency shall provide appropriate and reasonable assistance to the commission as needed in order that the commission may carry out the purposes of this chapter. [1974 1st ex.s. c 140 § 7.]

43.117.080 Promotion of equal opportunity and benefits. In carrying out its duties, the commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity and benefits to Asian-Americans in government, education, economic development, employment, and services. [1974 1st ex.s. c 140 § 8.]

43.117.090 Hearings—Information to be furnished to commission. (1) The commission may for the purpose of carrying out the purposes of this chapter hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the

commission may deem advisable. The commission may administer oaths or affirmations to witnesses appearing before it. At least five members of the commission must be present to conduct a hearing.

(2) The commission may secure directly from any department or agency of the state information necessary to enable it to carry out the purposes of this chapter. Upon request of the chairman of the commission, the head of such department or agency shall furnish such information to the commission. [1974 1st ex.s. c 140 § 9.]

43.117.100 Gifts, grants and endowments—Receipt and expenditure. The commission shall have authority to receive such gifts, grants, and endowments from public or private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the commission and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments. [1974 1st ex.s. c 140 § 10.]

43.117.900 Severability—1974 1st ex.s. c 140. If any provision of this 1974 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. [1974 1st ex.s. c 140 § 11.]

43.117.910 Expiration of chapter. This chapter shall expire automatically on June 30, 1977, unless such expiration date be removed or extended by subsequent action of the legislature. [1974 1st ex.s. c 140 § 14.]

Chapter 43.125 AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Sections

- 43.125.010 Commission created—Membership—Compensation—Expenses.
- 43.125.020 Powers and duties—Reports.
- 43.125.030 Consultation with other agencies, institutions and organizations—Cooperation enjoined.
- 43.125.040 Official Washington state commemoration medal.
- 43.125.050 Donations—Property—Expenditures.
- 43.125.900 Termination of commission.

43.125.010 Commission created—Membership—Compensation—Expenses. (1) There is hereby created the American revolution bicentennial commission composed of:

- (a) The director of the Washington state historical society or his designee, who shall serve as chairman of the commission;
- (b) The director of the department of commerce and economic development or his designee;
- (c) The secretary of state or his designee;
- (d) The director of the state parks and recreation commission or his designee;
- (e) The state librarian or his designee;
- (f) The executive coordinator of the council on higher education or his designee;
- (g) The superintendent of public instruction or his designee;

(h) Two members of the senate, not of the same political party, appointed by the president of the senate;

(i) Two members of the house of representatives, not of the same political party, to be selected by the speaker of the house;

(j) Fourteen citizens of the state, to be appointed by the governor; and

(k) Any additional persons recommended by the commission to assist in its work and appointed by the governor, and any others he deems necessary, to serve as honorary members.

(2) The members of the commission shall serve without compensation: *Provided*, That each member designated in subsection (1)(j) may receive as compensation twenty-five dollars for each day or portion thereof that he is engaged in official business of the commission, and in addition thereto may be reimbursed for necessary expenses incurred while on official business of the commission in accordance with the provisions of RCW 43.03.050 and 43.03.060. [1972 ex.s. c 76 § 1.]

43.125.020 Powers and duties—Reports. (1) The commission shall prepare a comprehensive program for commemorating the bicentennial of the American revolution in Washington state and plan, encourage, develop, and coordinate observances and activities commemorating the historic events that are associated with the American revolution.

(2) In preparing its plans and program, the commission shall consider any related plans and programs developed by the national American revolution bicentennial commission and local and private groups, and it may designate special committees with representatives from such bodies to plan, develop, and coordinate such activities.

(3) In all planning, the commission shall give special emphasis to the ideas associated with the American revolution and to the involvement of local citizens, communities and areas so that the people of the state may, to the greatest practical extent, serve as participants in, rather than merely as observers of the commemoration.

(4) The commission shall submit an annual report to the governor on the 1st of January incorporating its specific recommendations for the commemoration of the American revolution bicentennial and related events. The report may recommend activities including, but not limited to:

(a) The production, publication and distribution of books, pamphlets, films, and other educational materials on the history, culture, and political thought of the period of the American revolution;

(b) Bibliographical and documentary projects and publications;

(c) Conferences, convocations, lectures, seminars, and other programs;

(d) The development of libraries, museums, historic sites, and exhibits, including mobile exhibits;

(e) Ceremonies and celebrations commemorating specific events; and

(f) Programs and activities on the national and international significance of the American revolution and its implications for present and future generations.

(5) The annual report of the commission shall include recommendations for the allocation of financial and administrative responsibility among the public and private authorities and organizations recommended for participation by the commission. The report shall also include proposals for such legislation and administrative action as the commission considers necessary to carry out its recommendations. The governor shall transmit the commission's report to the legislature, together with any comments and recommendations for legislation and a report of such administrative actions as may be taken by him. [1972 ex.s. c 76 § 2.]

43.125.030 Consultation with other agencies, institutions and organizations—Cooperation enjoined. (1) In fulfilling its responsibilities, the commission shall consult, cooperate with, and seek advice from appropriate state departments and agencies, local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations. State departments and agencies may cooperate with the commission in planning, encouraging, developing, and coordinating appropriate commemorative activities.

(2) The commission shall determine if there are any sites within the state which are appropriate for preservation or development in such a manner as to ensure that fitting observances and exhibits commemorating the American revolution may be held at such sites during the bicentennial celebration.

(3) The president of each state college and university shall cooperate with the commission, especially in the encouragement, coordination, and publicity of scholarly works and presentations on the history, culture, political thought, and commemoration of the American revolution.

(4) The state librarian, the director of the state historical society, the director of the eastern Washington historical society, the director of the state capitol historical association, the executive director of the arts commission, and the director of the department of general administration shall cooperate with the commission, especially in the development and display of exhibits and collections and in the development of bibliographies, catalogs, and other materials relevant to the period of the American revolution. [1972 ex.s. c 76 § 3.]

43.125.040 Official Washington state commemoration medal. (1) The commission is authorized to provide for the striking of an official Washington state medal in commemoration of the two hundredth anniversary of American independence. Such medal shall have suitable emblems, devices, and inscriptions and be in such size and metals as the commission may determine, in consultation with the national American revolution bicentennial commission in order to assure that the Washington state medal conforms with the medals of the other states and will result in an official matching set of such state medals according to criteria set by the national American revolution bicentennial commission.

(2) The commission shall determine the quantity of medals to be produced, including reorders as deemed necessary. The commission shall also arrange for the sale of the medals and their sales price. Receipts in excess of production and distribution costs shall be exclusively available to the commission for its general purposes. [1972 ex.s. c 76 § 4.]

43.125.050 Donations—Property—Expenditures. (1) The commission may accept donations of money, personal property, or personal services.

(2) All property acquired by the commission shall be deposited for preservation in federal, state, or local libraries or museums or otherwise disposed of in consultation with the state librarian, the director of the Washington state historical society, the director of the eastern Washington state historical society, the director of the state capitol historical association, and the director of the department of general administration.

(3) All money donated to the commission shall be deposited with the state treasurer and shall be exclusively available to the commission. All expenditures of the commission shall be by warrant of the state treasurer on vouchers of the chairman of the commission in accordance with budgets approved by the office of program planning and fiscal management. [1972 ex.s. c 76 § 5.]

43.125.900 Termination of commission. The commission shall be abolished on January 1, 1984. [1972 ex.s. c 76 § 7.]

Chapter 43.126 GEOGRAPHIC NAMES

Sections

43.126.010	Purposes.
43.126.020	State board on geographic names—Created—Members—Chairman.
43.126.030	State board on geographic names—Powers and duties.
43.126.040	Policies—Criteria.
43.126.050	Adoption of names—Procedure—Effect.
43.126.060	Meetings—Rules and regulations—Publication of names adopted.
43.126.070	Expenses of members.
43.126.080	Naming geographic features without board approval prohibited.

43.126.010 Purposes. The purposes of this chapter are: To establish a procedure for the retention and formal recognition of existing names; to standardize the procedures for naming or renaming geographical features within the state of Washington; to identify one body as the responsible agent to coordinate this important activity between local, state and federal agencies; to identify the responsible agent for the purpose of serving the public interest; to avoid whenever possible the duplication of names for similar features, and so far as possible retain the significance, spelling and color of names associated with the early history of Washington. [1973 1st ex.s. c 178 § 1.]

43.126.020 State board on geographic names—Created—Members—Chairman. There is hereby created a Washington state board on geographic names. It shall be composed of the:

- (1) State librarian or representative;
- (2) Commissioner of public lands or representative;
- (3) President of the Washington state historical society;
- (4) Chairman of the department of geography, University of Washington or representative;
- (5) Chairman of the department of geography, Washington State University or representative;
- (6) Two members from the general public to be appointed by and serve at the pleasure of the commissioner of public lands;
- (7) The commissioner of public lands or his representative shall be chairman of the board. [1973 1st ex.s. c 178 § 2.]

43.126.030 State board on geographic names—Powers and duties. It shall be the duty of the Washington state board on geographic names and it shall have the power and authority to:

- (1) Establish the official names for the lakes, mountains, streams, places, towns, and other geographic features within the state and the spellings thereof except when a name is specified by law. For the purposes of this subsection geographic features do not include man-made features or administrative areas such as parks, game preserves and dams, but shall include manmade lakes;
- (2) Assign names to lakes, mountains, streams, places, towns, and other geographic features in the state for which no single generally accepted name has been in use;
- (3) Cooperate with county commissioners, state departments and agencies and with the United States board on geographic names to establish, change and/or determine the appropriate names of the lakes, mountains, streams, places, towns, and other geographic features; and for the purpose of eliminating, so far as possible, duplication of place names within the state;
- (4) Serve as a state of Washington liaison with the United States board on geographic names;
- (5) Issue periodically a list of names approved by the board. [1973 1st ex.s. c 178 § 3.]

43.126.040 Policies—Criteria. The board is authorized to establish policies to carry out the purposes of this chapter. In determining the names and orthography of geographic place names within the state of Washington, the board's decisions shall be made only after a careful consideration of all available information relating to such names, including the recommendations of the United States board on geographic names to which board it shall give full cooperation. [1973 1st ex.s. c 178 § 4.]

43.126.050 Adoption of names—Procedure—Effect. Adoption of names by the board shall take place only after consideration at a previous meeting. All determinations of the board shall be filed with the code

reviser and shall be compiled and indexed in the same manner as agency rules pursuant to RCW 34.04.050. Determinations by the board shall not be considered a rule under provisions of RCW 34.04.010. Whenever the state board on geographic names shall have given a name to any lake, stream, place and other geographic feature within the state, such name shall be used in all maps, records, documents and other publications issued by the state or any of its departments and political subdivisions, and such name shall be deemed the official name of such geographic feature. [1973 1st ex.s. c 178 § 5.]

43.126.060 Meetings—Rules and regulations—Publication of names adopted. The board shall hold at least two regular meetings each year, and shall hold special meetings as called by the chairman or a majority of the board.

- (1) All meetings shall be open to the public;
- (2) Public notice of board meetings shall be published in one issue of a local newspaper of general circulation in the counties in which features are being considered at least one week before the meeting is held. This notice will include those names to be considered by the board and those names to be adopted by the board;
- (3) Four board members shall constitute a quorum;
- (4) The board shall establish rules and regulations for the conduct of its affairs and carrying out the purposes of this chapter;
- (5) The department of natural resources shall furnish secretarial and administrative services and shall serve as custodian of the records;
- (6) All geographic names adopted by the board shall be published in a local newspaper of general circulation in the county where the geographic name applies within four weeks following the date of their adoption. [1973 1st ex.s. c 178 § 6.]

43.126.070 Expenses of members. Each member of the board, not otherwise a public employee, shall receive actual necessary traveling and other expenses incurred in the discharge of their duties which shall be paid by the agency that each member represents and, for the two members of the general public, by the department of natural resources. In no event shall a member's payments exceed five hundred dollars in any one year. [1973 1st ex.s. c 178 § 7.]

43.126.080 Naming geographic features without board approval prohibited. No person shall in any advertisement or publication attempt to change local usage or name unnamed geographic features without first obtaining approval of the board. [1973 1st ex.s. c 178 § 8.]

Chapter 43.130 ECONOMIC IMPACT ACT—CLOSING OF STATE FACILITIES

Sections	
43.130.010	Purpose.
43.130.020	Definitions.
43.130.030	Excluded employment and employees.

- 43.130.040 Benefits.
- 43.130.050 Eligibility—Conditions.
- 43.130.060 Reimbursement of public employees' retirement system.
- 43.130.900 Severability—1973 2nd ex.s. c 37.
- 43.130.910 Emergency—Operative dates—Termination of benefits.

43.130.010 Purpose. When either for fiscal reasons, obsolescence or other extraordinary reasons, it becomes necessary to close a state facility, as defined by RCW 43.130.020(2), the state has a responsibility to provide certain benefits to affected employees.

It is the purpose of this chapter to establish an economic impact act for the state of Washington to meet the emergency situation now in existence for state employees affected by the closure of state facilities, as defined in RCW 43.130.020. [1973 2nd ex.s. c 37 § 1.]

43.130.020 Definitions. For purposes of this chapter:

(1) "Employees" includes those persons performing services for the state on a salaried or hourly basis including, but not limited to, persons in "classified service" as defined in RCW 41.06.020(3) and those persons defined as exempt from the state civil service laws pursuant to RCW 41.06.070.

(2) The term "closure of a state facility" means the termination of services being provided by a facility operated by the department of social and health services or in conjunction with the department of natural resources, when such facility is terminated for fiscal reasons, obsolescence, or other extraordinary reasons.

(3) "Classified employees" means those employees performing classified service as defined in RCW 41.06.020(3). [1973 2nd ex.s. c 37 § 2.]

43.130.030 Excluded employment and employees. Excluded employment and excluded employees under this chapter include, but are not limited to, the following:

(1) State employment related to a single project under a program separately financed by a grant of nonstate funds, federal funds or state funds, or by a combination of such funding, which is designed to provide training or employment opportunities, expertise or additional manpower related to the project or which, because of the nature of the project funding requirements, is not intended as a permanent program.

(2) Activities at least seventy-five percent federally funded by a categorical grant for a specific purpose and any other activities terminated because of actions taken by the federal government or other funding sources other than the state of Washington in eliminating or substantially limiting funding sources, except to the extent that the federal government or such other funding sources may permit the use of nonstate funds to pay for any employee benefits authorized pursuant to this chapter.

(3) The following categories of employees are excluded from benefits under this chapter:

(a) employees refusing transfer to vacant positions in the same or a like job classification and at not more than one full range lower than the same salary range;

(b) classified employees having other than permanent status in the classified service;

(c) employees having less than three years' consecutive state service as an employee, except that such employees shall nonetheless be eligible for the benefits provided in subsections (1), (2), (4) and (5) of RCW 43.130.040.

(d) nothing in this chapter shall affect any other rights currently held by classified employees regarding reduction in force procedures and subsequent reemployment. [1973 2nd ex.s. c 37 § 3.]

43.130.040 Benefits. In order to carry out the purposes of this chapter, the state shall take every reasonable step at its disposal to provide alternative employment and to minimize the economic loss of state employees affected by the closure of state facilities. Affected state employees shall be paid benefits as specified in this section.

(1) Relocation expenses covering the movement of household goods, incurred by the necessity of an employee moving his domicile to be within reasonable commuting distance of a new job site, shall be paid by the state to employees transferring to other state employment by reason of the closure of a facility.

(2) Relocation leave shall be allowed up to five working days' leave with pay for the purpose of locating new residence in the area of employment.

(3) The state shall reimburse the transferring employee to the extent of any unavoidable financial loss suffered by an employee who sells his home at a price less than the true and fair market value as determined by the county assessor not exceeding three thousand dollars: *Provided*, That this right of reimbursement must be exercised, and sale of the property must be accomplished, within a period of two years from the date other state employment is accepted.

(4) For employees in facilities which have been terminated who do not choose to participate in the transfer program set forth in the preceding subsections, the following terminal pay plan shall be available:

(a) For qualifying employees, for each one year of continuous state service, one week (five working days) of regular compensation shall be provided.

(b) Regular compensation as used in subsection (a) hereof shall include salary compensation at the rate being paid to the employees at the time operation of the facility is terminated.

(c) Terminal pay as set forth in subsections (a) and (b) hereof shall be paid to the employee at the termination of the employees last month of employment or within thirty days after the effective date of this 1973 act, whichever is later: *Provided*, That from the total amount of terminal pay, the average sum of unemployment compensation that the qualifying employee is eligible to receive multiplied by the total number of weeks of terminal pay minus one week shall be deducted.

(d) Those employees electing the early retirement benefits as stated in subsection (5) of this section shall not be eligible for the terminal pay provisions as set forth in this subsection.

(e) Those employees who are reemployed by the state during the period they are receiving terminal pay pursuant to subsections (a), (b) and (c) of this section shall reimburse the state for that portion of the terminal pay covered by the period of new employment.

(5) As an option to transferring to other state employment an employee may elect early retirement under the following conditions:

(a) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this chapter who has attained the age of fifty-five years, with at least five years creditable service, shall be immediately eligible to retire, with no actuarial reduction in the amount of his pension benefit.

(b) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this chapter who has attained the age of forty-five years, with at least five years creditable service, shall be immediately eligible to retire with an actuarial reduction in the amount of his pension benefit of three percent for each complete year that such employee is under fifty-five years of age.

(c) Employees who elect to retire pursuant to RCW 41.40.180 shall be eligible to retire while on authorized leave of absence not in excess of one hundred and twenty days.

(d) Employees who elect to retire under the provisions of this section shall not be eligible for any retirement benefit in a year following a year in which their employment income was in excess of six thousand dollars. This six thousand dollars base shall be adjusted annually beginning in 1974 by such cost of living adjustments as are applied by the public employees' retirement system to membership retirement benefits. The public employees retirement system board shall adopt necessary rules and regulations to implement the provisions of this subsection. [1973 2nd ex.s. c 37 § 4.]

***Reviser's note:** The effective date of 1973 2nd ex.s. c 37 was September 26, 1973.

Public employees' retirement system: Chapter 41.40 RCW.

Termination date of benefits under subsection (3) of this section: RCW 43.130.910.

43.130.050 Eligibility—Conditions. (1) Notwithstanding any other provision of this chapter employees affected by the closure of a state facility as defined in RCW 43.130.020(2) who were employed as of May 1, 1973 at such facility, and who are still in employment of the state or on an official leave of absence as of the *effective date of this 1973 act who would otherwise qualify for the enumerated benefits of this chapter are hereby declared eligible for such benefits under the following conditions:

(a) such employee must be actively employed by the state of Washington or on an official leave of absence on the *effective date of this 1973 act, and unless the early retirement or terminal pay provisions of this chapter are elected, continue to be employed or to be available for employment in a same or like job classification at not less than one full range lower than the same salary range for a period of at least thirty days thereafter;

(b) such employee must give written notice of his election to avail himself of such benefits within thirty days after the *passage of this 1973 act or upon closure of the institution, whichever is later. [1973 2nd ex.s. c 37 § 5.]

***Reviser's note:** (1) The effective date of 1973 2nd ex.s. c 37 was September 26, 1973 due to the emergency clause contained in section 9, codified herein as RCW 43.130.910.

(2) 1973 2nd ex.s. c 37 (Engrossed Substitute Senate Bill No. 2603) passed the Senate September 14, 1973, passed the House September 13, 1973 and was approved by the Governor September 26, 1973.

Employees to whom chapter is operative: RCW 43.130.910.

43.130.060 Reimbursement of public employees' retirement system. In order to reimburse the public employees' retirement system for any increased costs occasioned by the provisions of this chapter which affect the retirement system, the public employees' retirement board shall, within thirty days of the date upon which any affected employee elects to take advantage of the retirement provisions of this chapter, determine the increased present and future cost to the retirement system of such employee's election. Upon the determination of the amount necessary to offset said increased cost, the retirement board shall bill the department of personnel for the amount of the increased cost: *Provided*, That such billing shall not exceed eight hundred sixty-one thousand dollars. Such billing shall be paid by the department as, and the same shall be, a proper charge against any moneys available or appropriated to the department for this purpose. [1973 2nd ex.s. c 37 § 6.]

43.130.900 Severability—1973 2nd ex.s. c 37. If any provision of this 1973 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. [1973 2nd ex.s. c 37 § 8.]

43.130.910 Emergency—Operative dates—Termination of benefits. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions and shall take effect immediately: *Provided however*, That each of the provisions of this 1973 act shall be operative and in effect only for employees of those state facilities closed after May 1, 1973 and prior to September 14, 1974: *Provided further*, That benefits under section 4 (3) of this 1973 act shall be available until September 14, 1975. [1973 2nd ex.s. c 37 § 9.]

Chapter 43.198 CONSTRUCTION

Sections

43.198.010	Continuation of existing law.
43.198.020	Title, chapter, section headings not part of law.
43.198.030	Invalidity of part of title not to affect remainder.
43.198.040	Repeals and saving.
43.198.050	Emergency—1965 c 8.

43.198.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1965 reenactment of this title shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment. [1965 c 8 § 43.198.010.]

43.198.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law. [1965 c 8 § 43.198.020.]

43.198.030 Invalidity of part of title not to affect remainder. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected. [1965 c 8 § 43.198.030.]

43.198.040 Repeals and saving. The following acts or parts of acts are hereby repealed:

- (1) Sections 1 through 18, pages 409–412, Laws of 1854;
- (2) Sections 1 through 9, pages 413, 414, Laws of 1854;
- (3) Sections 1 through 20, pages 45–51, Laws of 1863–1864;
- (4) Sections 1 through 12, pages 51–54, Laws of 1863–1864;
- (5) Sections 1 through 3, page 37, Laws of 1864–1865;
- (6) Sections 1 and 2 of "An Act Relating to territorial warrants", page 408, Laws of 1869;
- (7) Sections 1 through 12, pages 76–79, Laws of 1871;
- (8) Sections 1 through 9, pages 96–98, Laws of 1871;
- (9) Sections 1 through 4, pages 128–129, Laws of 1879;
- (10) Sections 2367, 2566 through 2587, Code of 1881;
- (11) Sections 1 through 3, page 61, Laws of 1883;
- (12) Sections 1 through 13, pages 133–136, Laws of 1885–1886;
- (13) Sections 1 through 9, chapter 7, Laws of 1887–1888;
- (14) Sections 1 through 4, chapter 129, Laws of 1887–1888;
- (15) Sections 1 through 7, chapter 20, pages 627–629, Laws of 1889–1890;
- (16) Sections 1, 2, 10, 11, and 12, chapter 20, pages 629–634, Laws of 1889–1890;

- (17) Sections 1 through 25, chapter 20, pages 634–641, Laws of 1889–1890;
- (18) Sections 1 through 13, chapter 20, pages 642–645, Laws of 1889–1890;
- (19) Sections 1 through 7, chapter 20, pages 645–647, Laws of 1889–1890;
- (20) Sections 1 through 12, chapter 20, pages 647–651, Laws of 1889–1890;
- (21) Section 2, chapter 55, Laws of 1891;
- (22) Section 1, chapter 82, Laws of 1891;
- (23) Sections 2 through 7, 9 through 15, chapter 98, Laws of 1891;
- (24) Chapter 138, Laws of 1891;
- (25) Chapter 101, Laws of 1893;
- (26) Chapter 85, Laws of 1895;
- (27) Chapter 98, Laws of 1895;
- (28) Chapter 141, Laws of 1895;
- (29) Chapter 29, Laws of 1897;
- (30) Chapter 44, Laws of 1899;
- (31) Sections 1 through 5, 7 and 8, chapter 74, Laws of 1901;
- (32) Section 4, chapter 81, Laws of 1901;
- (33) Section 1, chapter 116, Laws of 1901;
- (34) Chapter 165, Laws of 1901;
- (35) Chapter 179, Laws of 1901;
- (36) Chapter 75, Laws of 1903;
- (37) Chapter 95, Laws of 1903;
- (38) Chapter 107, Laws of 1903;
- (39) Chapter 157, Laws of 1903;
- (40) Chapter 43, Laws of 1905;
- (41) Chapter 59, Laws of 1905;
- (42) Chapter 99, Laws of 1905;
- (43) Chapter 168, Laws of 1905;
- (44) Chapter 8, Laws of 1907;
- (45) Chapter 12, Laws of 1907;
- (46) Chapter 37, Laws of 1907;
- (47) Sections 1, 17, and 20, chapter 83, Laws of 1907;
- (48) Chapter 94, Laws of 1907;
- (49) Chapter 96, Laws of 1907;
- (50) Section 1, chapter 168, Laws of 1907;
- (51) Chapter 174, Laws of 1907;
- (52) Sections 14 through 19, chapter 29, Laws of 1909;
- (53) Chapter 43, Laws of 1909;
- (54) Section 1, chapter 69, Laws of 1909;
- (55) Sections 1 through 8, 10, and 11, chapter 76, Laws of 1909;
- (56) Chapter 133, Laws of 1909;
- (57) Chapter 151, Laws of 1909;
- (58) Section 2, chapter 208, Laws of 1909;
- (59) Chapter 245, Laws of 1909;
- (60) Chapter 22, Laws of 1909 extraordinary session;
- (61) Chapter 30, Laws of 1911;
- (62) Chapter 51, Laws of 1911;
- (63) Sections 6 and 10, chapter 60, Laws of 1913;
- (64) Chapter 113, Laws of 1913;
- (65) Chapter 15, Laws of 1915;
- (66) Section 2, chapter 27, Laws of 1915;
- (67) Sections 2 and 7, chapter 66, Laws of 1915;
- (68) Chapter 73, Laws of 1915;
- (69) Chapter 75, Laws of 1915;
- (70) Section 7, chapter 169, Laws of 1915;

- (71) Sections 9 and 11, chapter 180, Laws of 1915;
 (72) Section 1, chapter 11, Laws of 1917;
 (73) Sections 2 through 10, chapter 36, Laws of 1917;
 (74) Sections 2, 3, 4, 9, 11, and 13, chapter 80, Laws of 1917;
 (75) Section 8, chapter 117, Laws of 1917;
 (76) Chapter 129, Laws of 1917;
 (77) Chapter 37, Laws of 1919;
 (78) Chapter 80, Laws of 1919;
 (79) Chapter 118, Laws of 1919;
 (80) Chapter 119, Laws of 1919;
 (81) Chapter 124, Laws of 1919;
 (82) Chapter 126, Laws of 1919;
 (83) Section 1, chapter 201, Laws of 1919;
 (84) Sections 2, 3, and 6, chapter 209, Laws of 1919;
 (85) Sections 2, 3, 4, 6, 8, 10, 14, 15, 16, 18, 19, 20, 31, 37, 42, 47, 56 through 59, 61, 63, 64, 66, 69, 70, 72 through 106, 118, 121, 128, 133 and 134, chapter 7, Laws of 1921;
 (86) Chapter 28, Laws of 1921;
 (87) Chapter 36, Laws of 1921;
 (88) Chapter 49, Laws of 1921;
 (89) Chapter 81, Laws of 1921;
 (90) Chapter 119, Laws of 1921;
 (91) Chapter 149, Laws of 1921;
 (92) Chapter 109, Laws of 1923;
 (93) Chapter 127, Laws of 1923;
 (94) Sections 1 and 2, chapter 154, Laws of 1923;
 (95) Chapter 157, Laws of 1923;
 (96) Chapter 9, Laws of 1925;
 (97) Chapter 90, Laws of 1925 extraordinary session;
 (98) Chapter 92, Laws of 1925 extraordinary session;
 (99) Chapter 163, Laws of 1925 extraordinary session;
 (100) Chapter 77, Laws of 1927;
 (101) Chapter 183, Laws of 1927;
 (102) Section 2, chapter 288, Laws of 1927;
 (103) Chapter 304, Laws of 1927;
 (104) Sections 1 through 6, chapter 306, Laws of 1927;
 (105) Chapter 68, Laws of 1929;
 (106) Chapter 83, Laws of 1929;
 (107) Chapter 92, Laws of 1929;
 (108) Chapter 115, Laws of 1929;
 (109) Chapter 148, Laws of 1929;
 (110) Chapter 161, Laws of 1929;
 (111) Chapter 162, Laws of 1929;
 (112) Sections 1 and 2, chapter 87, Laws of 1931;
 (113) Section 3, chapter 132, Laws of 1931;
 (114) Sections 1 and 2, chapter 3, Laws of 1933;
 (115) Chapter 25, Laws of 1933;
 (116) Chapter 47, Laws of 1933;
 (117) Chapter 81, Laws of 1933;
 (118) Sections 3 and 4, chapter 97, Laws of 1933;
 (119) Section 1, chapter 118, Laws of 1933;
 (120) Chapter 126, Laws of 1933;
 (121) Chapter 34, Laws of 1933 extraordinary session;
 (122) Sections 3 and 4, chapter 54, Laws of 1933 extraordinary session;
 (123) Chapter 60, Laws of 1935;
 (124) Section 1, chapter 63, Laws of 1935;
 (125) Section 1, chapter 71, Laws of 1935;
 (126) Chapter 76, Laws of 1935;
 (127) Chapter 91, Laws of 1935;
 (128) Chapter 130, Laws of 1935;
 (129) Chapter 132, Laws of 1935;
 (130) Chapter 139, Laws of 1935;
 (131) Chapter 142, Laws of 1935;
 (132) Chapter 176, Laws of 1935;
 (133) Chapter 88, Laws of 1937;
 (134) Section 10, chapter 90, Laws of 1937;
 (135) Section 1, chapter 111, Laws of 1937;
 (136) Section 7, chapter 114, Laws of 1937;
 (137) Chapter 139, Laws of 1937;
 (138) Section 2, chapter 168, Laws of 1937;
 (139) Chapter 224, Laws of 1937;
 (140) Chapter 120, Laws of 1939;
 (141) Chapter 146, Laws of 1939;
 (142) Chapter 226, Laws of 1939;
 (143) Chapter 50, Laws of 1941;
 (144) Chapter 129, Laws of 1941;
 (145) Chapter 196, Laws of 1941;
 (146) Section 2, chapter 204, Laws of 1941;
 (147) Chapter 228, Laws of 1941;
 (148) Chapter 30, Laws of 1943;
 (149) Chapter 56, Laws of 1943;
 (150) Chapter 86, Laws of 1943;
 (151) Chapter 108, Laws of 1943;
 (152) Chapter 124, Laws of 1943;
 (153) Chapter 128, Laws of 1943;
 (154) Chapter 134, Laws of 1943;
 (155) Chapter 160, Laws of 1943;
 (156) Chapter 205, Laws of 1943;
 (157) Chapter 215, Laws of 1943;
 (158) Chapter 217, Laws of 1943;
 (159) Chapter 225, Laws of 1943;
 (160) Chapter 283, Laws of 1943;
 (161) Chapter 36, Laws of 1945;
 (162) Chapter 71, Laws of 1945;
 (163) Chapter 112, Laws of 1945;
 (164) Chapter 116, Laws of 1945;
 (165) Chapter 123, Laws of 1945;
 (166) Chapter 129, Laws of 1945;
 (167) Chapter 158, Laws of 1945;
 (168) Section 1, chapter 173, Laws of 1945;
 (169) Section 93, chapter 235, Laws of 1945;
 (170) Chapter 243, Laws of 1945;
 (171) Chapter 262, Laws of 1945;
 (172) Chapter 32, Laws of 1947;
 (173) Chapter 51, Laws of 1947;
 (174) Chapter 107, Laws of 1947;
 (175) Chapter 110, Laws of 1947;
 (176) Chapter 114, Laws of 1947;
 (177) Chapter 143, Laws of 1947;
 (178) Section 1, chapter 166, Laws of 1947;
 (179) Chapter 174, Laws of 1947;
 (180) Chapter 250, Laws of 1947;
 (181) Chapter 261, Laws of 1947;
 (182) Chapter 271, Laws of 1947;
 (183) Chapter 10, Laws of 1949;
 (184) Chapter 17, Laws of 1949;
 (185) Chapter 60, Laws of 1949;
 (186) Chapter 62, Laws of 1949;
 (187) Chapter 111, Laws of 1949;
 (188) Chapter 154, Laws of 1949;

- (189) Chapter 165, Laws of 1949;
 (190) Chapter 192, Laws of 1949;
 (191) Section 5, chapter 227, Laws of 1949;
 (192) Sections 1 through 4, chapter 57, Laws of 1951;
 (193) Chapter 96, Laws of 1951;
 (194) Chapter 99, Laws of 1951;
 (195) Sections 1 and 3, chapter 106, Laws of 1951;
 (196) Chapter 113, Laws of 1951;
 (197) Chapter 131, Laws of 1951;
 (198) Chapter 140, Laws of 1951;
 (199) Chapter 151, Laws of 1951;
 (200) Chapter 170, Laws of 1951;
 (201) Chapter 232, Laws of 1951;
 (202) Sections 16 through 37, chapter 247, Laws of 1951;
 (203) Section 1, chapter 39, Laws of 1953;
 (204) Chapter 47, Laws of 1953;
 (205) Chapter 56, Laws of 1953;
 (206) Chapter 64, Laws of 1953;
 (207) Section 1, chapter 90, Laws of 1953;
 (208) Chapter 105, Laws of 1953;
 (209) Chapter 130, Laws of 1953;
 (210) Sections 1 and 2, chapter 174, Laws of 1953;
 (211) Sections 1 and 3, chapter 184, Laws of 1953;
 (212) Chapter 259, Laws of 1953;
 (213) Chapter 262, Laws of 1953;
 (214) Chapter 281, Laws of 1953;
 (215) Chapter 287, Laws of 1953;
 (216) Chapter 16, Laws of 1955;
 (217) Chapter 78, Laws of 1955;
 (218) Chapter 87, Laws of 1955;
 (219) Chapter 91, Laws of 1955;
 (220) Chapter 140, Laws of 1955;
 (221) Chapter 173, Laws of 1955;
 (222) Chapter 192, Laws of 1955;
 (223) Chapter 197, Laws of 1955;
 (224) Chapter 198, Laws of 1955;
 (225) Chapter 200, Laws of 1955;
 (226) Chapter 222, Laws of 1955;
 (227) Chapter 224, Laws of 1955;
 (228) Chapter 226, Laws of 1955;
 (229) Chapter 244, Laws of 1955;
 (230) Chapter 258, Laws of 1955;
 (231) Sections 2 through 10, 12, 13, and 18, chapter 285, Laws of 1955;
 (232) Chapter 330, Laws of 1955;
 (233) Chapter 332, Laws of 1955;
 (234) Chapter 333, Laws of 1955;
 (235) Chapter 334, Laws of 1955;
 (236) Chapter 335, Laws of 1955;
 (237) Sections 1 through 6, and 12, chapter 340, Laws of 1955;
 (238) Chapter 370, Laws of 1955;
 (239) Chapter 391, Laws of 1955;
 (240) Chapter 12, Laws of 1955 extraordinary session;
 (241) Chapter 13, Laws of 1955 extraordinary session;
 (242) Chapter 20, Laws of 1957;
 (243) Chapter 38, Laws of 1957;
 (244) Sections 1, 2, 3, and 5, chapter 90, Laws of 1957;
 (245) Sections 2 and 6, chapter 115, Laws of 1957;
 (246) Chapter 162, Laws of 1957;
 (247) Chapter 174, Laws of 1957;
 (248) Sections 1 through 4, chapter 175, Laws of 1957;
 (249) Section 1, chapter 187, Laws of 1957;
 (250) Chapter 210, Laws of 1957;
 (251) Sections 1 through 23, 25, and 26, chapter 215, Laws of 1957;
 (252) Chapter 226, Laws of 1957;
 (253) Chapter 229, Laws of 1957;
 (254) Chapter 245, Laws of 1957;
 (255) Sections 3 through 19, chapter 275, Laws of 1957;
 (256) Chapter 284, Laws of 1957;
 (257) Chapter 291, Laws of 1957;
 (258) Chapter 295, Laws of 1957;
 (259) Chapter 8, Laws of 1959;
 (260) Chapter 74, Laws of 1959;
 (261) Chapter 88, Laws of 1959;
 (262) Section 3, chapter 91, Laws of 1959;
 (263) Chapter 115, Laws of 1959;
 (264) Chapter 150, Laws of 1959;
 (265) Chapter 171, Laws of 1959;
 (266) Chapter 178, Laws of 1959;
 (267) Chapter 194, Laws of 1959;
 (268) Chapter 215, Laws of 1959;
 (269) Chapter 228, Laws of 1959;
 (270) Chapter 238, Laws of 1959;
 (271) Sections 1 through 9, 11 through 15, chapter 255, Laws of 1959;
 (272) Section 45, chapter 257, Laws of 1959;
 (273) Section 5, chapter 263, Laws of 1959;
 (274) Section 6, chapter 273, Laws of 1959;
 (275) Sections 1, 2, and 4, chapter 301, Laws of 1959;
 (276) Chapter 313, Laws of 1959;
 (277) Chapter 317, Laws of 1959;
 (278) Chapter 328, Laws of 1959;
 (279) Chapter 9, Laws of 1959 extraordinary session;
 (280) Sections 31 and 32, chapter 1, Laws of 1961;
 (281) Chapter 19, Laws of 1961;
 (282) Chapter 93, Laws of 1961;
 (283) Sections 1 through 4, and 6 through 18, chapter 152, Laws of 1961;
 (284) Chapter 154, Laws of 1961;
 (285) Chapter 164, Laws of 1961;
 (286) Sections 1 and 2, chapter 170, Laws of 1961;
 (287) Chapter 184, Laws of 1961;
 (288) Chapter 215, Laws of 1961;
 (289) Chapter 220, Laws of 1961;
 (290) Section 11, chapter 281, Laws of 1961;
 (291) Sections 1 through 6, chapter 300, Laws of 1961;
 (292) Chapter 301, Laws of 1961;
 (293) Sections 1, 2, 3, 5, 6, 12, and 13, chapter 307, Laws of 1961;
 (294) Sections 1, 2, and 3, chapter 5, Laws of 1961 extraordinary session;
 (295) Section 3, chapter 11, Laws of 1961 extraordinary session;
 (296) Chapter 23, Laws of 1961 extraordinary session;
 (297) Chapter 141, Laws of 1963;
 (298) Chapter 160, Laws of 1963;
 (299) Chapter 161, Laws of 1963;

(300) Chapter 175, Laws of 1963;

(301) Chapter 209, Laws of 1963;

(302) Sections 1 through 10, chapter 12, Laws of 1963 extraordinary session;

(303) RCW 43.79.070, RCW 43.79.190, and RCW 43.79.200.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, 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, ordinance, or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office, or appointment or employment of any person appointed or employed thereunder.

The repeal of said acts and parts of acts shall not be construed as reviving any former acts amended, superseded, or expressly or impliedly repealed thereby, nor as abrogating any savings clauses or other conditions contained in any repealer sections which are herein repealed, nor as abrogating any validations accomplished by any statutes herein repealed. [1965 c 8 § 43.198.040.]

43.198.050 Emergency—1965 c 8. 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 immediately. [1965 c 8 § 43.198.050.]

