

Churches and educational institutions excepted.

subject to all the provisions of law relating to contributions and to the compensation and medical and surgical care of injured workmen and entitled to all the benefits thereof: *Provided*, That churches and educational institutions are specifically excluded from the provisions of this act.

Passed the Senate March 8, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 19, 1951.

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CHAPTER 247.

[ S. B. 199. ]

STATE HIGHWAY COMMISSION.

AN ACT relating to state government; creating a state highway commission to administer the state highway system and defining its powers and duties; establishing the Washington state safety council as a division of the executive department, and providing for its organizational structure, and for the study of accident prevention thereby.

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

Legislative declaration.

SECTION 1. The administration of highway affairs has become a matter of major public importance involving vast sums of money, the development of commerce and resources, the employment of great numbers of persons, the promotion of recreation and the welfare of every citizen of the state. It demands the highest order of business and technical administration, accompanied by continuity of sound long-range highway policies, freedom from political interference and changes of personnel, and an organization attracting the services of qualified talented administrators and meriting the confidence of the people.

State highway commission created.

SEC. 2. There is hereby created a state highway commission consisting of five members, all of whom

shall be residents of this state and who shall be appointed by the governor with the consent of the senate for terms of office as herein provided, and with the qualifications herein specified. Within ninety days after the passage of this act the governor shall appoint the first members of said state highway commission: One member to serve two years; one member to serve three years; one member to serve four years; one member to serve five years; and one member to serve six years from the first day of July, 1951. Upon expiration of said original terms subsequent appointments shall be for six years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred.

Members appointed by governor.

Terms of office.

Vacancies.

SEC. 3. No two members of said state highway commission shall at the time of appointment or thereafter during their respective terms of office be residents of the same congressional district, and not more than three members of said state highway commission shall reside at the time of appointment or thereafter in one part of the state divided north and south by the summit of the Cascade Mountains. Not more than three members of said state highway commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. No elective state official or state officer during the term of office to which he was elected or appointed or state employee shall be a member of said commission. No state highway commissioner shall be removed from office by the governor before the expiration of his term unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston County upon petition and show cause proceedings duly brought therefor in

Geographical limitations on appointments.

Political limitations of membership.

Removal of members.

said court and directed to the commissioner in question.

Commission;  
scope of  
authority.

SEC. 4 The state highway commission is hereby vested with all powers, authority, functions and duties now vested in or required to be performed by the director of highways or the state department of highways. Full and complete jurisdiction and authority over the administration of state highways and all matters connected therewith or related thereto is hereby granted the said state highway commission except only insofar as the same may have been heretofore or may be hereafter specifically granted to the director or department of licenses, the public service commission, the state commission on equipment, the Washington state patrol or its chief, the Washington toll bridge authority, or the governing bodies of cities and towns.

Where  
director  
presently  
designated  
member of  
other board;  
commission  
to determine  
membership.

SEC. 5. In all situations wherein the director of highways is now designated as a member of any board, commission, committee, or authority, the state highway commission shall hereafter determine who shall serve as such member.

First  
meeting of  
commission.

SEC. 6. The first appointed members of the state highway commission shall meet in the offices of the department of highways at the state capitol and organize as a state highway commission during the first week in July, 1951, or as soon thereafter as possible. At the first annual meeting and at each annual meeting thereafter the commission shall elect a secretary who may be, but need not be, a member of said commission, and the commission shall elect a chairman from its own membership who shall hold office for one year. Election as chairman shall not interfere with the member's right to vote on all matters before the commission. The commission shall meet at such other times as it deems advisable, but at least once every thirty days, and shall from time to time adopt rules and regulations not incon-

Secretary.

Chairman.

Other  
meetings.

sistent with the provisions of this act for its own government, and to regulate and discharge its duties, and to exercise its powers under this act.

SEC. 7. On and after July 1, 1951, the state highway commission shall take over, assume and exercise all of the powers, authority and functions and perform all of the duties now vested in or required to be performed by the director of highways and the department of highways. Thereafter the state highway commission shall assume and exercise full and complete jurisdiction and authority over the administration of the state highways and all matters connected therewith or related thereto as hereinabove set forth in section 4 of this act. The state highway commission shall establish such rules and regulations as may be deemed wise and lay down policies of procedure and generally supervise and control the operation of said functions within the terms of this act and pursuant to the laws of this state, and the said commission is hereby clothed with all necessary powers to carry out the terms of this act.

Authority vests as of July 1, 1951.

Rules and regulations.

General grant of powers.

SEC. 8. The commission shall act collectively in harmony with recorded resolutions or motions adopted by a majority of the commission at regular or special meetings, notice of which meetings shall be given to all members pursuant to the rules of said commission. Three members shall constitute a quorum at any meeting, but no resolution, motion, or other decision of the commission shall be adopted or passed without the favorable vote of at least three members.

Notice of meetings.

Quorum.

Resolutions, etc.; concurrence of three members required.

SEC. 9. The state highway commission shall select and appoint the director of highways who after appointment shall be an *ex officio* member of the commission without a vote. He shall be the chief executive officer of the commission responsible only to it, and shall carry into effect the commission's order and shall be guided by policies laid down by it.

Appointment of director.

*Ex Officio* member of commission.

Chief executive officer.

As the executive head, he shall direct all activities and supervise the work of the staff of the department.

Director; qualifications.

SEC. 10. The director of highways shall be fully competent as a highway engineer and as an executive. He shall be a registered professional engineer and shall be a graduate in engineering of an accredited university or college or have in lieu thereof experience as a civil engineer in responsible charge of work equivalent to such education, and in addition experience in highway or road construction for a period of not less than five years. He need not be a resident of the state at the time of his appointment.

Same; tenure.

SEC. 11. The director of highways shall hold office indefinitely but may be dismissed by the commission at any time for incompetence, neglect of duty, malfeasance in office or failure to carry out the commission's policies. Before a motion for dismissal shall be acted upon by the state highway commission, the director of highways shall be granted a hearing on formal written charges before the full commission.

Same; salary.

SEC. 12. The salary of the director of highways shall be ten thousand dollars per year: *Provided, however,* That the commission may increase said salary to a maximum of fifteen thousand dollars per year.

Commission; compensation of members.

Expenses.

Maximum annual per diem.

SEC. 13. Each member of the state highway commission shall receive twenty-five dollars *per diem* for each day actually spent in the performance of his duties and his actual necessary traveling and other expenses in going to, attending and returning from meetings of the commission, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the commission, but in no event shall a commissioner's *per diem* payments exceed three thousand dollars in any one year.

SEC. 14. The state highway commission shall prepare a report of its activities to be submitted to each biennial session of the legislature. The report shall be printed and copies thereof submitted to the senate and house of representatives on or before the opening day of the legislative session and shall show the sum of money expended by or under its direction during the fiscal biennium or portion thereof during which the commission has functioned, and shall show data and information as will show a strict accounting of all sums expended by or under its direction.

Report to legislature.

SEC. 15. The commission shall prepare, furnish and present to the governor, and through him to the legislature, the budget for the following two years. The commission shall within two years after its establishment submit to the legislature a comprehensive plan for highway development based on the principle that the state is furnishing transportation facilities which should be paid for by those most benefited and developed in the order of greatest need therefor.

Budget.

Comprehensive plan for highway development.

SEC. 16. There is hereby established, as a division of the executive department, the Washington state safety council, hereinafter referred to as the council.

Washington state safety council; established.

SEC. 17. The council shall study ways and means for prevention of accidents on the streets and highways, in homes, on the farms, at schools, in industrial and commercial plants, and in public places; shall plan and execute safety programs, including educational campaigns, designed to reduce accidents in every field of activity; shall work in cooperation with all official and unofficial organizations and instrumentalities within the state which are interested in safety to the end that all possible resources shall be marshalled and utilized to reduce the menace of accidental death and injury; shall work toward ob-

Same; duties.

taining better observance and enforcement of laws governing street and highway traffic, and shall assist in bringing about, wherever feasible, the application of further modern engineering measures for the control and facility of street and highway traffic movement and for the prevention of traffic accidents; shall advise with the state departments having responsibilities for safeguarding the people against accidents, and especially with the director of highways, the chief of the state patrol, the chairman of the public service commission, the director of licenses, the superintendent of public instruction and the director of labor and industries in the accomplishment of the purposes as herein stated.

Composition of council.

SEC. 18. The council shall be composed of an executive board, an advisory committee, an official coordinating committee, the staff of the council, and such divisions or additional committees as may be established by the executive board to assist in carrying out of the purposes of the council.

Council executive board; composition.

SEC. 19. The executive board shall be composed of the director of highways, the chief of the state patrol, the director of licenses, the superintendent of public instruction, the director of labor and industries, and six members to be appointed by the governor from among citizens of the state who are not officers, officials or employees of the state or any department or unit thereof, or who are not officers, officials or employees of any city, town, county or other minor civil subdivision of the state.

Same; appointment of citizen members; terms of office.

SEC. 20. Within thirty days after the effective date of this act the governor shall appoint the citizen members of the executive board, two to serve for terms of two years, two to serve for terms of four years, and two to serve for terms of six years; the terms to begin as of January first of the year in which this act becomes effective. In each second year

thereafter the governor shall appoint two members of the board to serve for terms of six years.

From among its citizen members the executive board shall elect a chairman and a vice-chairman of the board to serve in such capacities during their respective terms of office.

Same;  
officers.

SEC. 21. The advisory committee shall be composed of the citizen members of the executive board, and sixty or more additional members, to be appointed by the governor, who are broadly representative of all sections of the state and such interests as business and industry, organized labor, the press, radio stations, advertising interests, service clubs, veterans' organizations, women's organizations, religious organizations, local official agencies, and such other groups as are concerned with prevention of accidents.

Council  
advisory  
committee;  
composition.

SEC. 22. Within thirty days after the effective date of this act, the governor shall appoint the aforesaid sixty or more additional members of the advisory committee, one-third of them to serve for terms of two years, one-third for terms of four years, and one-third for terms of six years, said terms to begin on January first of the year in which this act becomes effective. In each second year thereafter the governor shall appoint the number of members required to fill the places vacated through expiration of terms of office, such appointees to serve for terms of six years.

Same;  
appointment  
of members;  
terms of  
office.

The chairman and the vice-chairman of the executive board shall also serve as chairman and vice-chairman respectively of the advisory committee.

Same;  
officers.

SEC. 23. The official coordinating committee shall be composed of the governor, the director of highways, the chief of the state patrol, the director of licenses, the superintendent of public instruction, the chairman of the public service commission and

Council  
official  
coordinating  
committee;  
composition.



the director of labor and industries, and such other state officials as the governor may designate. The governor shall serve as chairman of this committee.

Executive board; approval of actions of council.

SEC. 24. All final actions and decisions of the council shall be taken under the approval and authority of the executive board, which shall be the governing body of the council.

Same; annual report.

SEC. 25. On or before the fifteenth day of December in each year the executive board shall submit to the legislature and to the governor a report showing the status of the council's organization, its activities during the past year, and the accomplishments in the state toward reductions in accidents of all types, together with a plan for the council's proposed safety program during the ensuing year. This report shall be printed by the state printing office, and a minimum number of copies shall be made available for public information.

Same; budget.

SEC. 26. On or before the first day of December in each even numbered year the executive board shall submit to the governor an itemized budget of its proposed expenditures during the ensuing biennium.

Same; by-laws.

SEC. 27. The executive board shall adopt by-laws providing for carrying out the purposes of the council including:

(1) The holding of meetings of said board and the procedures involved in relation to its functions;

(2) The holding of meetings of the advisory committee, and the procedures involved in relation to its functions;

(3) Administration of the business and financial responsibilities relating to the work of the council;

(4) Organization and control of divisions and committees needed in conducting the state-wide program of safety activities.

SEC. 28. The office of managing director of the council and the position of director of public information of the council are hereby created. Appointment of persons to these positions shall be made by the executive board; and within the limitations of the council's budget, the compensation to be paid such employees shall be fixed by said board.

Council; managing director and director of public information; appointment and compensation.

SEC. 29. Under the direction of the executive board, the managing director shall be in general charge of administration of the council's affairs. He shall act as secretary of the executive board and as secretary of the advisory committee, and shall record the minutes of meetings of those bodies. He shall be in charge of the council's staff, and shall guide and help to activate all of the council's program of safety activities, under the plans and policies approved by the executive board.

Managing director; duties.

In recognition of the fact that administration of the work of the council requires an executive who possesses specialized training and exceptional qualifications, the executive board is hereby authorized to employ as managing director whatever person, available anywhere in the United States, may be best suited for the position.

Same; qualifications.

SEC. 30. Persons employed as managing director and as director of public information, and other regular, full-time members of the council's staff, shall be under the direct control of the executive board and their compensation shall be provided out of such funds as are available for the work of the council.

Council's staff controlled by executive board.

SEC. 31. Directors of the several departments of the state government shall cooperate with the council in carrying forward its program of safety activities, shall make available information needed by the council relating to the accident problems and methods employed or recommended for accident prevention; and at their discretion said directors may

Heads of state departments to assist council.

from time to time loan such personnel as may be spared from their regular duties for short periods, to assist in the safety program.

Council executive board; jurisdiction as to funds.

SEC. 32. All funds appropriated by the state for the support of the council shall be under the direct jurisdiction of the executive board, and all expenditures of said funds shall be covered by vouchers prepared in the council's headquarters, signed by the managing director, countersigned by the chairman or the vice-chairman of said board, and submitted to the state auditor for payment.

Receipt of contributions authorized.

SEC. 33. Contributions may be received by the executive board from business firms, organized groups or individuals for financing special safety projects. Expenditures from any such contributed funds shall be under direct control of said board.

Citizen members to receive no compensation.

SEC. 34. Citizen members of the executive board and members of the advisory council shall receive no compensation for their services, but necessary expenses of the citizen members of the executive board for attendance at regular or called meetings of that board shall be paid from state funds available to the council.

Expenses.

Advisory committee; functions.

SEC. 35. It shall be the function of the advisory committee to bring to bear upon proposals for solutions of the accident problem the mature judgment and recommendations of leaders representing all primary segments of public opinion and groups located in all parts of the state which are interested in preventing accidents; to assist the executive board in formulating plans and conducting safety programs which will be likely to secure public acceptance; to help support the public authorities in the administration and enforcement of laws and regulations properly designed for the protection of the people against accidents and for the convenience of street and highway traffic movements; and to utilize the

influence of its respective member groups and activate the facilities within their control to promote a state-wide, coordinated program of safety.

SEC. 36. It shall be the function of the official coordinating committee to advise with and assist the executive board in formulating plans and policies essential for accomplishing the purposes of the council, to make sure that official activities of state departments which touch upon or overlap each other in relation to prevention of accidents are actively coordinated, to promote further practicable means whereby state departments individually and collectively may attack the accident problems more effectively, to make available where feasible the facilities of various departments in cooperation with the executive board and the other divisions or committees of the council to help strengthen the safety program.

Official coordinating committee; functions.

Meetings of the official coordinating committee shall be held according to a schedule established by the committee itself, or upon call of the chairman.

Same; meetings.

SEC. 37. The council shall have no authority, power or duties now vested in any department or departments of the state except as provided in this act.

Council's powers limited to act.

Passed the Senate March 8, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 19, 1951.