Chapter 43.01 RCW
STATE OFFICERS—GENERAL PROVISIONS

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RCW 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 s 43.01.010. Prior: 1891 c 82 s 1; RRS s 10980.]

Term of person elected to fill vacancy: RCW 42.12.030.

Terms of office: State Constitution Art. 3 s 3.

Vacancies in office: Chapter 42.12 RCW.

RCW 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 s 43.01.020. Prior: 1909 c 43 s 1; RRS s 10981.]

Attorney general, oath of office: RCW 43.10.010.

Commissioner of public lands, oaths of employees: RCW 43.12.021.

Court commissioners, oath of office: RCW 2.24.020.

Engineers and land surveyors' board of registration, oath required: RCW 18.43.030.

Horse racing commission, oath of office: RCW 67.16.012.

Judges of superior court, oath of office: State Constitution Art. 4 s 28; RCW 2.08.080, 2.08.180.

Judges of supreme court, oath of office: State Constitution Art. 4 s 28; RCW 2.04.080.

Liquor and cannabis board, oath of office: RCW 66.08.014.

Militia, oath of office: RCW 38.12.150, 38.12.160.

Oaths, mode of administering: State Constitution Art. 1 s 6.

Perjury, oath defined: RCW 9A.72.010.

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.

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.

RCW 43.01.031 Chapter application—Health benefit exchange. This chapter does not apply to any position in or employee of the Washington health benefit exchange established in chapter 43.71 RCW. [2012 c 87 s 20.]

Effective date—2012 c 87 ss 4, 16, 18, and 19-23: See note following RCW 43.71.030.

Spiritual care services—2012 c 87: See RCW 43.71.901.

RCW 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 s 43.01.035. Prior: 1953 c 184 s 3.]

RCW 43.01.036 Reports—Electronic format—Online access. (1)(a) All reports required to be submitted to the legislature shall be provided only in an electronic format. Reports must be submitted electronically to the chief clerk of the house of representatives and the secretary of the senate. The chief clerk of the house of representatives and the secretary of the senate shall provide an online site for reports submitted to the legislature on the legislative internet home page. The reports shall be organized in such a way as to make the reports easy to find and accessible by legislators, staff, and the public.

(b) Upon electronic submittal of the required report to the chief clerk of the house of representatives and the secretary of the senate, the agency shall send a letter, also by electronic means, to the appropriate legislative committee that the report has been filed. The letter may include a brief summary of the report. The public entity submitting the report may make hard copies available by request.

(2)(a) All annual and biennial reports to the governor shall be provided only in an electronic format. The reports shall be organized in such a way as to make the reports easy to find and accessible by the public.

(b) Upon electronic submittal of the required report to the governor's office, the agency shall send a letter, also by electronic means, that the report has been filed. The letter may include a brief summary of the report. The entity submitting the report may make hard copies available by request. [2009 c 518 s 24.]

RCW 43.01.040 Vacations—Computation and accrual—Transfer—Statement of necessity required for extension of unused leave. 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 eight hours of vacation leave with full pay for each month of employment.

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than eight additional

hours 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 or her contract of employment with the state government to accrue unused vacation leave not to exceed 280 hours. However, employees of the Washington state ferries covered by collective bargaining agreements containing provisions in effect on June 30, 2017, allowing accrual of unused vacation leave not to exceed three hundred twenty hours shall be allowed to continue the higher accrual limit until such time as those provisions are modified through collective bargaining, or the bargaining unit changes its exclusive representative or is decertified. 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 retained by the agency, then the aforesaid maximum 280 hours of accrued unused vacation leave shall be extended for each month said leave is so deferred. [2024 c 151 s 1. Prior: 2017 c 168 s 1; 2017 c 167 s 1; 2011 1st sp.s. c 43 s 449; 2009 c 549 s 5001; 1984 c 184 s 19; 1982 1st ex.s. c 51 s 2; 1965 ex.s. c 13 s 1; 1965 c 8 s 43.01.040; prior: 1955 c 140 s 1; 1921 c 7 s 133; RRS s 10891.]

Effective date—2017 c 168: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017." [2017 c 168 s 2.]

Effective date—2017 c 167: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017." [2017 c 167 s 4.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Severability—1984 c 184: See note following RCW 41.50.150.

Savings—1982 1st ex.s. c 51: "This act shall not have the effect of terminating or modifying any rights acquired under a contract in existence prior to the effective date of this act." [1982 1st ex.s. c 51 s 4.]

Effective date—1982 1st ex.s. c 51: "This act shall take effect July 1, 1982." [1982 1st ex.s. c 51 s 5.]

Severability—1982 1st ex.s. c 51: "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." [1982 1st ex.s. c 51 s 6.]

Military leave of absence: RCW 38.40.060.

RCW 43.01.041 Accrued vacation leave—Payment upon termination 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 retirement, who have been employed for at least six continuous months, and who have accrued vacation leave as specified in RCW 43.01.040 or 43.01.044, 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. Vacation leave accumulated under RCW 43.01.044 is not to be included in the computation of retirement benefits. From July 1, 2011, through June 29, 2013, the amount of pay received by an employee under the provisions of this section shall not be reduced by any temporary salary reduction.

Should the legislature revoke any benefits or rights provided under chapter 292, Laws of 1985, no affected officer or employee shall be entitled thereafter to receive such benefits or exercise such rights as a matter of contractual right. [2017 c 167 s 3; 2011 1st sp.s. c 39 s 13; 1985 c 292 s 1; 1984 c 184 s 20; 1982 1st ex.s. c 51 s 3; 1965 c 8 s 43.01.041. Prior: 1955 c 140 s 2.]

Effective date—2017 c 167: See note following RCW 43.01.040.

Effective date—2011 1st sp.s. c 39: See note following RCW 41.04.820.

Severability—1984 c 184: See note following RCW 41.50.150.

Savings—Effective date—Severability—1982 1st ex.s. c 51: See notes following RCW 43.01.040.

RCW 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 s 43.01.042. Prior: 1955 c 140 s 3.]

RCW 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 s 43.01.043. Prior: 1955 c 140 s 4.]

RCW 43.01.044 Vacations—Accumulation of leave in excess of 280 hours authorized without statement of necessity—Requirements of statement of necessity. As an alternative, in addition to the provisions of RCW 43.01.040 authorizing the accumulation of vacation leave in excess of 280 hours with the filing of a statement of necessity, vacation leave in excess of 280 hours may also be accumulated as provided in this section but without the filing of a statement of necessity. The accumulation of leave under this alternative method shall be governed by the following provisions:

(1) Each subordinate officer and employee of the several offices, departments, and institutions of state government may accumulate the vacation leave hours between the time 280 hours is accrued and his or her anniversary date of state employment.

(2) All vacation hours accumulated under this section shall be used by the anniversary date and at a time convenient to the employing office, department, or institution. If an officer or employee does not use the excess leave by the anniversary date, then such leave shall be automatically extinguished and considered to have never existed.

(3) This section shall not result in any increase in a retirement allowance under any public retirement system in this state.

(4) Should the legislature revoke any benefits or rights provided under this section, no affected officer or employee shall be entitled thereafter to receive such benefits or exercise such rights as a matter of contractual right.

(5) Vacation leave credit acquired and accumulated under this section shall never, regardless of circumstances, be deferred by the employing office, department, or institution by filing a statement of necessity under the provisions of RCW 43.01.040.

(6) Notwithstanding any other provision of this chapter, on or after July 24, 1983, a statement of necessity for excess leave shall, at a minimum, include the following: (a) The specific number of hours of excess leave; and (b) the date on which it was authorized. A copy of any such authorization shall be sent to the department of retirement systems. [2024 c 151 s 2; 2017 c 167 s 2; 1983 c 283 s 1.]

Effective date—2017 c 167: See note following RCW 43.01.040.

RCW 43.01.045 Vacations—Provisions not applicable to officers and employees of state convention and trade center. The provisions of RCW 43.01.040 through 43.01.044 shall not be applicable to the officers and employees of the nonprofit corporation formed under *chapter 67.40 RCW. [1984 c 210 s 4.]

***Reviser's note:** A majority of chapter 67.40 RCW was repealed by 2010 1st sp.s. c 15 s 14, effective November 30, 2010. RCW 67.40.020 was repealed by 2010 1st sp.s. c 15 s 15, effective December 30, 2010.

Savings—1984 c 210: "This act shall not terminate or modify any right acquired under a contract of employment in existence prior to March 27, 1984." [1984 c 210 s 7.]

Severability—1984 c 210: "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." [1984 c 210 s 8.]

RCW 43.01.047 Vacations—Provisions not applicable to individual providers, family child care providers, adult family home providers, or language access providers. RCW 43.01.040 through 43.01.044 do not apply to individual providers under RCW *74.39A.220 through 74.39A.300, family child care providers under RCW 41.56.153, or adult family home providers under RCW 41.56.155, or language access providers under RCW 41.56.157. [2010 c 296 s 6; 2007 c 184 s 5; 2006 c 54 s 5; 2004 c 3 s 4.]

***Reviser's note:** RCW 74.39A.220 was repealed by 2018 c 278 s 32.

Conflict with federal requirements—2010 c 296: See note following RCW 41.56.157.

Part headings not law—Severability—Conflict with federal requirements—2007 c 184: See notes following RCW 41.56.155.

Conflict with federal requirements—2006 c 54: See RCW 41.56.913.

Short title—2006 c 54: See note following RCW 41.56.081.

Severability—Effective date—2004 c 3: See notes following RCW 74.39A.270.

RCW 43.01.050 Daily remittance of moneys to treasury—Undistributed receipts account—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 or her on the preceding day: PROVIDED, That the state treasurer may in his or her 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 an account hereby created in the state treasury to be known as the undistributed receipts account. These moneys shall be retained in the account 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 director of financial management in accordance with RCW 43.88.160 shall promulgate regulations designed to assure orderly and efficient administration of this account. In the event moneys are deposited in this account that constitute overpayments, refunds may be made by the remitting agency without virtue of a legislative appropriation. [2009 c 549 s 5002; 1985 c 57 s 26; 1981 2nd ex.s. c 4 s 5; 1979 c 151 s 80; 1967 c 212 s 1; 1965 c 8 s 43.01.050. Prior: 1909 c 133 s 1, part; 1907 c 96 s 1, part; RRS s 5501, part.]

Effective date—1985 c 57: See note following RCW 18.04.105.

Severability—1981 2nd ex.s. c 4: See note following RCW 43.30.325.

Commissioner of public lands and department of natural resources, deposit of funds: RCW 43.30.325.

State depositaries: Chapter 43.85 RCW.

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 s 43.01.060. Prior: 1907 c 96 s 2; RRS s 5502.]

RCW 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 or she shall be liable to the state upon his or her official bond in a sum equal to ten percent annual interest on the funds for such time as he or she retained them. [2009 c 549 s 5003; 1965 c 8 s 43.01.070. Prior: 1907 c 96 s 3; RRS s 5503.]

RCW 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 s 43.01.072. Prior: 1955 c 224 s 1.]

Refunds of fees or other payments, budget and accounting system: RCW 43.88.170.

RCW 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 s 43.01.073. Prior: 1955 c 224 s 2.]

RCW 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 s 43.01.074. Prior: 1955 c 224 s 3.]

Appropriation, when not required for refunds: RCW 43.88.180.

RCW 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 s 43.01.075. Prior: 1955 c 224 s 4.]

RCW 43.01.090 Departments to share occupancy costs—Capital projects surcharge. The director of enterprise services may assess a charge or rent against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportionate share of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of acquiring, constructing, 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, historic furnishings, or materials.

The director of enterprise services may recover the full costs including appropriate overhead charges of the foregoing by periodic billings as determined by the director including but not limited to transfers upon accounts and advancements into the enterprise services account. Charges related to the rendering of real estate services under RCW 43.82.010 and to the operation and maintenance of public and historic facilities at the state capitol, as defined in RCW 79.24.710, shall be allocated separately from other charges assessed under this section. Rates shall be established by the director of enterprise services after consultation with the director of financial management. The director of enterprise services 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.

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 enterprise services which shall be deposited in the state treasury to the credit of the enterprise services account unless the director of financial management has authorized another method for payment of costs.

Beginning July 1, 1995, the director of enterprise services shall assess a capital projects surcharge upon each agency or other user occupying a facility owned and managed by the department of enterprise services in Thurston county, excluding state capitol public and historic facilities, as defined in RCW 79.24.710. The capital projects surcharge does not apply to agencies or users that agree to pay all future repairs, improvements, and renovations to the buildings they occupy and a proportional share, as determined by the office of financial management, of all other campus repairs, installations, improvements, and renovations that provide a benefit to the buildings they occupy or that have an agreement with the department of enterprise services that contains a charge for a similar purpose, including but not limited to RCW 43.01.091, in an amount greater than the capital projects surcharge. Beginning July 1, 2002, the capital

projects surcharge does not apply to department of services for the blind vendors who operate cafeteria services in facilities owned and managed by the department of enterprise services; the department shall consider this space to be a common area for purposes of allocating the capital projects surcharge to other building tenants beginning July 1, 2003. The director, after consultation with the director of financial management, shall adopt differential capital project surcharge rates to reflect the differences in facility type and quality. The initial payment structure for this surcharge shall be one dollar per square foot per year. The surcharge shall increase over time to an amount that when combined with the facilities and service charge equals the market rate for similar types of lease space in the area or equals five dollars per square foot per year, whichever is less. The capital projects surcharge shall be in addition to other charges assessed under this section. Proceeds from the capital projects surcharge shall be deposited into the Thurston county capital facilities account created in RCW 43.19.501. [2015 c 225 s 56; 2005 c 330 s 5; 2002 c 162 s 1; 1998 c 105 s 5; 1994 c 219 s 16; 1991 sp.s. c 31 s 10; 1979 c 151 s 81; 1973 1st ex.s. c 82 s 1; 1971 ex.s. c 159 s 1; 1965 c 8 s 43.01.090. Prior: (i) 1951 c 131 s 1; 1941 c 228 s 1; Rem. Supp. 1941 s 10964-30. (ii) 1951 c 131 s 1; 1941 c 228 s 2; Rem. Supp. 1941 s 10964-31.]

Effective date—1998 c 105: See note following RCW 43.19.025.

Findings—Purpose—1994 c 219: "The legislature finds that there is inequitable distribution among state programs of capital costs associated with maintaining and rehabilitating state facilities. The legislature finds that there are insufficient available resources to support even minor capital improvements other than debt financing. The legislature further finds that little attention is focused on efficient facility management because in many cases capital costs are not factored into the ongoing process of allocating state resources. The purpose of sections 16 through 18, chapter 219, Laws of 1994 is to create a mechanism to distribute capital costs among the agencies and programs occupying facilities owned and managed by the *department of general administration in Thurston county that will foster increased accountability for facility decisions and more efficient use of the facilities." [1994 c 219 s 15.]

***Reviser's note:** The department of general administration was renamed the department of enterprise services by 2011 1st sp.s. c 43 s 107.

Finding—1994 c 219: See note following RCW 43.88.030.

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 s 2.]

Agricultural commodity commissions exempt: RCW 15.04.200.

Enterprise services account: RCW 43.19.500.

Housing for state offices, departments, and institutions: Chapter 43.82 RCW.

RCW 43.01.091 Departments to share debt service costs. It is hereby declared to be the policy of the state of Washington that each agency or other occupant of newly constructed or substantially renovated facilities owned and operated by the department of enterprise services in Thurston county shall proportionally share the debt service costs associated with the original construction or substantial renovation of the facility. Beginning July 1, 1995, each state agency or other occupant of a facility constructed or substantially renovated after July 1, 1992, and owned and operated by the department of enterprise services in Thurston county, shall be assessed a charge to pay the principal and interest payments on any bonds or other financial contract issued to finance the construction or renovation or an equivalent charge for similar projects financed by cash sources. In recognition that full payment of debt service costs may be higher than market rates for similar types of facilities or higher than existing agreements for similar charges entered into prior to June 9, 1994, the initial charge may be less than the full cost of principal and interest payments. The charge shall be assessed to all occupants of the facility on a proportional basis based on the amount of occupied space or any unique construction requirements. The office of financial management, in consultation with the department of enterprise services, shall develop procedures to implement this section and report to the legislative fiscal committees, by October 1994, their recommendations for implementing this section. The office of financial management shall separately identify in the budget document all payments and the documentation for determining the payments required by this section for each agency and fund source during the current and the two past and future fiscal biennia. The charge authorized in this section is subject to annual audit by the state auditor. [2015 c 225 s 57; 1994 c 219 s 19.]

Finding—1994 c 219: See note following RCW 43.88.030.

Budget document: RCW 43.88.030.

Enterprise services: RCW 43.19.500.

RCW 43.01.100 Application forms—Employment—Licenses—Mention of race or religion prohibited—Penalty. (1) 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.

(2) A person violating this section is guilty of a misdemeanor. [2003 c 53 s 221; 1965 c 8 s 43.01.100. Prior: 1955 c 87 s 1.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Discrimination—Human rights commission: Chapter 49.60 RCW.

RCW 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 crewmembers of any nonscheduled aircraft flight. [1967 ex.s. c 6 s 1; 1965 ex.s. c 68 s 1.]

RCW 43.01.125 Duty to identify employees whose performance warrants termination from employment. It is the responsibility of each agency head to institute management procedures designed to identify any agency employee, either supervisory or nonsupervisory, whose performance is so inadequate as to warrant termination from state employment. In addition, it is the responsibility of each agency head to remove from a supervisory position any supervisor within the agency who has tolerated the continued employment of any employee under his or her supervision whose performance has warranted termination from state employment. [1985 c 461 s 15.]

Severability—1985 c 461: See note following RCW 41.06.020.

Adoption of rules to remove supervisors tolerating inadequate employees: RCW 41.06.196.

RCW 43.01.135 Sexual harassment in the workplace. Agencies as defined in RCW 41.06.020, except for institutions of higher education, shall:

(1) Update or develop and disseminate among all agency employees and contractors a policy that:

(a) Defines and prohibits sexual harassment in the workplace;

(b) Includes procedures that describe how the agency will address concerns of employees who are affected by sexual harassment in the workplace;

(c) Identifies appropriate sanctions and disciplinary actions; and

(d) Complies with guidelines adopted by the director of personnel under RCW 41.06.395;

(2) Respond promptly and effectively to sexual harassment concerns;

(3) Conduct training and education for all employees in order to prevent and eliminate sexual harassment in the organization;

(4) Inform employees of their right to file a complaint with the Washington state human rights commission under chapter 49.60 RCW, or with the federal equal employment opportunity commission under Title VII of the civil rights act of 1964; and

(5) Report to the department of enterprise services on compliance with this section.

The cost of the training programs shall be borne by state agencies within existing resources. [2011 1st sp.s. c 43 s 450; 2007 c 76 s 2.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

RCW 43.01.150 Power to employ or appoint personnel not to include authority to provide state owned or leased motor vehicle. Notwithstanding any other provision of law, whenever any state agency, institution of higher education, or other appointing authority is empowered to employ or appoint administrators or other personnel and to fix their compensation, such power, in the absence of a specific contrary statutory authorization to the agency, institution of higher education, or appointing authority, shall not extend to the power to provide a state owned or leased motor vehicle for any use other than official state business. [1975 1st ex.s. c 33 s 1.]

Providing motor vehicle transportation services for public employees: RCW 43.19.560 through 43.19.635.

RCW 43.01.160 State publications to be in gender-neutral terms—Exception—Effect of noncompliance. (1) All rules and directory or advisory publications issued, adopted, or amended by state officers or agencies, as defined by RCW 41.06.020, after July 1, 1983, shall be written in gender-neutral terms unless a specification of gender is intended.

(2) No rule or publication is invalid because it does not comply with this section. [1983 c 20 s 2.]

Intent—1983 c 20: "It is the intent of the legislature to have the state's statutes, rules, and official communications expressed in gender-neutral terms." [1983 c 20 s 1.]

Statutes, memorials, and resolutions: RCW 44.04.210.

RCW 43.01.200 Facilitating recovery from Mt. St. Helens eruption—Legislative findings—Purpose. (1) The legislature finds that:

(a) The May 1980 eruption of Mount St. Helens has caused serious economic and physical damage to the land surrounding the mountain;

(b) There are continuing siltation problems which could severely affect the Toutle, Cowlitz, Coweeman, and Columbia rivers areas;

(c) There is an immediate need for sites for dredging, dredge spoils, flood control works, sediment retention, and bank protection and funds for dredging, dredge sites, dredge spoils sites, flood control works, sediment retention sites, and bank protection and to continue the rehabilitation of the areas affected by the natural disaster; and

(d) Failure to dredge and dike along the rivers and failure to cooperate with the federal government in sediment retention would directly affect the lives and property of the forty-five thousand residents in the Cowlitz and Toutle River valleys with severe negative impacts on local, state, and national transportation systems, public

utilities, public and private property, and the Columbia river which is one of the major navigation channels for worldwide commerce.

(2) The intent of RCW 36.01.150, 43.01.210, *43.21A.500, 43.21C.500, 75.20.300, 89.16.500, and 90.58.500, their 1983 amendments, and RCW 43.01.215 is to authorize and direct maximum cooperative effort to meet the problems noted in subsection (1) of this section. [1985 c 307 s 1; 1983 1st ex.s. c 1 s 1; 1982 c 7 s 1.]

***Reviser's note:** RCW 43.21A.500, 43.21C.500, 75.20.300, 89.16.500, and 90.58.500 expired June 30, 1995.

Severability—1983 1st ex.s. 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." [1983 1st ex.s. c 1 s 10.]

Severability—1982 c 7: See note following RCW 36.01.150.

RCW 43.01.210 Facilitating recovery from Mt. St. Helens eruption—Scope of state agency action. State agencies shall take action as follows to facilitate recovery from the devastation of the eruption of Mt. St. Helens:

(1) The department of transportation may secure any lands or interest in lands by purchase, exchange, lease, eminent domain, or donation for dredge sites, dredge spoils sites, flood control works, sediment retention works, or bank protection;

(2) The commissioner of public lands may by rule declare any public lands found to be damaged by the eruption of Mt. St. Helens, directly or indirectly, as surplus to the needs of the state and may dispose of such lands pursuant to Title 79 RCW to public or private entities for development, park and recreation uses, open space, or fish and wildlife habitat;

(3) All state agencies shall cooperate with local governments, the United States army corps of engineers, and other agencies of the federal government in planning for dredge site selection and dredge spoils removal, and in all other phases of recovery operations;

(4) The department of transportation shall work with the counties concerned on-site selection and site disposition in cooperation with the army corps of engineers; and

(5) State agencies may assist the army corps of engineers in the dredging and dredge spoils deposit operations. [1985 c 307 s 2; 1983 1st ex.s. c 1 s 2; 1982 c 7 s 2.]

Severability—1983 1st ex.s. c 1: See note following RCW 43.01.200.

Severability—1982 c 7: See note following RCW 36.01.150.

Facilitating recovery from Mt. St. Helens eruption—Scope of local government action: RCW 36.01.150.

RCW 43.01.215 Facilitating recovery from Mt. St. Helens eruption—Precedence of court proceedings under RCW 43.01.210—Finality of order under RCW 8.04.070—Appeal. (1) Court proceedings necessary to

acquire property or property rights for purposes of RCW 43.01.210 take precedence over all other causes, including those expedited under the provisions of RCW 47.52.060, in all courts to the end that the provision of lands for dredge sites, dredge spoils sites, flood control works, or bank protection may be expedited.

(2) An order entered under RCW 8.04.070 relating to the acquisition of land under RCW 43.01.210 is final unless review of the order is taken to the supreme court within five days after entry of the order. Such an appeal shall be certified by the trial court to the supreme court. Upon certification, the supreme court shall assign the appeal for hearing at the earliest possible date, and it shall expedite its review and decision in every way possible. [1983 1st ex.s. c 1 s 8.]

Severability—1983 1st ex.s. c 1: See note following RCW 43.01.200.

RCW 43.01.220 Commute trip reduction—Parking revenue—Definitions. The definitions in this section apply throughout this chapter.

(1) "Guaranteed ride home" means an assured ride home for commuters participating in a commute trip reduction program who are not able to use their normal commute mode because of personal emergencies.

(2) "Pledged" means parking revenue designated through any means, including moneys received from the natural resource building, which is used for the debt service payment of bonds issued for parking facilities. [1993 c 394 s 2.]

Finding—Purpose—1993 c 394: "The legislature finds that reducing the number of commute trips to work is an effective way of reducing automobile-related air pollution, traffic congestion, and energy use. The legislature intends that state agencies shall assume a leadership role in implementing programs to reduce vehicle miles traveled and single-occupant vehicle commuting, under RCW 70.94.521 through 70.94.551.

The legislature has established and directed an interagency task force to consider mechanisms for funding state agency commute trip reduction programs; and to consider and recommend policies for employee incentives for commuting by other than single-occupant vehicles, and policies for the use of state-owned vehicles.

It is the purpose of this act to provide state agencies with the authority to provide employee incentives, including subsidies for use of high occupancy vehicles to meet commute trip reduction goals, and to remove existing statutory barriers for state agencies to use public funds, including parking revenue, to operate, maintain, lease, or construct parking facilities at state-owned and leased facilities, to reduce parking subsidies, and to support commute trip reduction programs." [1993 c 394 s 1.]

RCW 43.01.225 Commute trip reduction—Parking revenue—State vehicle parking account. There is hereby established an account in the state treasury to be known as the "state vehicle parking account." All parking rental income resulting from parking fees established by

the department of enterprise services under RCW 46.08.172 at state-owned or leased property shall be deposited in the "state vehicle parking account." Revenue deposited in the "state vehicle parking account" shall be first applied to pledged purposes. Unpledged parking revenues deposited in the "state vehicle parking account" may be used to:

(1) Pay costs incurred in the operation, maintenance, regulation, and enforcement of vehicle parking and parking facilities;

(2) Support the lease costs and/or capital investment costs of vehicle parking and parking facilities; and

(3) Support agency commute trip reduction programs under RCW 70A.15.4000 through 70A.15.4100. [2021 c 65 s 30; 2011 1st sp.s. c 43 s 253; 1995 c 215 s 2; 1993 c 394 s 5.]

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Finding—Purpose—1993 c 394: See note following RCW 43.01.220.

RCW 43.01.230 Commute trip reduction—Use of public funds. State agencies may, under the internal revenue code rules, use public funds to financially assist agency-approved incentives for alternative commute modes, including but not limited to carpools, vanpools, purchase of transit and ferry passes, and guaranteed ride home programs, if the financial assistance is an element of the agency's commute trip reduction program as required under RCW 70A.15.4000 through 70A.15.4100. This section does not permit any payment for the use of state-owned vehicles for commuter ride sharing. [2021 c 65 s 31; 1995 c 215 s 1; 1993 c 394 s 6.]

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

Finding—Purpose—1993 c 394: See note following RCW 43.01.220.

RCW 43.01.235 Commute trip reduction—Higher education institutions—Exemption. All state higher education institutions are exempt from RCW 43.01.225. [1993 c 394 s 7.]

Finding—Purpose—1993 c 394: See note following RCW 43.01.220.

RCW 43.01.236 Commute trip reduction—Institutions of higher education—Exemption. All institutions of higher education as defined under RCW 28B.10.016 are exempt from the requirements under RCW 43.01.240. [1998 c 344 s 8; 1997 c 273 s 3; 1995 c 215 s 5.]

Intent—Findings—1998 c 344: See note following RCW 28B.10.029.

RCW 43.01.240 State agency parking account—Parking rental fees—Employee parking, limitations. (1) There is hereby established an account in the state treasury to be known as the state agency parking account. All parking income collected from the fees imposed by state agencies on parking spaces at state-owned or leased facilities, including the capitol campus, shall be deposited in the state agency parking account. Only the office of financial management may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. No agency may receive an allotment greater than the amount of revenue deposited into the state agency parking account.

(2) An agency may, as an element of the agency's commute trip reduction program to achieve the goals set forth in RCW 70A.15.4020, impose parking rental fees at state-owned and leased properties. These fees will be deposited in the state agency parking account. Each agency shall establish a committee to advise the agency director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. The agency shall solicit representation of the employee population including, but not limited to, management, administrative staff, production workers, and state employee bargaining units. Funds shall be used by agencies to: (a) Support the agencies' commute trip reduction program under RCW 70A.15.4000 through 70A.15.4100; (b) support the agencies' parking program; or (c) support the lease or ownership costs for the agencies' parking facilities.

(3) In order to reduce the state's subsidization of employee parking, after July 1997 agencies shall not enter into leases for employee parking in excess of building code requirements, except as authorized by the director of enterprise services. In situations where there are fewer parking spaces than employees at a worksite, parking must be allocated equitably, with no special preference given to managers. [2021 c 65 s 32; 2015 c 225 s 58; 1998 c 245 s 46; 1995 c 215 s 3.]

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

RCW 43.01.250 Electric vehicles—State purchase of power at state office locations—Report. (1) It is in the state's interest and to the benefit of the people of the state to encourage the use of electrical vehicles in order to reduce emissions and provide the public with cleaner air. This section expressly authorizes the purchase of power at state expense to recharge privately and publicly owned plug-in electrical vehicles at state office locations where the vehicles are used for state business, are commute vehicles, or where the vehicles are at the state location for the purpose of conducting business with the state.

(2) The director of the department of enterprise services may report to the governor and the appropriate committees of the legislature, as deemed necessary by the director, on the estimated amount of state-purchased electricity consumed by plug-in electrical vehicles if the director of enterprise services determines that the use has a significant cost to the state, and on the number of plug-in electric vehicles using state office locations. The report may be

combined with the report under section 401, chapter 348, Laws of 2007. [2015 c 225 s 59; 2007 c 348 s 206.]

Findings—2007 c 348: See RCW 43.325.005.

RCW 43.01.900 Terminated entity—Transfer of assets—Reversion of funds—Contractual rights—Rules and pending business—2010 1st sp.s. c 7. (1) All documents and papers, equipment, or other tangible property in the possession of the terminated entity shall be delivered to the custody of the entity assuming the responsibilities of the terminated entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of enterprise services.

(2) All funds held by, or other moneys due to, the terminated entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund.

(3) All contractual rights and duties of an entity shall be assigned or delegated to the entity assuming the responsibilities of the terminated entity, or if there is none to such entity as the governor shall direct.

(4) All rules and all pending business before any terminated entity shall be continued and acted upon by the entity assuming the responsibilities of the terminated entity. [2015 c 225 s 60; 2010 1st sp.s. c 7 s 140.]

Effective date—2010 1st sp.s. c 26; 2010 1st sp.s. c 7: See note following RCW 43.03.027.