

2 **ESHB 2676** - S AMD - 452

3 By Senators Deccio, Haugen, Winsley, Talmadge and Wojahn

4 ADOPTED 3/8/94

5 On page 83, after line 20, insert the following:

6 "NEW SECTION. **Sec. 604.** A new section is added to chapter 18.130
7 RCW to read as follows:

8 (1) The settlement process must be substantially uniform for
9 licensees governed by regulatory entities having authority under this
10 chapter.

11 (2) Disclosure of the identity of reviewing disciplining authority
12 members who participate in the settlement process is available to the
13 respondents or their legal representative upon request.

14 (3) The settlement conference will occur only if a settlement is
15 not achieved through written documents. Respondents will have the
16 opportunity to conference either by phone or in person with the
17 reviewing disciplining authority member if the respondent chooses.
18 Respondents may also have their attorney conference either by phone or
19 in person with the reviewing disciplining authority member without the
20 respondent being present personally.

21 (4) If the respondent wants to meet in person with the reviewing
22 disciplining authority member, he or she will travel to the reviewing
23 disciplinary authority member and have such a conference with the
24 attorney general in attendance either by phone or in person."

25 Renumber the section following consecutively and correct any
26 internal references accordingly.

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30 On page 2, at the beginning of line 15 of the title, after "RCW;"
31 insert "adding a new section to chapter 18.130 RCW;"

1 **ESHB 2676** - S AMD - 522

2 By Senator Haugen

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ADOPTED 3/8/94

4 On page 107, line 31, after "the" strike "committee" and insert

5 "~~((committee))~~ board"

6 **ESHB 2676** - S AMD - 406

7 By Senators Haugen, Winsley, Vognild, Drew and McCaslin

8

SENATE ADOPTED 3/8/94; HOUSE RULED OUTSIDE SCOPE 3/9/94

9

On page 134, after line 13, insert the following:

10 "Sec. 754. RCW 43.63A.300 and 1993 c 280 s 68 are each amended to
11 read as follows:

12 The legislature finds that fire protection services at the state
13 level are provided by different, independent state agencies. This has
14 resulted in a lack of a comprehensive state-level focus for state fire
15 protection services, funding, and policy. The legislature further
16 finds that the paramount duty of the state in fire protection services
17 is to enhance the capacity of all local jurisdictions to assure that
18 their personnel with fire suppression, prevention, inspection, origin
19 and cause, and arson investigation responsibilities are adequately
20 trained to discharge their responsibilities. It is the intent of the
21 legislature to consolidate fire protection services into a single state
22 agency and to create a state board with the responsibility of (1)
23 establishing a comprehensive state policy regarding fire protection
24 services and (2) advising the ~~((director of community, trade, and~~
25 ~~economic development))~~ governor and the director of fire protection on
26 matters relating to their duties under state law. It is also the
27 intent of the legislature that the fire protection services program
28 created herein will assist local fire protection agencies in program
29 development without encroaching upon their historic autonomy. It is
30 the further intent of the legislature that the fire protection services
31 program be implemented incrementally to assure a smooth transition, to
32 build local, regional, and state capacity, and to avoid undue burdens
33 on jurisdictions with limited resources.

1 **Sec. 755.** RCW 43.63A.310 and 1986 c 266 s 55 are each amended to
2 read as follows:

3 There is created the state fire protection policy board consisting
4 of ~~((ten))~~ eight members appointed by the governor:

5 (1) ~~((Three))~~ One representative~~((s))~~ of fire chiefs~~((--At least~~
6 ~~one shall be from a fire department east of the Cascade mountains and~~
7 ~~at least one shall be from a fire department west of the Cascade~~
8 ~~mountains. One shall be from a fire protection district))~~;

9 (2) One insurance industry representative;

10 (3) One representative of cities and towns;

11 (4) One representative of counties;

12 (5) ~~((Two))~~ One full-time, paid, career fire fighter~~((s))~~;

13 (6) One volunteer fire fighter; ~~((and))~~

14 (7) One representative of fire commissioners; and

15 (8) One representative of fire control programs of the department
16 of natural resources.

17 In making the appointments required under subsections (1) through
18 (7) of this section, the governor shall (a) seek the advice of and
19 consult with organizations involved in fire protection; and (b) ensure
20 that racial minorities, women, and persons with disabilities are
21 represented.

22 The terms of the appointed members of the board shall be three
23 years and until a successor is appointed and qualified. However,
24 initial board members shall be appointed as follows: Three members to
25 terms of one year, three members to terms of two years, and four
26 members to terms of three years. In the case of a vacancy of a member
27 appointed under subsections (1) through (7) of this section, the
28 governor shall appoint a new representative to fill the unexpired term
29 of the member whose office has become vacant. A vacancy shall occur
30 whenever an appointed member ceases to be employed in the occupation
31 the member was appointed to represent. The members of the board
32 appointed pursuant to subsections (1) and (5) of this section and
33 holding office on the effective date of this act shall serve the
34 remainder of their terms, and the reduction of the board required by
35 section 855, chapter ---, Laws of 1994 (this section), shall occur upon
36 the expiration of their terms.

37 The appointed members of the board shall be reimbursed for travel
38 expenses under RCW 43.03.050 and 43.03.060.

1 The board shall select its own chairperson and shall meet at the
2 request of the governor or the chairperson and at least four times per
3 year.

4 **Sec. 756.** RCW 43.63A.320 and 1993 c 280 s 69 are each amended to
5 read as follows:

6 Except for matters relating to the statutory duties of the director
7 of community, trade, and economic development which are to be carried
8 out through the director of fire protection, the board shall have the
9 responsibility of developing a comprehensive state policy regarding
10 fire protection services. In carrying out its duties, the board shall:

11 (1)(a) Adopt a state fire training and education master plan which
12 allows to the maximum feasible extent for negotiated agreements: (i)
13 With the state board for community and technical colleges to provide
14 academic, vocational, and field training programs for the fire service
15 and (ii) with the higher education coordinating board and the state
16 colleges and universities to provide instructional programs requiring
17 advanced training, especially in command and management skills;

18 (b) Adopt minimum standards for each level of responsibility among
19 personnel with fire suppression, prevention, inspection, and
20 investigation responsibilities which assure continuing assessment of
21 skills and are flexible enough to meet emerging technologies. With
22 particular respect to training for fire investigations, the master plan
23 shall encourage cross training in appropriate law enforcement skills.
24 To meet special local needs, fire agencies may adopt more stringent
25 requirements than those adopted by the state;

26 (c) Cooperate with the common schools, technical and community
27 colleges, institutions of higher education, and any department or
28 division of the state, or of any county or municipal corporation in
29 establishing and maintaining instruction in fire service training and
30 education in accordance with any act of congress and legislation
31 enacted by the legislature in pursuance thereof and in establishing,
32 building, and operating training and education facilities.

33 Industrial fire departments and private fire investigators may
34 participate in training and education programs under this chapter for
35 a reasonable fee established by rule;

36 (d) Develop and adopt a master plan for constructing, equipping,
37 maintaining, and operating necessary fire service training and

1 education facilities subject to the provisions of chapter 43.19 RCW;
2 and

3 (e) Develop and adopt a master plan for the purchase, lease, or
4 other acquisition of real estate necessary for fire service training
5 and education facilities in a manner provided by law.

6 (2) In addition to its responsibilities for fire service training,
7 the board shall:

8 (a) Adopt a state fire protection master plan;

9 ~~((+2))~~ (b) Monitor fire protection in the state and develop
10 objectives and priorities to improve fire protection for the state's
11 citizens including: (i) The comprehensiveness of state and local
12 inspections required by law for fire and life safety; (ii) the level of
13 skills and training of inspectors, as well as needs for additional
14 training; and (iii) the efforts of local, regional, and state
15 inspection agencies to improve coordination and reduce duplication
16 among inspection efforts;

17 ~~((+3))~~ (c) Establish and promote state arson control programs and
18 ensure development of local arson control programs;

19 ~~((+4))~~ (d) Provide representation for local fire protection
20 services to the governor in state-level fire protection planning
21 matters such as, but not limited to, hazardous materials control;

22 ~~((+5))~~ (e) Seek and solicit grants, gifts, bequests, ~~((devices))~~
23 devises, and matching funds for use in furthering the objectives and
24 duties of the board, and establish procedures for administering them;

25 ~~((+6))~~ (f) Promote mutual aid and disaster planning for fire
26 services in this state;

27 ~~((+7))~~ (g) Assure the dissemination of information concerning the
28 amount of fire damage including that damage caused by arson, and its
29 causes and prevention;

30 ~~((+8))~~ (h) Submit ~~((annually a))~~ an annual report to the governor
31 ~~((containing a statement of))~~ describing its ~~((official acts))~~
32 activities undertaken pursuant to this chapter, and make such studies,
33 reports, and recommendations to the governor and the legislature as are
34 requested; and

35 ~~((+9))~~ Adopt a state fire training and education master plan;

36 ~~(+10)~~ Develop and adopt a master plan for the construction,
37 equipping, maintaining, and operation of necessary fire service
38 training and education facilities, but the authority to construct,
39 equip, and maintain such facilities is subject to chapter 43.19 RCW;

1 ~~(11) Develop and adopt a master plan for the purchase, lease, or~~
2 ~~other acquisition of real estate necessary to establish and operate~~
3 ~~fire service training and education facilities in a manner provided by~~
4 ~~law;~~

5 ~~(12) Adopt standards for state wide fire service training and~~
6 ~~education courses including courses in arson detection and~~
7 ~~investigation for personnel of fire, police, and prosecutor's~~
8 ~~departments;~~

9 ~~(13) Assure the administration of)~~ (i) Implement any legislation
10 enacted by the legislature ((in pursuance of the aims and purposes)) to
11 meet the requirements of any acts of congress ((insofar as the
12 provisions thereof may)) that apply((;

13 ~~(14) Cooperate with the common schools, community colleges,~~
14 ~~institutions of higher education, and any department or division of the~~
15 ~~state, or of any county or municipal corporation in establishing and~~
16 ~~maintaining instruction in fire service training and education in~~
17 ~~accordance with any act of Congress and legislation enacted by the~~
18 ~~legislature in pursuance thereof and in establishing, building, and~~
19 ~~operating training and education facilities.~~

20 ~~This section does not apply to forest fire service personnel and~~
21 ~~programs. Industrial fire departments and private fire investigators~~
22 ~~may participate in training and education programs under this chapter~~
23 ~~for a reasonable fee established by rule)) to this section.~~

24 (3) In carrying out its statutory duties, the board shall give
25 particular consideration to the appropriate roles to be played by the
26 state and by local jurisdictions with fire protection responsibilities.
27 Any determinations on the division of responsibility shall be made in
28 consultation with local fire officials and their representatives.

29 To the extent possible, the board shall encourage development of
30 regional units along compatible geographic, population, economic, and
31 fire risk dimensions. Such regional units may serve to: (a) Reinforce
32 coordination among state and local activities in fire service training,
33 reporting, inspections, and investigations; (b) identify areas of
34 special need, particularly in smaller jurisdictions with inadequate
35 resources; (c) assist the state in its oversight responsibilities; (d)
36 identify funding needs and options at both the state and local levels;
37 and (e) provide models for building local capacity in fire protection
38 programs.

1 **Sec. 757.** RCW 43.63A.340 and 1993 c 280 s 71 are each amended to
2 read as follows:

3 (1) Wherever the term state fire marshal appears in the Revised
4 Code of Washington or the Washington Administrative Code it shall mean
5 the director of fire protection.

6 (2) The (~~director of community, trade, and economic development~~)
7 governor shall appoint an assistant director who shall be known as the
8 director of fire protection. The board, after consulting with the
9 (~~director~~) governor, shall prescribe qualifications for the position
10 of director of fire protection. The board shall submit to the
11 (~~director~~) governor a list containing the names of three persons whom
12 the board believes meet its qualifications. If requested by the
13 (~~director~~) governor, the board shall submit one additional list of
14 three persons whom the board believes meet its qualifications. The
15 appointment shall be from one of the lists of persons submitted by the
16 board.

17 (3) The director of fire protection may designate one or more
18 deputies and may delegate to those deputies his or her duties and
19 authorities as deemed appropriate.

20 (4) The (~~director of community, trade, and economic development,~~
21 ~~through the~~) director of fire protection(~~(7)~~) shall(~~(7, after~~
22 ~~consultation with the board,~~) prepare a biennial budget pertaining to
23 fire protection services. Such biennial budget shall be submitted as
24 part of the department's budget request.

25 (5) The (~~director of community, trade, and economic development,~~
26 ~~through the~~) director of fire protection(~~(7)~~) shall implement and
27 administer, within the constraints established by budgeted resources,
28 the policies of the board (~~and all duties of the director of~~
29 ~~community, trade, and economic development which are to be carried out~~
30 ~~through the director of fire protection~~). Such administration shall
31 include negotiation of agreements with the state board for community
32 and technical colleges, the higher education coordinating board, and
33 the state colleges and universities as provided in RCW 43.63A.320.
34 Programs covered by such agreements shall include, but not be limited
35 to, planning curricula, developing and delivering instructional
36 programs and materials, and utilizing existing instructional personnel
37 and facilities. Where appropriate, such contracts shall also include
38 planning and conducting instructional programs at the state fire
39 service training center.

1 (6) The (~~director of community, trade, and economic development,~~
2 ~~through the~~) director of fire protection((~~7~~)) shall seek the advice of
3 the board in carrying out his or her duties under law.

4 **Sec. 758.** RCW 43.63A.377 and 1991 c 135 s 3 are each amended to
5 read as follows:

6 Money from the fire services trust fund may be expended for the
7 following purposes:

8 (1) Training of fire service personnel, including both classroom
9 and hands-on training at the state fire training center or other
10 locations approved by the director through the director of fire
11 protection services;

12 (2) Maintenance and operation at the state's fire training center
13 near North Bend. If in the future the state builds or leases other
14 facilities as other fire training centers, a portion of these moneys
15 may be used for the maintenance and operation at these centers;

16 (3) Lease or purchase of equipment for use in the provisions of
17 training to fire service personnel;

18 (4) Grants or other subsidies to local (~~entities~~) jurisdictions
19 to allow them to perform their functions under this section;

20 (5) Costs of administering these programs under this section;

21 (6) Licensing and enforcement of state laws governing the sales of
22 fireworks; and

23 (7) Development with the legal fireworks industry and funding of a
24 state-wide public education program for fireworks safety.

25 **Sec. 759.** RCW 48.48.060 and 1986 c 266 s 71 are each amended to
26 read as follows:

27 (1) The chief of each organized fire department, the sheriff or
28 other designated county official, and the designated city or town
29 official shall investigate the cause((~~7~~)) and origin, and document
30 extent of (~~loss~~) damage of all fires occurring within their
31 respective jurisdictions, as determined by this subsection, and shall
32 forthwith notify the (~~director of community development, through the~~)
33 director of fire protection((~~7~~)) of all fires of criminal, suspected,
34 or undetermined cause occurring within their respective jurisdictions.
35 The county fire marshal shall also be notified of and investigate all
36 such fires occurring in unincorporated areas of the county. Fire
37 departments shall have the responsibility imposed by this subsection

1 for areas within their jurisdictions. Sheriffs or other designated
2 county officials shall have responsibility imposed by this subsection
3 for county areas not within the jurisdiction of a fire department,
4 unless such areas are within the boundaries of a city or town, in which
5 case the designated city or town official shall have the responsibility
6 imposed by this subsection. For the purposes of this subsection,
7 county officials shall be designated by the county legislative
8 authority, and city or town officials shall be designated by the
9 appropriate city or town legislative or executive authority. In
10 addition to the responsibility imposed by this subsection, any sheriff
11 or chief of police may assist in the investigation of the cause((7))
12 and origin, and document extent of ((loss)) damage of all fires
13 occurring within his or her respective jurisdiction.

14 (2) The ((director of community development, through the)) director
15 of fire protection or his or her deputy((7)) may investigate any fire
16 for the purpose of determining its cause, origin, and the extent of the
17 loss. The ((director of community development, through the)) director
18 of fire protection or his or her deputy((7)) shall assist in the
19 investigation of those fires of criminal, suspected, or undetermined
20 cause when requested by the reporting agency. In the investigation of
21 any fire of criminal, suspected, or undetermined cause, the ((director
22 of community development and the)) director of fire protection or his
23 or her deputy((7)) are vested with police powers to enforce the laws of
24 this state. To exercise these powers, authorized deputies must receive
25 prior written authorization from the ((director of community
26 development, through the)) director of fire protection((7)) and shall
27 have completed a course of training prescribed by the Washington state
28 criminal justice training commission.

29 **Sec. 760.** RCW 48.48.065 and 1986 c 266 s 72 are each amended to
30 read as follows:

31 (1) The chief of each organized fire department, or the sheriff or
32 other designated county official having jurisdiction over areas not
33 within the jurisdiction of any fire department, shall report
34 statistical information and data to the ((director of community
35 development, through the)) director of fire protection((7)) on each
36 fire occurring within the official's jurisdiction. Reports shall be
37 consistent with the national fire incident reporting system developed
38 by the United States fire administration and rules established by the

1 (~~director of community development, through the director of~~) fire
2 protection policy board. The (~~director of community development,~~
3 ~~through the~~) director of fire protection(~~(7)~~) and the department of
4 natural resources shall jointly determine the statistical information
5 to be reported on fires on land under the jurisdiction of the
6 department of natural resources.

7 (2) The (~~director of community development, through the~~) director
8 of fire protection(~~(7)~~) shall analyze the information and data
9 reported, compile a report, and distribute a copy annually by (~~January~~
10 ~~31~~) June 30 to each chief fire official in the state. Upon request,
11 the (~~director of community development, through the~~) director of fire
12 protection(~~(7)~~) shall also furnish a copy of the report to any other
13 interested person at cost.

14 (3) In carrying out the duties relating to collecting, analyzing,
15 and reporting statistical fire data, the fire protection policy board
16 may contract with a qualified individual or organization to gather and
17 report such information under the following conditions:

18 (a) The contractor may be selected under the sole source provisions
19 of chapter 39.29 RCW, so long as the contractor meets the
20 qualifications of that chapter; and

21 (b) The information provided meets the diverse needs of state and
22 local fire reporting agencies and is (i) defined in understandable
23 terms of common usage in the fire community; (ii) adaptable to the
24 varying levels of resources available, including whether a given
25 client's system is operated electronically or not; (iii) maintained in
26 a manner which will foster both technical support and resource sharing;
27 and (iv) designed to meet both short and long-term needs.

28 NEW SECTION. Sec. 761. A new section is added to chapter 43.10
29 RCW to read as follows:

30 (1) The legislature finds that provisions for information systems
31 relating to statistics and reporting for fire prevention, suppression,
32 and damage control do not adequately address the needs of ongoing
33 investigations of fire incidents where the cause is suspected or
34 determined to be the result of negligence or otherwise suggestive of
35 some criminal activity, particularly that of arson. It is the intent
36 of the legislature to establish an information and reporting system
37 designed specifically to assist state and local officers in conducting

1 such investigations and, where substantiated, to undertake prosecution
2 of individuals suspected of such activities.

3 (2)(a) In addition to the information provided by local officials
4 about the cause, origin, and extent of loss in fires under chapter
5 48.48 RCW, there is hereby created the state arson investigation
6 information system in the office of the attorney general.

7 (b) The attorney general shall develop the arson investigation
8 information system in consultation with representatives of the various
9 state and local officials charged with investigating fires resulting
10 from suspicious or criminal activities under chapter 48.48 RCW and of
11 the insurance industry.

12 (c) The arson investigation information system shall be designed to
13 include at least the following attributes: (i) The information
14 gathered and reported shall meet the diverse needs of state and local
15 investigating agencies; (ii) the forms and reports are drafted in
16 understandable terms of common usage; and (iii) the results shall be
17 adaptable to the varying levels of available resources, maintained in
18 a manner to foster data sharing and mutual aid activities, and made
19 available to other law enforcement agencies responsible for criminal
20 investigations.

21 (d) All insurers required to report claim information under the
22 provisions of chapter 48.50 RCW shall cooperate fully with any requests
23 from the attorney general in developing and maintaining the arson
24 investigation information system. The confidentiality provisions of
25 that chapter shall be fully enforced.

26 **Sec. 762.** RCW 48.48.080 and 1986 c 266 s 74 are each amended to
27 read as follows:

28 If as the result of any such investigation, or because of any
29 information received, the (~~director of community development, through~~
30 ~~the~~) director of fire protection(~~(7)~~) is of the opinion that there is
31 evidence sufficient to charge any person with any crime, he or she may
32 cause such person to be arrested and charged with such offense, and
33 shall furnish to the prosecuting attorney of the county in which the
34 offense was committed, the names of witnesses and all pertinent and
35 material evidence and testimony within his or her possession relative
36 to the offense.

1 **Sec. 763.** RCW 52.12.031 and 1986 c 311 s 1 are each amended to
2 read as follows:

3 Any fire protection district organized under this title may:

4 (1) Lease, acquire, own, maintain, operate, and provide fire and
5 emergency medical apparatus and all other necessary or proper
6 facilities, machinery, and equipment for the prevention and suppression
7 of fires, the providing of emergency medical services and the
8 protection of life and property;

9 (2) Lease, acquire, own, maintain, and operate real property,
10 improvements, and fixtures for housing, repairing, and maintaining the
11 apparatus, facilities, machinery, and equipment described in subsection
12 (1) of this section;

13 (3) Contract with any governmental entity under chapter 39.34 RCW
14 or private person or entity to consolidate, provide, or cooperate for
15 fire prevention protection, fire suppression, investigation, and
16 emergency medical purposes. In so contracting, the district or
17 governmental entity is deemed for all purposes to be acting within its
18 governmental capacity. This contracting authority includes the
19 furnishing of fire prevention, fire suppression, investigation,
20 emergency medical services, facilities, and equipment to or by the
21 district, governmental entity, or private person or entity;

22 (4) Encourage uniformity and coordination of fire protection
23 district operations. The fire commissioners of fire protection
24 districts may form an association to secure information of value in
25 suppressing and preventing fires and other district purposes, to hold
26 and attend meetings, and to promote more economical and efficient
27 operation of the associated fire protection districts. The
28 commissioners of fire protection districts in the association shall
29 adopt articles of association or articles of incorporation for a
30 nonprofit corporation, select a chairman, secretary, and other officers
31 as they may determine, and may employ and discharge agents and
32 employees as the officers deem convenient to carry out the purposes of
33 the association. The expenses of the association may be paid from
34 funds paid into the association by fire protection districts:
35 PROVIDED, That the aggregate contributions made to the association by
36 a district in a calendar year shall not exceed two and one-half cents
37 per thousand dollars of assessed valuation;

38 (5) Enter into contracts to provide group life insurance for the
39 benefit of the personnel of the fire districts;

1 (6) Perform building and property inspections that the district
2 deems necessary to provide fire prevention services and pre-fire
3 planning within the district and any area that the district serves by
4 contract in accordance with RCW 19.27.110: PROVIDED, That codes used
5 by the district for building and property inspections shall be limited
6 to the applicable codes adopted by the state, county, city, or town
7 that has jurisdiction over the area in which the property is located.
8 A copy of inspection reports prepared by the district shall be
9 furnished by the district to the appropriate state, county, city, or
10 town that has jurisdiction over the area in which the property is
11 located: PROVIDED, That nothing in this subsection shall be construed
12 to grant code enforcement authority to a district. This subsection
13 shall not be construed as imposing liability on any governmental
14 jurisdiction;

15 (7) Determine the origin and cause of fires occurring within the
16 district and any area the district serves by contract. In exercising
17 the authority conferred by this subsection, the fire protection
18 district and its authorized representatives shall comply with the
19 provisions of RCW 48.48.060;

20 (8) Perform acts consistent with this title and not otherwise
21 prohibited by law.

22 NEW SECTION. **Sec. 764.** The association of fire commissioners that
23 is authorized to be formed under RCW 52.12.031(4), the association of
24 Washington cities, and the Washington state association of counties
25 shall submit a report on achieving greater efficiency in the delivery
26 of fire protection services to the government operations committee of
27 the senate and the local government committee of the house of
28 representatives on or before December 31, 1994.

29 NEW SECTION. **Sec. 765.** The state fire protection policy board
30 shall conduct a study on the overlapping and confusing jurisdiction and
31 responsibilities of local governments concerning fire investigation.
32 The board shall make recommendations to the government operations
33 committee of the senate and the local government committee of the house
34 of representatives on or before December 31, 1994.

35 NEW SECTION. **Sec. 766.** The department of natural resources and
36 the association of fire commissioners shall submit a report on the

1 feasibility of providing fire protection for lands that are not
2 federally protected, not protected by the department of natural
3 resources, and not within the boundaries of a fire protection district
4 to the government operations committee of the senate and the local
5 government committee of the house of representatives on or before
6 December 31, 1994.

7 NEW SECTION. **Sec. 767.** This act does not apply to forest fire
8 service personnel and programs.

9 NEW SECTION. **Sec. 768.** RCW 48.48.120 and 1947 c 79 s .33.12 are
10 each repealed.

11 **Sec. 769.** RCW 84.52.043 and 1993 c 337 s 3 are each amended to
12 read as follows:

13 Within and subject to the limitations imposed by RCW 84.52.050 as
14 amended, the regular ad valorem tax levies upon real and personal
15 property by the taxing districts hereafter named shall be as follows:

16 (1) Levies of the senior taxing districts shall be as follows: (a)
17 The levy by the state under RCW 84.52.065 shall not exceed three
18 dollars and sixty cents per thousand dollars of assessed value adjusted
19 to the state equalized value in accordance with the indicated ratio
20 fixed by the state department of revenue to be used exclusively for the
21 support of the common schools; (b) the levy by the state under section
22 770 of this act shall not exceed two cents per thousand dollars of
23 assessed value adjusted to the state equalized value in accordance with
24 the indicated ratio fixed by the state department of revenue to be used
25 exclusively for state fire protection services; (c) the levy by any
26 county shall not exceed one dollar and eighty cents per thousand
27 dollars of assessed value; ~~((+e))~~ (d) the levy by any road district
28 shall not exceed two dollars and twenty-five cents per thousand dollars
29 of assessed value; and ~~((+d))~~ (e) the levy by any city or town shall
30 not exceed three dollars and thirty-seven and one-half cents per
31 thousand dollars of assessed value. However any county is hereby
32 authorized to increase its levy from one dollar and eighty cents to a
33 rate not to exceed two dollars and forty-seven and one-half cents per
34 thousand dollars of assessed value for general county purposes if the
35 total levies for both the county and any road district within the
36 county do not exceed four dollars and five cents per thousand dollars

1 of assessed value, and no other taxing district has its levy reduced as
2 a result of the increased county levy.

3 (2) The aggregate levies of junior taxing districts and senior
4 taxing districts, other than the state, shall not exceed five dollars
5 and ninety cents per thousand dollars of assessed valuation. The term
6 "junior taxing districts" includes all taxing districts other than the
7 state, counties, road districts, cities, towns, port districts, and
8 public utility districts. The limitations provided in this subsection
9 shall not apply to: (a) Levies at the rates provided by existing law
10 by or for any port or public utility district; (b) excess property tax
11 levies authorized in Article VII, section 2 of the state Constitution;
12 (c) levies for acquiring conservation futures as authorized under RCW
13 84.34.230; (d) levies for emergency medical care or emergency medical
14 services imposed under RCW 84.52.069; and (e) levies to finance
15 affordable housing for very low-income housing imposed under RCW
16 84.52.105.

17 NEW SECTION. **Sec. 770.** A new section is added to chapter 84.52
18 RCW to read as follows:

19 (1) Subject to the limitations in RCW 84.55.010, in each year the
20 state shall levy for collection in the following year a tax of two
21 cents per thousand dollars of assessed value upon the assessed
22 valuation of all taxable property within the state, except classified
23 or designated forest land under chapter 84.33 RCW, adjusted to the
24 state equalized value in accordance with the indicated ratio fixed by
25 the state department of revenue.

26 (2) The state fire protection services account is hereby created in
27 the state treasury. All receipts from the tax levied under this
28 section shall be deposited in the account. Except for unanticipated
29 receipts under chapter 43.79 RCW, moneys in the account may be spent
30 only after appropriation by statute. Expenditures from the account may
31 be used only for state fire protection responsibilities.

32 NEW SECTION. **Sec. 771.** A new section is added to chapter 84.52
33 RCW to read as follows:

34 When a county assessor finds that the aggregate of all regular tax
35 levies upon real and personal property by the state and all taxing
36 districts other than a port or public utility district exceeds the

1 limitation set forth in RCW 84.52.050, the assessor shall recompute and
2 establish a consolidated levy as follows:

3 (1) If the limitation is exceeded only as a result of the levy
4 authorized in section 770 of this act adjusted to the local levy rate
5 in accordance with the indicated ratio fixed by the department, the
6 certified property tax levy rates authorized under RCW 84.52.043(1)(e)
7 and 52.16.140 shall be reduced on a pro rata basis until the limitation
8 is not exceeded;

9 (2) If the limitation is exceeded as a result of both the levy
10 authorized in section 770 of this act adjusted to the local levy rate
11 in accordance with the indicated ratio fixed by the department and
12 other tax levies, the pro rationing process provided in RCW 84.52.010
13 shall be followed until the limitation is exceeded only as a result of
14 the levy authorized in section 770 of this act, and the consolidated
15 levy shall then be further reduced in accordance with subsection (1) of
16 this section.

17 NEW SECTION. **Sec. 772.** Sections 754 through 771 of this act shall
18 be submitted to the people for their adoption and ratification, or
19 rejection, at the next succeeding general election to be held in this
20 state, in accordance with Article II, section 1 of the state
21 Constitution, as amended, and the laws adopted to facilitate the
22 operation thereof."

23 **ESHB 2676** - S AMD

24 By Senators Haugen, Winsley, Vognild, Drew and McCaslin

25 SENATE ADOPTED 3/8/94; HOUSE SCOPED 3/9/94

26 On page 2, line 2 of the title, after "74.42.380," insert
27 "43.63A.300, 43.63A.310, 43.63A.320, 43.63A.340, 43.63A.377, 48.48.060,
28 48.48.065, 48.48.080, 52.12.031, 84.52.043,"

29 On page 2, line 17 of the title, after "18 RCW;" insert "adding a
30 new section to chapter 43.10 RCW; adding new sections to chapter 84.52
31 RCW;"

32 On page 2, line 37 of the title, after "18.138.080," insert
33 "48.48.120,"

1 **ESHB 2676** - S AMD

2 By Senators Haugen, Winsley, Vognild, Drew and McCaslin

3 SENATE ADOPTED 3/8/94; HOUSE SCOPED 3/9/94

4 On page 3, beginning on line 7 of the title, strike "and providing
5 an effective date" and insert "providing an effective date; and
6 providing for submission of certain sections of this act to a vote of
7 the people"

8 **ESHB 2676** - S AMD - 314

9 By Senator Quigley

10 SENATE ADOPTED 3/8/94; HOUSE REFUSED TO CONCUR 3/9/94

11 On page 177, after line 36, insert the following:

12 "NEW SECTION. **Sec. 872.** The legislature declares there has been
13 an excessive proliferation of boards and commissions within state
14 government. These boards and commissions are often created without
15 legislative review or input and without an assessment of whether there
16 is a resulting duplication of purpose or process. Once created, they
17 frequently duplicate the duties of existing governmental entities,
18 create additional expense, and obscure responsibility. It has been
19 difficult to control the growth of boards and commissions because of
20 the many special interests involved. Accordingly, the legislature
21 establishes the process in this chapter to eliminate redundant and
22 obsolete boards and commissions and to restrict the establishment of
23 new boards and commissions.

24 NEW SECTION. **Sec. 873.** (1) The governor shall conduct a review of
25 all of the boards and commissions identified under section 4 of this
26 act and, by January 1, 1995, submit to the legislature a report
27 recommending which boards and commissions should be terminated or
28 consolidated based upon the criteria set forth in subsection (3) of
29 this section. The report must state which of the criteria were relied
30 upon with respect to each recommendation. The governor shall submit an
31 executive request bill by January 10, 1995, to implement the
32 recommendations by expressly terminating the appropriate boards and
33 commissions and by providing for the transfer of duties and obligations
34 under this section. The governor shall accept and review with special

1 attention recommendations made, not later than June 1, 1994, by the
2 standing committees of the legislature.

3 (2) In addition to terminations and consolidations under subsection
4 (1) of this section, the governor may recommend the transfer of duties
5 and obligations from a board or commission to another existing state
6 entity.

7 (3) In preparing his or her report and legislation, the governor
8 shall make an evaluation based upon answers to the questions set forth
9 in this subsection. The governor shall give these criteria priority in
10 the order listed.

11 (a) Has the mission of the board or commission been completed or
12 ceased to be critical to effective state government?

13 (b) Does the work of the board or commission directly affect public
14 safety, welfare, or health?

15 (c) Can the work of the board or commission be effectively done by
16 another state agency without adverse impact on public safety, welfare,
17 or health?

18 (d) Will termination of the board or commission have a significant
19 adverse impact on state revenue because of loss of federal funds?

20 (e) Will termination of the board or commission save revenues, be
21 cost neutral, or result in greater expenditures?

22 (f) Is the work of the board or commission being done by another
23 board, commission, or state agency?

24 (g) Could the work of the board or commission be effectively done
25 by a nonpublic entity?

26 (h) Will termination of the board or commission result in a
27 significant loss of expertise to state government?

28 (i) Will termination of the board or commission result in
29 operational efficiencies that are other than fiscal in nature?

30 (j) Could the work of the board or commission be done by an ad hoc
31 committee?

32 NEW SECTION. **Sec. 874.** The legislature shall consider and enact
33 or not enact the legislation requested by the governor under section 2
34 of this act in accordance with the rules of each house, except that
35 either house of the legislature may not add to or delete from the list
36 of boards and commissions as requested by the governor unless done so
37 by a unanimous vote of the members voting. The legislature may adopt
38 such technical amendments as are necessary by a majority vote.

1 NEW SECTION. **Sec. 875.** The boards and commissions to be reviewed
2 by the governor must be all entities that are required to be included
3 in the list prepared by the office of financial management under RCW
4 43.88.505, other than entities established under: (1) Constitutional
5 mandate; (2) court order or rule; (3) requirement of federal law; or
6 (4) requirement as a condition of the state or a local government
7 receiving federal financial assistance if, in the judgment of the
8 governor, no other state agency, board, or commission would satisfy the
9 requirement.

10 NEW SECTION. **Sec. 876.** A new section is added to chapter 43.88
11 RCW to read as follows:

12 (1) A new board or commission not established or required in
13 statute that must be included in the report required by RCW 43.88.505
14 may not be established between the effective date of this section and
15 December 31, 1997, without the express approval of the director of
16 financial management. The director shall, before the first Monday of
17 January each year, submit to the legislature a list of those boards and
18 commissions that were requested for approval and those that were
19 approved during the preceding calendar year.

20 (2) Effective July 1, 1995, the total number of boards and
21 commissions approved by the director of financial management may not
22 exceed the difference between the number of boards and commissions
23 terminated under section 873 of this act and any boards and commissions
24 created by the legislature.

25 NEW SECTION. **Sec. 877.** A new section is added to chapter 43.88
26 RCW to read as follows:

27 When acting on a request to establish a new board or commission
28 under section 876 of this act, the director of the office of financial
29 management shall consider the following criteria giving priority in the
30 order listed:

31 (1) If approval is critical to public safety, health, or welfare or
32 to the effectiveness of state government;

33 (2) If approval will not result in duplication of the work or
34 responsibilities of another governmental agency;

35 (3) If approval will not have a significant impact on state
36 revenues;

37 (4) If approval is for a limited duration or on an ad hoc basis;

1 (5) If the work of the board or commission could be effectively
2 done by a nonpublic entity;

3 (6) If approval will result in significant enhancement of expertise
4 in state government; and

5 (7) If approval will result in operational efficiencies other than
6 fiscal savings.

7 NEW SECTION. **Sec. 878.** The following acts or parts of acts are
8 each repealed:

9 (1) Section 873 of this act;

10 (2) Section 874 of this act; and

11 (3) Section 875 of this act.

12 NEW SECTION. **Sec. 879.** The following acts or parts of acts are
13 each repealed:

14 (1) Section 872 of this act;

15 (2) Section 876 of this act; and

16 (3) Section 877 of this act.

17 NEW SECTION. **Sec. 880.** (1) Sections 872 through 877 of this act
18 are necessary for the immediate preservation of the public peace,
19 health, or safety, or support of the state government and its existing
20 public institutions, and shall take effect immediately.

21 (2) Section 878 of this act shall take effect December 31, 1995.

22 (3) Section 879 of this act shall take effect January 1, 1997."

23 Renumber remaining sections consecutively.

24 **ESHB 2676** - S AMD
25 By Senator Quigley

26 ADOPTED 3/8/94

27 On page 3, line 8 of the title, after "date" insert "adding new
28 sections to chapter 43.88 RCW; and declaring an emergency"

1 **ESHB 2676** - S AMD - 390
2 By Senator Quigley

3 ADOPTED 3/8/94

4 On page 177, after line 36, insert the following:

5 "NEW SECTION. Sec. 872. (1) There is created a legislative task
6 force on liquor control administration. The task force shall be
7 comprised of the following members:

8 (a) Two members from each caucus of the senate, appointed by the
9 president of the senate; and

10 (b) Two members from each caucus of the house of representatives,
11 appointed by the speaker of the house of representatives.

12 (2) The task force shall solicit the involvement of at least one
13 representative of the following entities: The liquor control board;
14 the office of financial management; state employee unions; liquor
15 manufacturers; liquor wholesalers; and liquor retailers.

16 (3) The task force shall examine the current administrative
17 structure of the liquor control board and consider alternative
18 administrative structures, including the appointment of an executive
19 director and the creation of a part-time board. The task force shall
20 make recommendations regarding:

21 (a) Whether an executive director position should be created; and

22 (b) If so, the divisions of the following responsibilities between
23 the board and the director: (i) Management of liquor stores and
24 agencies; (ii) rule-making; (iii) licensing; (iv) enforcement; and (v)
25 marketing; and

26 (c) Whether a part-time board should be created.

27 (4) The task force shall complete its work and issue any
28 recommendations by December 31, 1994. The task force shall expire
29 December 31, 1994."

30 Renumber remaining sections

1 **ESHB 2676** - S AMD - 523
2 By Senator Vognild

3 SCOPED/RULED IN ORDER - ADOPTED 3/8/94

4 On page 178, before line 1, insert the following:

5 NEW SECTION. **Sec. 871.** The Washington traffic safety commission
6 is hereby abolished and its powers, duties, and functions are hereby
7 transferred to the Washington state patrol.

8 NEW SECTION. **Sec. 872.** All reports, documents, surveys, books,
9 records, files, papers, or written material in the possession of the
10 Washington traffic safety commission shall be delivered to the custody
11 of the Washington state patrol. All cabinets, furniture, office
12 equipment, motor vehicles, and other tangible property employed by the
13 Washington traffic safety commission shall be made available to the
14 Washington state patrol. All funds, credits, or other assets held by
15 the Washington traffic safety commission shall be assigned to the
16 Washington state patrol.

17 Any appropriations made to the Washington traffic safety commission
18 shall, on the effective date of this section, be transferred and
19 credited to the Washington state patrol.

20 Whenever any question arises as to the transfer of any personnel,
21 funds, books, documents, records, papers, files, equipment, or other
22 tangible property used or held in the exercise of the powers and the
23 performance of the duties and functions transferred, the director of
24 financial management shall make a determination as to the proper
25 allocation and certify the same to the state agencies concerned.

26 NEW SECTION. **Sec. 873.** All employees of the Washington traffic
27 safety commission are transferred to the jurisdiction of the Washington
28 state patrol. All employees classified under chapter 41.06 RCW, the
29 state civil service law, are assigned to the Washington state patrol to
30 perform their usual duties upon the same terms as formerly, without any
31 loss of rights, subject to any action that may be appropriate
32 thereafter in accordance with the laws and rules governing state civil
33 service.

1 NEW SECTION. **Sec. 874.** All rules and all pending business before
2 the Washington traffic safety commission shall be continued and acted
3 upon by the Washington state patrol. All existing contracts and
4 obligations shall remain in full force and shall be performed by the
5 Washington state patrol.

6 NEW SECTION. **Sec. 875.** The transfer of the powers, duties,
7 functions, and personnel of the Washington traffic safety commission
8 shall not affect the validity of any act performed prior to the
9 effective date of this section.

10 NEW SECTION. **Sec. 876.** If apportionments of budgeted funds are
11 required because of the transfers directed by sections 2 through 5 of
12 this act, the director of financial management shall certify the
13 apportionments to the agencies affected, the state auditor, and the
14 state treasurer. Each of these shall make the appropriate transfer and
15 adjustments in funds and appropriation accounts and equipment records
16 in accordance with the certification.

17 NEW SECTION. **Sec. 877.** Nothing contained in sections 1 through 6
18 of this act may be construed to alter any existing collective
19 bargaining unit or the provisions of any existing collective bargaining
20 agreement until the agreement has expired or until the bargaining unit
21 has been modified by action of the personnel board as provided by law.

22 NEW SECTION. **Sec. 878.** A new section is added to chapter 43.06
23 RCW to read as follows:

24 The governor shall be responsible for the administration of the
25 traffic safety program of the state and shall be the official of the
26 state having ultimate responsibility for dealing with the federal
27 government with respect to all programs and activities of the state and
28 local governments pursuant to the Highway Safety Act of 1966 (P.L. 89-
29 564; 80 Stat. 731). The governor is authorized and empowered to accept
30 and disburse federal grants or other funds or donations from any source
31 for the purpose of improving traffic safety programs in the state of
32 Washington, and is hereby empowered to contract and to do all other
33 things necessary in behalf of this state to secure the full benefits
34 available to this state under the federal Highway Safety Act of 1966
35 and in so doing, to cooperate with federal and state agencies, agencies

1 private and public, interested organizations, and with individuals, to
2 effectuate the purposes of that enactment, and any and all subsequent
3 amendments thereto. The governor shall be assisted in these duties and
4 responsibilities by the Washington state patrol.

5 NEW SECTION. **Sec. 879.** A new section is added to chapter 43.06
6 RCW to read as follows:

7 The governor shall be assisted in the duties and responsibilities
8 under section 8 of this act by the advisory committee on traffic
9 safety. The advisory committee on traffic safety shall be composed of
10 the governor as chair, the superintendent of public instruction, the
11 director of licensing, the secretary of transportation, the chief of
12 the state patrol, the secretary of health, the secretary of social and
13 health services, a representative of the association of Washington
14 cities to be appointed by the governor, a member of the Washington
15 state association of counties to be appointed by the governor, a
16 representative of the judiciary to be appointed by the governor, and
17 four public citizens representing traffic safety interests to be
18 appointed by the governor. In addition, appointments to any vacancies
19 among appointee members shall be as in the case of original
20 appointment.

21 The governor or any advisory committee member except those
22 appointed by the governor under this section may designate an employee
23 of his or her office or agency to act on his or her behalf during the
24 absence of the governor or member at one or more of the meetings of the
25 committee. The vote of the designee shall have the same effect as if
26 cast by the member if the designation is in writing and is presented to
27 the person presiding at the meetings included within the designation.

28 The governor may designate a member to preside during the
29 governor's absence.

30 The chief of the state patrol shall be responsible for convening
31 the committee and shall serve as secretary.

32 NEW SECTION. **Sec. 880.** A new section is added to chapter 43.06
33 RCW to read as follows:

34 The advisory committee on traffic safety shall provide assistance
35 and guidance in the development of the highway safety plan required
36 pursuant to the Highway Safety Act of 1966; develop recommendations for
37 the creation, revision, or enforcement of traffic safety laws; promote

1 programs to improve traffic safety; and advise and assist the governor
2 and the state patrol, as requested, in carrying out their duties and
3 responsibilities pertaining to the state's traffic safety program.
4 Staff support for the committee shall be provided by the state patrol.
5 The committee shall meet at least one time per year.

6 NEW SECTION. **Sec. 881.** A new section is added to chapter 43.43
7 RCW to read as follows:

8 In addition to other responsibilities set forth in this chapter the
9 state patrol shall:

10 (1) Assist the governor to carry out duties and responsibilities
11 pertaining to the traffic safety program of the state and the Highway
12 Safety Act of 1966 (P.L. 89-564; 80 Stat. 731) as provided in section
13 8 of this act;

14 (2) Advise and confer with the governing authority of any political
15 subdivision of the state deemed eligible under the federal Highway
16 Safety Act of 1966 for participation in the aims and programs and
17 purposes of that act;

18 (3) Advise and confer with all agencies of state government whose
19 programs and activities are within the scope of the Highway Safety Act
20 including those agencies that are not subject to direct supervision,
21 administration, and control by the governor under existing laws;

22 (4) Provide staff support to the advisory committee on traffic
23 safety as provided under section 10 of this act;

24 (5) Succeed to and be vested with all powers, duties, and
25 jurisdictions previously vested in the Washington traffic safety
26 commission;

27 (6) Carry out such other responsibilities as may be consistent with
28 section 12 of this act.

29 NEW SECTION. **Sec. 882.** A new section is added to chapter 43.43
30 RCW to read as follows:

31 The governor's traffic safety program as provided in section 8 of
32 this act shall be located in the office of the chief. As the agency
33 carrying out the governor's traffic safety program, the Washington
34 state patrol shall have the following responsibilities: To find
35 solutions to the problems that have been created as a result of the
36 tremendous increase of motor vehicles on our highways and the attendant
37 traffic death and accident tolls; to plan and supervise programs for

1 the prevention of accidents on streets and highways including but not
2 limited to educational campaigns designed to reduce traffic accidents
3 in cooperation with all official and unofficial organizations
4 interested in traffic safety; to coordinate the activities at the state
5 and local levels in the development of state-wide and local traffic
6 safety programs; to promote a uniform enforcement of traffic safety
7 laws and establish standards for investigation and reporting of traffic
8 accidents; to promote and improve driver education; and to authorize
9 the governor to perform all functions required to be performed under
10 the federal Highway Safety Act of 1966.

11 NEW SECTION. **Sec. 883.** A new section is added to chapter 43.43
12 RCW to read as follows:

13 The Washington state patrol shall submit a report each biennium
14 outlining programs planned and steps taken toward improving traffic
15 safety to the chair of the legislative transportation committee.

16 NEW SECTION. **Sec. 884.** A new section is added to chapter 43.43
17 RCW to read as follows:

18 The Washington state patrol shall produce and disseminate through
19 all possible media, informational and educational materials explaining
20 the extent of the problems caused by drinking drivers, the need for
21 public involvement in their solution, and the penalties of existing and
22 new laws against driving while under the influence of intoxicating
23 liquor or any drug.

24 **Sec. 885.** RCW 28A.170.050 and 1987 c 518 s 209 are each amended to
25 read as follows:

26 The superintendent of public instruction shall appoint a substance
27 abuse advisory committee comprised of: Representatives of certificated
28 and noncertificated staff; administrators; parents; students; school
29 directors; the bureau of alcohol and substance abuse within the
30 department of social and health services; the (~~traffic safety~~
31 ~~commission~~) Washington state patrol; and county coordinators of
32 alcohol and drug treatment. The committee shall advise the
33 superintendent on matters of local program development, coordination,
34 and evaluation.

1 **Sec. 886.** RCW 43.03.028 and 1993 c 281 s 45 and 1993 c 101 s 14
2 are each reenacted and amended to read as follows:

3 (1) There is hereby created a state committee on agency officials'
4 salaries to consist of seven members, or their designees, as follows:
5 The president of the University of Puget Sound; the chairperson of the
6 council of presidents of the state's four-year institutions of higher
7 education; the chairperson of the Washington personnel resources board;
8 the president of the Association of Washington Business; the president
9 of the Pacific Northwest Personnel Managers' Association; the president
10 of the Washington State Bar Association; and the president of the
11 Washington State Labor Council. If any of the titles or positions
12 mentioned in this subsection are changed or abolished, any person
13 occupying an equivalent or like position shall be qualified for
14 appointment by the governor to membership upon the committee.

15 (2) The committee shall study the duties and salaries of the
16 directors of the several departments and the members of the several
17 boards and commissions of state government, who are subject to
18 appointment by the governor or whose salaries are fixed by the
19 governor, and of the chief executive officers of the following agencies
20 of state government:

21 The arts commission; the human rights commission; the board of
22 accountancy; the board of pharmacy; the eastern Washington historical
23 society; the Washington state historical society; the interagency
24 committee for outdoor recreation; the criminal justice training
25 commission; the department of personnel; the state finance committee;
26 the state library; (~~the traffic safety commission;~~) the horse racing
27 commission; the advisory council on vocational education; the public
28 disclosure commission; the state conservation commission; the
29 commission on Hispanic affairs; the commission on Asian-American
30 affairs; the state board for volunteer fire fighters; the
31 transportation improvement board; the public employment relations
32 commission; the forest practices appeals board; and the energy
33 facilities site evaluation council.

34 The committee shall report to the governor or the chairperson of
35 the appropriate salary fixing authority at least once in each fiscal
36 biennium on such date as the governor may designate, but not later than
37 seventy-five days prior to the convening of each regular session of the
38 legislature during an odd-numbered year, its recommendations for the
39 salaries to be fixed for each position.

1 (3) Committee members shall be reimbursed by the department of
2 personnel for travel expenses under RCW 43.03.050 and 43.03.060.

3 **Sec. 887.** RCW 43.43.390 and 1991 c 214 s 1 are each amended to
4 read as follows:

5 Bicycling is increasing in popularity as a form of recreation and
6 as an alternative mode of transportation. To make bicycling safer, the
7 various law enforcement agencies should enforce traffic regulations for
8 bicyclists. By enforcing bicycle regulations, law enforcement officers
9 are reinforcing educational programs. Bicycling takes more skill than
10 most people realize. Since bicyclists have a low profile in traffic
11 and are unprotected, they need more defensive riding skills than
12 motorists do.

13 A bicycle awareness program is created within the Washington state
14 patrol. In developing the curriculum for the bicycle awareness program
15 the patrol shall consult with (~~the traffic safety commission and~~
16 ~~with~~) bicycling groups providing bicycle safety education. The patrol
17 shall conduct the program in conjunction with the safety education
18 officer program and may use other law enforcement personnel and
19 volunteers to implement the program for children in grades kindergarten
20 through six. The patrol shall ensure that each safety educator
21 presenting the bicycle awareness program has received specialized
22 training in bicycle safety education and has been trained in effective
23 defensive bicycle riding skills.

24 **Sec. 888.** RCW 43.70.410 and 1990 c 270 s 3 are each amended to
25 read as follows:

26 As used in RCW 43.70.400 through 43.70.440, the term "head injury"
27 means traumatic brain injury.

28 A head injury prevention program is created in the department of
29 health. The program's functions may be integrated with those of
30 similar programs to promote comprehensive, integrated, and effective
31 health promotion and disease prevention.

32 In consultation with the (~~traffic safety commission~~) Washington
33 state patrol, the department shall, directly or by contract, identify
34 and coordinate public education efforts currently underway within state
35 government and among private groups to prevent traumatic brain injury,
36 including, but not limited to, bicycle safety, pedestrian safety,
37 bicycle passenger seat safety, motorcycle safety, motor vehicle safety,

1 and sports safety. If the department finds that programs are not
2 available or not in use, it may, within funds appropriated for the
3 purpose, provide grants to promote public education efforts. Grants
4 may be awarded only after recipients have demonstrated coordination
5 with relevant and knowledgeable groups within their communities,
6 including at least schools, brain injury support organizations,
7 hospitals, physicians, traffic safety specialists, police, and the
8 public. The department may accept grants, gifts, and donations from
9 public or private sources to use to carry out the head injury
10 prevention program.

11 The department may assess or contract for the assessment of the
12 effectiveness of public education efforts coordinated or initiated by
13 any agency of state government. Agencies are directed to cooperate
14 with assessment efforts by providing access to data and program records
15 as reasonably required. The department may seek and receive additional
16 funds from the federal government or private sources for assessments.
17 Assessments shall contain findings and recommendations that will
18 improve the effectiveness of public education efforts. These findings
19 shall be distributed among public and private groups concerned with
20 traumatic brain injury prevention.

21 **Sec. 889.** RCW 43.70.420 and 1990 c 270 s 4 are each amended to
22 read as follows:

23 The department of health, the department of licensing, and the
24 (~~traffic safety commission~~) Washington state patrol shall jointly
25 prepare information for driver license manuals, driver education
26 programs, and driving tests to increase driver awareness of pedestrian
27 safety, to increase driver skills in avoiding pedestrian and motor
28 vehicle accidents, and to determine drivers' abilities to avoid
29 pedestrian motor vehicle accidents.

30 **Sec. 890.** RCW 44.40.070 and 1988 c 167 s 10 are each amended to
31 read as follows:

32 Prior to October 1st of each even-numbered year all state agencies
33 whose major programs consist of transportation activities, including
34 the department of transportation, the utilities and transportation
35 commission, the transportation improvement board, the Washington state
36 patrol, the department of licensing, (~~the traffic safety commission,~~)
37 the county road administration board, and the board of pilotage

1 commissioners, shall adopt or revise, after consultation with the
2 legislative transportation committee, a comprehensive six-year program
3 and financial plan for all transportation activities under each
4 agency's jurisdiction.

5 The comprehensive six-year program and financial plan shall state
6 the general objectives and needs of each agency's major transportation
7 programs, including workload and performance estimates.

8 **Sec. 891.** RCW 46.01.030 and 1990 c 250 s 14 are each amended to
9 read as follows:

10 The department shall be responsible for administering and
11 recommending the improvement of the motor vehicle laws of this state
12 relating to:

- 13 (1) driver examining and licensing;
- 14 (2) driver improvement;
- 15 (3) driver records;
- 16 (4) financial responsibility;
- 17 (5) certificates of ownership;
- 18 (6) certificates of license registration and license plates;
- 19 (7) proration and reciprocity;
- 20 (8) liquid fuel tax collections;
- 21 (9) licensing of dealers, motor vehicle transporters, motor vehicle
22 wreckers, for hire vehicles, and drivers' schools;
- 23 (10) general highway safety promotion in cooperation with the
24 Washington state patrol (~~and traffic safety commission~~);
- 25 (11) such other activities as the legislature may provide.

26 **Sec. 892.** RCW 46.52.120 and 1993 c 501 s 12 are each amended to
27 read as follows:

- 28 (1) The director shall keep a case record on every motor vehicle
29 driver licensed under the laws of this state, together with information
30 on each driver, showing all the convictions and findings of traffic
31 infractions certified by the courts, together with an index cross-
32 reference record of each accident reported relating to such individual
33 with a brief statement of the cause of the accident. The chief of the
34 Washington state patrol shall furnish the index cross-reference record
35 to the director, with reference to each driver involved in the reported
36 accidents.

1 (2) The records shall be for the confidential use of the director,
2 the chief of the Washington state patrol, (~~the director of the~~
3 ~~Washington traffic safety commission~~)), and for such police officers or
4 other cognizant public officials as may be designated by law. Such
5 case records shall not be offered as evidence in any court except in
6 case appeal is taken from the order of the director, suspending,
7 revoking, canceling, or refusing a vehicle driver's license.

8 (3) The director shall tabulate and analyze vehicle driver's case
9 records and suspend, revoke, cancel, or refuse a vehicle driver's
10 license to a person when it is deemed from facts contained in the case
11 record of such person that it is for the best interest of public safety
12 that such person be denied the privilege of operating a motor vehicle.
13 Whenever the director orders the vehicle driver's license of any such
14 person suspended, revoked, or canceled, or refuses the issuance of a
15 vehicle driver's license, such suspension, revocation, cancellation, or
16 refusal is final and effective unless appeal from the decision of the
17 director is taken as provided by law.

18 **Sec. 893.** RCW 46.82.300 and 1984 c 287 s 93 are each amended to
19 read as follows:

20 (1) The director shall be assisted in the duties and
21 responsibilities of this chapter by the driver instructors' advisory
22 committee, consisting of five members. Members of the advisory
23 committee shall be appointed by the director for two-year terms and
24 shall consist of a representative of the driver training schools, a
25 representative of the driving instructors (who shall not be from the
26 same school as the school member), a representative of the
27 superintendent of public instruction, a representative of the
28 department of licensing, and a representative from the Washington state
29 (~~traffic safety commission~~) patrol. Members shall be reimbursed for
30 travel expenses in accordance with RCW 43.03.050 and 43.03.060. A
31 member who is receiving a salary from the state shall not receive
32 compensation other than travel expenses incurred in such service.

33 (2) The advisory committee shall meet at least semiannually and
34 shall have additional meetings as may be called by the director. The
35 director or the director's representative shall attend all meetings of
36 the advisory committee and shall serve as chairman.

37 (3) Duties of the advisory committee shall be to:

1 (a) Advise and confer with the director or the director's
2 representative on matters pertaining to the establishment of rules
3 necessary to carry out this chapter;

4 (b) Review violations of this chapter and to recommend to the
5 director appropriate enforcement or disciplinary action as provided in
6 this chapter;

7 (c) Review and update when necessary a curriculum consisting of a
8 list of items of knowledge and the processes of driving a motor vehicle
9 specifying the minimum requirements adjudged necessary in teaching a
10 proper and adequate course of driver education; and

11 (d) Prepare the examination for a driver instructor's certificate
12 and review examination results at least once each calendar year for the
13 purpose of updating and revising examination standards.

14 **Sec. 894.** RCW 46.90.010 and 1993 c 400 s 2 are each amended to
15 read as follows:

16 In consultation with the chief of the Washington state patrol (~~and~~
17 ~~the traffic safety commission~~), the director shall adopt in accordance
18 with chapter 34.05 RCW a model traffic ordinance for use by any city,
19 town, or county. The addition of any new section to, or amendment or
20 repeal of any section in, the model traffic ordinance is deemed to
21 amend any city, town, or county, ordinance which has adopted by
22 reference the model traffic ordinance or any part thereof, and it shall
23 not be necessary for the legislative authority of any city, town, or
24 county to take any action with respect to such addition, amendment, or
25 repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140,
26 35A.13.180, and 36.32.120(7).

27 **Sec. 895.** RCW 47.01.250 and 1990 c 266 s 5 are each amended to
28 read as follows:

29 The chief of the Washington state patrol, (~~the director of the~~
30 ~~traffic safety commission,~~) the executive director of the county road
31 administration board, and the director of licensing are designated as
32 official consultants to the transportation commission so that the goals
33 and activities of their respective agencies which relate to
34 transportation are fully coordinated with other related
35 responsibilities of the department of transportation. In this
36 capacity, the chief of the Washington state patrol, (~~the director of~~
37 ~~the traffic safety commission,~~) the executive director of the county

1 road administration board, and the director of licensing shall consult
2 with the transportation commission and the secretary of transportation
3 on the implications and impacts on the transportation related functions
4 and duties of their respective agencies of any proposed comprehensive
5 transportation plan, program, or policy.

6 In order to develop fully integrated, balanced, and coordinated
7 transportation plans, programs, and budgets the chief of the Washington
8 state patrol, (~~the director of the traffic safety commission,~~) the
9 executive director of the county road administration board, and the
10 director of licensing shall consult with the secretary of
11 transportation on the matter of relative priorities during the
12 development of their respective agencies' plans, programs, and budgets
13 as they pertain to transportation activities. The secretary of
14 transportation shall provide written comments to the governor and the
15 legislature on the extent to which the state patrol's, (~~the traffic
16 safety commission's,~~) the county road administration board's, and the
17 department of licensing's final plans, programs, and budgets are
18 compatible with the priorities established in the department of
19 transportation's final plans, programs, and budgets.

20 NEW SECTION. **Sec. 896.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 43.59.010 and 1967 ex.s. c 147 s 1;

23 (2) RCW 43.59.020 and 1967 ex.s. c 147 s 2;

24 (3) RCW 43.59.030 and 1991 c 3 s 298, 1982 c 30 s 1, 1979 c 158 s
25 105, 1971 ex.s. c 85 s 7, 1969 ex.s. c 105 s 1, & 1967 ex.s. c 147 s 3;

26 (4) RCW 43.59.040 and 1983 1st ex.s. c 14 s 1 & 1967 ex.s. c 147 s
27 4;

28 (5) RCW 43.59.050 and 1975-'76 2nd ex.s. c 34 s 120 & 1967 ex.s. c
29 147 s 6;

30 (6) RCW 43.59.060 and 1967 ex.s. c 147 s 7;

31 (7) RCW 43.59.070 and 1967 ex.s. c 147 s 8;

32 (8) RCW 43.59.080 and 1967 ex.s. c 147 s 9;

33 (9) RCW 43.59.130 and 1987 c 505 s 31, 1971 ex.s. c 195 s 5, & 1967
34 ex.s. c 147 s 14; and

35 (10) RCW 43.59.140 and 1991 c 290 s 4 & 1983 c 165 s 42.

1 NEW SECTION. **Sec. 897.** This act shall take effect July 1, 1994."

2 Renumber the remaining sections consecutively.

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4 By Senator Vognild

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6 On page 2, line 11 of the title, strike "and 90.54.190" and insert
7 "90.54.190, 28A.170.050, 43.43.390, 43.70.410, 43.70.420, 44.40.070,
8 46.01.030, 46.52.120, 46.82.300, 46.90.010, and 47.01.250"

9 On page 2, line 12 of the amendment, strike "and"

10 On page 2, line 13 of the amendment, after "050" insert ", and
11 43.03.028"

12 On page 2, line 16 of the title, before "creating" insert "adding
13 new sections to chapter 43.06 RCW; adding new sections to chapter 43.43
14 RCW;"

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16 By Senator Vognild

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18 On page 3, line 7 of the title, before the semicolon insert "
19 43.59.010, 43.59.020, 43.59.030, 43.59.040, 43.59.050, 43.59.060,
20 43.59.070, 43.59.080, 43.59.130, and 43.59.140"

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