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ENGROSSED SUBSTITUTE SENATE BILL 5199

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State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Quigley, Winsley, Haugen, Snyder, Sheldon, McAuliffe, Franklin and Drew; by request of Governor Lowry)

Read first time 02/24/95.

1 AN ACT Relating to the elimination and consolidation of boards and  
2 commissions; amending RCW 13.40.025, 9.94A.040, 18.16.050, 18.145.030,  
3 18.145.050, 18.145.070, 18.145.080, 28B.10.804, 28B.80.575, 38.54.030,  
4 38.52.040, 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1937,  
5 43.19A.020, 43.21B.005, 75.20.103, 75.20.160, 43.20A.750, 43.70.010,  
6 43.70.070, 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121,  
7 47.66.030, 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060,  
8 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110,  
9 75.44.140, and 90.70.065; reenacting and amending RCW 38.52.030,  
10 82.44.180, and 75.30.050; adding a new section to chapter 9.94A RCW;  
11 adding a new section to chapter 39.19 RCW; adding a new section to  
12 chapter 43.63A RCW; adding a new section to chapter 70.95D RCW; adding  
13 a new section to chapter 70.95B RCW; adding a new section to chapter  
14 70.119 RCW; creating new sections; repealing RCW 1.30.010, 1.30.020,  
15 1.30.030, 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030,  
16 2.52.035, 2.52.040, 2.52.050, 18.145.060, 27.34.300, 27.60.010,  
17 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090,  
18 27.60.900, 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730,  
19 75.20.130, 75.20.140, 43.31.631, 43.52.373, 70.170.030, 70.170.040,  
20 43.150.060, 43.17.260, 43.17.270, 43.17.280, 43.17.290, 43.17.300,  
21 47.66.020, 47.66.050, 47.66.060, 48.22.071, 48.22.072, 70.95D.050,

1 70.95B.070, 70.119.080, 81.62.010, 81.62.020, 81.62.030, 81.62.040,  
2 81.62.050, 81.62.060, 81.62.900, 81.62.901, and 90.56.450; repealing  
3 1994 c 232 s 27 (uncodified); repealing 1991 c 53 s 1 and 1987 c 480 s  
4 6 (uncodified); providing effective dates; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **PART 1**  
7 **LAW REVISION COMMISSION**

8 NEW SECTION. **Sec. 101.** The following acts or parts of acts are  
9 each repealed:

- 10 (1) RCW 1.30.010 and 1982 c 183 s 1;  
11 (2) RCW 1.30.020 and 1982 c 183 s 2;  
12 (3) RCW 1.30.030 and 1982 c 183 s 3;  
13 (4) RCW 1.30.040 and 1987 c 505 s 2 & 1982 c 183 s 4;  
14 (5) RCW 1.30.050 and 1982 c 183 s 5; and  
15 (6) RCW 1.30.060 and 1982 c 183 s 9.

16 **PART 2**  
17 **JUDICIAL COUNCIL**

18 NEW SECTION. **Sec. 201.** The following acts or parts of acts are  
19 each repealed:

- 20 (1) RCW 2.52.010 and 1994 c 32 s 1, 1987 c 322 s 1, 1977 ex.s. c  
21 112 s 1, 1973 c 18 s 1, 1971 c 40 s 1, 1967 c 124 s 1, 1961 c 271 s 1,  
22 1955 c 40 s 1, & 1925 ex.s. c 45 s 1;  
23 (2) RCW 2.52.020 and 1925 ex.s. c 45 s 2;  
24 (3) RCW 2.52.030 and 1987 c 322 s 2 & 1925 ex.s. c 45 s 3;  
25 (4) RCW 2.52.035 and 1987 c 322 s 4;  
26 (5) RCW 2.52.040 and 1977 ex.s. c 112 s 2 & 1925 ex.s. c 45 s 4;  
27 and  
28 (6) RCW 2.52.050 and 1987 c 322 s 3 & 1981 c 260 s 1.

29 **PART 3**  
30 **JUVENILE DISPOSITION STANDARDS COMMISSION**

31 NEW SECTION. **Sec. 301.** A new section is added to chapter 9.94A  
32 RCW to read as follows:

1 (1) The juvenile disposition standards commission is hereby  
2 abolished and its powers, duties, and functions are hereby transferred  
3 to the sentencing guidelines commission. All references to the  
4 director or the juvenile disposition standards commission in the  
5 Revised Code of Washington shall be construed to mean the director or  
6 the sentencing guidelines commission.

7 (2)(a) All reports, documents, surveys, books, records, files,  
8 papers, or written material in the possession of the juvenile  
9 disposition standards commission shall be delivered to the custody of  
10 the sentencing guidelines commission. All cabinets, furniture, office  
11 equipment, motor vehicles, and other tangible property employed by the  
12 juvenile disposition standards commission shall be made available to  
13 the sentencing guidelines commission. All funds, credits, or other  
14 assets held by the juvenile disposition standards commission shall be  
15 assigned to the sentencing guidelines commission.

16 (b) Any appropriations made to the juvenile disposition standards  
17 commission shall, on the effective date of this section, be transferred  
18 and credited to the sentencing guidelines commission.

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

25 (3) All employees of the juvenile disposition standards commission  
26 are transferred to the jurisdiction of the sentencing guidelines  
27 commission. All employees classified under chapter 41.06 RCW, the  
28 state civil service law, are assigned to the sentencing guidelines  
29 commission to perform their usual duties upon the same terms as  
30 formerly, without any loss of rights, subject to any action that may be  
31 appropriate thereafter in accordance with the laws and rules governing  
32 state civil service.

33 (4) All rules and all pending business before the juvenile  
34 disposition standards commission shall be continued and acted upon by  
35 the sentencing guidelines commission. All existing contracts and  
36 obligations shall remain in full force and shall be performed by the  
37 sentencing guidelines commission.

38 (5) The transfer of the powers, duties, functions, and personnel of  
39 the juvenile disposition standards commission shall not affect the

1 validity of any act performed before the effective date of this  
2 section.

3 (6) If apportionments of budgeted funds are required because of the  
4 transfers directed by this section, the director of financial  
5 management shall certify the apportionments to the agencies affected,  
6 the state auditor, and the state treasurer. Each of these shall make  
7 the appropriate transfer and adjustments in funds and appropriation  
8 accounts and equipment records in accordance with the certification.

9 (7) Nothing contained in this section may be construed to alter any  
10 existing collective bargaining unit or the provisions of any existing  
11 collective bargaining agreement until the agreement has expired or  
12 until the bargaining unit has been modified by action of the personnel  
13 board as provided by law.

14 **Sec. 302.** RCW 13.40.025 and 1986 c 288 s 8 are each amended to  
15 read as follows:

16 (1) There is established a juvenile disposition standards  
17 commission to propose disposition standards to the legislature in  
18 accordance with RCW 13.40.030 and perform the other responsibilities  
19 set forth in this chapter.

20 (2) The commission shall be composed of the secretary or the  
21 secretary's designee and the following nine members appointed by the  
22 governor, subject to confirmation by the senate: (a) A superior court  
23 judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c)  
24 a law enforcement officer; (d) an administrator of juvenile court  
25 services; (e) a public defender actively practicing in juvenile court;  
26 (f) a county legislative official or county executive; and (g) three  
27 other persons who have demonstrated significant interest in the  
28 adjudication and disposition of juvenile offenders. In making the  
29 appointments, the governor shall seek the recommendations of the  
30 association of superior court judges in respect to the member who is a  
31 superior court judge; of Washington prosecutors in respect to the  
32 prosecuting attorney or deputy prosecuting attorney member; of the  
33 Washington association of sheriffs and police chiefs in respect to the  
34 member who is a law enforcement officer; of juvenile court  
35 administrators in respect to the member who is a juvenile court  
36 administrator; and of the state bar association in respect to the  
37 public defender member; and of the Washington association of counties

1 in respect to the member who is either a county legislative official or  
2 county executive.

3 (3) The secretary or the secretary's designee shall serve as  
4 chairman of the commission.

5 (4) The secretary shall serve on the commission during the  
6 secretary's tenure as secretary of the department. The term of the  
7 remaining members of the commission shall be three years. The initial  
8 terms shall be determined by lot conducted at the commission's first  
9 meeting as follows: (a) Four members shall serve a two-year term; and  
10 (b) four members shall serve a three-year term. In the event of a  
11 vacancy, the appointing authority shall designate a new member to  
12 complete the remainder of the unexpired term.

13 (5) Commission members shall be reimbursed for travel expenses as  
14 provided in RCW 43.03.050 and 43.03.060. Members shall be compensated  
15 in accordance with RCW 43.03.240.

16 (6) The commission shall (~~meet at least once every three months~~)  
17 cease to exist on June 30, 1997, and its powers and duties shall be  
18 transferred to the sentencing guidelines commission established under  
19 RCW 9.94A.040.

20 **Sec. 303.** RCW 9.94A.040 and 1994 c 87 s 1 are each amended to read  
21 as follows:

22 (1) A sentencing guidelines commission is established as an agency  
23 of state government.

24 (2) The commission shall, following a public hearing or hearings:

25 (a) Devise a series of recommended standard sentence ranges for all  
26 felony offenses and a system for determining which range of punishment  
27 applies to each offender based on the extent and nature of the  
28 offender's criminal history, if any;

29 (b) Devise recommended prosecuting standards in respect to charging  
30 of offenses and plea agreements; and

31 (c) Devise recommended standards to govern whether sentences are to  
32 be served consecutively or concurrently.

33 (3) Each of the commission's recommended standard sentence ranges  
34 shall include one or more of the following: Total confinement, partial  
35 confinement, community supervision, community service, and a fine.

36 (4) In devising the standard sentence ranges of total and partial  
37 confinement under this section, the commission is subject to the  
38 following limitations:

1 (a) If the maximum term in the range is one year or less, the  
2 minimum term in the range shall be no less than one-third of the  
3 maximum term in the range, except that if the maximum term in the range  
4 is ninety days or less, the minimum term may be less than one-third of  
5 the maximum;

6 (b) If the maximum term in the range is greater than one year, the  
7 minimum term in the range shall be no less than seventy-five percent of  
8 the maximum term in the range; and

9 (c) The maximum term of confinement in a range may not exceed the  
10 statutory maximum for the crime as provided in RCW 9A.20.020.

11 (5) In carrying out its duties under subsection (2) of this  
12 section, the commission shall give consideration to the existing  
13 guidelines adopted by the association of superior court judges and the  
14 Washington association of prosecuting attorneys and the experience  
15 gained through use of those guidelines. The commission shall emphasize  
16 confinement for the violent offender and alternatives to total  
17 confinement for the nonviolent offender.

18 (6) This commission shall conduct a study to determine the capacity  
19 of correctional facilities and programs which are or will be available.  
20 While the commission need not consider such capacity in arriving at its  
21 recommendations, the commission shall project whether the  
22 implementation of its recommendations would result in exceeding such  
23 capacity. If the commission finds that this result would probably  
24 occur, then the commission shall prepare an additional list of standard  
25 sentences which shall be consistent with such capacity.

26 (7) The commission may recommend to the legislature revisions or  
27 modifications to the standard sentence ranges and other standards. If  
28 implementation of the revisions or modifications would result in  
29 exceeding the capacity of correctional facilities, then the commission  
30 shall accompany its recommendation with an additional list of standard  
31 sentence ranges which are consistent with correction capacity.

32 (8) The commission shall study the existing criminal code and from  
33 time to time make recommendations to the legislature for modification.

34 (9) The commission may (a) serve as a clearinghouse and information  
35 center for the collection, preparation, analysis, and dissemination of  
36 information on state and local sentencing practices; (b) develop and  
37 maintain a computerized sentencing information system by individual  
38 superior court judge consisting of offender, offense, history, and  
39 sentence information entered from judgment and sentence forms for all

1 adult felons; and (c) conduct ongoing research regarding sentencing  
2 guidelines, use of total confinement and alternatives to total  
3 confinement, plea bargaining, and other matters relating to the  
4 improvement of the criminal justice system.

5 (10) The staff and executive officer of the commission may provide  
6 staffing and services to the juvenile disposition standards commission,  
7 if authorized by RCW 13.40.025 and 13.40.027. The commission may  
8 conduct joint meetings with the juvenile disposition standards  
9 commission.

10 (11) The commission shall assume the powers and duties of the  
11 juvenile disposition standards commission after June 30, 1997.

12 (12) The commission shall exercise its duties under this section in  
13 conformity with chapter 34.05 RCW.

14 **PART 4**

15 **COSMETOLOGY, BARBERING, ESTHETICS, AND MANICURING ADVISORY BOARD**

16 NEW SECTION. **Sec. 401.** The legislature finds that the economic  
17 opportunities for cosmetologists, barbers, estheticians, and  
18 manicurists have deteriorated in this state as a result of the lack of  
19 skilled practitioners, inadequate licensing controls, and inadequate  
20 enforcement of health standards. To increase the opportunities for  
21 individuals to earn viable incomes in these professions and to protect  
22 the general health of the public, the state cosmetology, barbering,  
23 esthetics, and manicuring advisory board should be reconstituted and  
24 given a new charge to develop appropriate responses to this situation,  
25 including legislative proposals.

26 **Sec. 402.** RCW 18.16.050 and 1991 c 324 s 3 are each amended to  
27 read as follows:

28 (1) There is created a state cosmetology, barbering, esthetics, and  
29 manicuring advisory board consisting of ~~((five))~~ seven members  
30 appointed by the ~~((governor who shall advise the director concerning~~  
31 ~~the administration of this chapter))~~ director. ~~((Four))~~ These seven  
32 members of the board shall include ~~((a minimum of two instructors))~~ a  
33 representative of a private cosmetology school and a representative of  
34 a public vocational technical school involved in cosmetology training,  
35 with the balance made up of currently practicing licensees who have  
36 been engaged in the practice of manicuring, esthetics, barbering, or

1 cosmetology for at least three years. One member of the board shall be  
2 a consumer who is unaffiliated with the cosmetology, barbering,  
3 esthetics, or manicuring industry. The term of office for all board  
4 members ~~((is three years))~~ serving as of the effective date of this  
5 section expires June 30, 1995. On June 30, 1995, the director shall  
6 appoint seven new members to the board. These new members shall serve  
7 a term of two years, at the conclusion of which the board shall cease  
8 to exist. Any members serving on the advisory board as of the  
9 effective date of this act are eligible to be reappointed. Any board  
10 member may be removed for just cause. The director may appoint a new  
11 member to fill any vacancy on the ((committee)) board for the remainder  
12 of the unexpired term. ((No board member may serve more than two  
13 consecutive terms, whether full or partial.))

14 (2) The board appointed on June 30, 1995, together with the  
15 director or the director's designee, shall conduct a thorough review of  
16 educational requirements, licensing requirements, and enforcement and  
17 health standards for persons engaged in cosmetology, barbering,  
18 esthetics, or manicuring and shall prepare a report to be delivered to  
19 the governor, the director, and the chairpersons of the governmental  
20 operations committees of the house of representatives and the senate.  
21 The report must summarize their findings and make recommendations,  
22 including, if appropriate, recommendations for legislation reforming  
23 and restructuring the regulation of cosmetology, barbering, esthetics,  
24 and manicuring.

25 (3) Board members shall be entitled to compensation pursuant to RCW  
26 43.03.240 for each day spent conducting official business and to  
27 reimbursement for travel expenses as provided by RCW 43.03.050 and  
28 43.03.060.

29 **PART 5**

30 **SHORTHAND REPORTERS ADVISORY BOARD**

31 **Sec. 501.** RCW 18.145.030 and 1989 c 382 s 4 are each amended to  
32 read as follows:

33 Unless the context clearly requires otherwise, the definitions in  
34 this section apply throughout this chapter.

35 (1) "Department" means the department of licensing.

36 (2) "Director" means the director of licensing.



1 (3) "Shorthand reporter" and "court reporter" mean an individual  
2 certified under this chapter.

3 (~~(4) "Board" means the Washington state shorthand reporter~~  
4 ~~advisory board.~~)

5 **Sec. 502.** RCW 18.145.050 and 1989 c 382 s 6 are each amended to  
6 read as follows:

7 In addition to any other authority provided by law, the director  
8 may:

9 (1) Adopt rules in accordance with chapter 34.05 RCW that are  
10 necessary to implement this chapter;

11 (2) Set all certification examination, renewal, late renewal,  
12 duplicate, and verification fees in accordance with RCW 43.24.086;

13 (3) Establish the forms and procedures necessary to administer this  
14 chapter;

15 (4) Issue a certificate to any applicant who has met the  
16 requirements for certification;

17 (5) Hire clerical, administrative, and investigative staff as  
18 needed to implement and administer this chapter;

19 (6) Investigate complaints or reports of unprofessional conduct as  
20 defined in this chapter and hold hearings pursuant to chapter 34.05  
21 RCW;

22 (7) Issue subpoenas for records and attendance of witnesses,  
23 statements of charges, statements of intent to deny certificates, and  
24 orders; administer oaths; take or cause depositions to be taken; and  
25 use other discovery procedures as needed in any investigation, hearing,  
26 or proceeding held under this chapter;

27 (8) Maintain the official departmental record of all applicants and  
28 certificate holders;

29 (9) Delegate, in writing to a designee, the authority to issue  
30 subpoenas, statements of charges, and statements of intent to deny  
31 certification;

32 (10) Prepare and administer or approve the preparation and  
33 administration of examinations for certification;

34 (11) Establish by rule the procedures for an appeal of a failure of  
35 an examination;

36 (12) Conduct a hearing under chapter 34.05 RCW on an appeal of a  
37 denial of a certificate based on the applicant's failure to meet  
38 minimum qualifications for certification;

1       (13) Establish ad hoc advisory committees whose membership shall  
2 include representatives of professional court reporting and  
3 stenomasking associations and representatives from accredited schools  
4 offering degrees in court reporting or stenomasking to advise the  
5 director on testing procedures, professional standards, disciplinary  
6 activities, or any other matters deemed necessary.

7       **Sec. 503.** RCW 18.145.070 and 1989 c 382 s 8 are each amended to  
8 read as follows:

9       The director(~~(, members of the board,)~~) and individuals acting on  
10 ~~((their))~~ the director's behalf shall not be civilly liable for any act  
11 performed in good faith in the course of their duties.

12       **Sec. 504.** RCW 18.145.080 and 1989 c 382 s 9 are each amended to  
13 read as follows:

14       (1) The department shall issue a certificate to any applicant who,  
15 as determined by the director ~~((upon advice of the board))~~, has:

16       (a) Successfully completed an examination approved by the director;

17       (b) Good moral character;

18       (c) Not engaged in unprofessional conduct; and

19       (d) Not been determined to be unable to practice with reasonable  
20 skill and safety as a result of a physical or mental impairment.

21       (2) A one-year temporary certificate may be issued, at the  
22 discretion of the director, to a person holding one of the following:  
23 National shorthand reporters association certificate of proficiency,  
24 registered professional reporter certificate, or certificate of merit;  
25 a current court or shorthand reporter certification, registration, or  
26 license of another state; or a certificate of graduation of a court  
27 reporting school. To continue to be certified under this chapter, a  
28 person receiving a temporary certificate shall successfully complete  
29 the examination under subsection (1)(a) of this section within one year  
30 of receiving the temporary certificate, except that the director may  
31 renew the temporary certificate if extraordinary circumstances are  
32 shown.

33       (3) The examination required by subsection (1)(a) of this section  
34 shall be no more difficult than the examination provided by the court  
35 reporter examining committee as authorized by RCW 2.32.180.

1 NEW SECTION. **Sec. 505.** RCW 18.145.060 and 1989 c 382 s 7 are each  
2 repealed.

3 **PART 6**

4 **MARITIME BICENTENNIAL ADVISORY COMMITTEE**

5 NEW SECTION. **Sec. 601.** RCW 27.34.300 and 1989 c 82 s 2 are each  
6 repealed.

7 **PART 7**

8 **CENTENNIAL COMMISSION**

9 NEW SECTION. **Sec. 701.** The following acts or parts of acts are  
10 each repealed:

11 (1) RCW 27.60.010 and 1982 c 90 s 1;

12 (2) RCW 27.60.020 and 1985 c 291 s 1, 1984 c 120 s 1, & 1982 c 90  
13 s 2;

14 (3) RCW 27.60.030 and 1982 c 90 s 3;

15 (4) RCW 27.60.040 and 1987 c 195 s 1, 1985 c 291 s 2, & 1982 c 90  
16 s 4;

17 (5) RCW 27.60.050 and 1982 c 90 s 5;

18 (6) RCW 27.60.070 and 1985 c 291 s 4;

19 (7) RCW 27.60.090 and 1986 c 157 s 2; and

20 (8) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s  
21 6.

22 **PART 8**

23 **STUDENT FINANCIAL AID POLICY STUDY ADVISORY COMMITTEE**

24 **Sec. 801.** RCW 28B.10.804 and 1969 ex.s. c 222 s 10 are each  
25 amended to read as follows:

26 The commission shall be cognizant of the following guidelines in  
27 the performance of its duties:

28 (1) The commission shall be research oriented, not only at its  
29 inception but continually through its existence.

30 (2) The commission shall coordinate all existing programs of  
31 financial aid except those specifically dedicated to a particular  
32 institution by the donor.

1 (3) The commission shall take the initiative and responsibility for  
2 coordinating all federal student financial aid programs to insure that  
3 the state recognizes the maximum potential effect of these programs,  
4 and shall design the state program which complements existing federal,  
5 state and institutional programs.

6 (4) Counseling is a paramount function of student financial aid,  
7 and in most cases could only be properly implemented at the  
8 institutional levels; therefore, state student financial aid programs  
9 shall be concerned with the attainment of those goals which, in the  
10 judgment of the commission, are the reasons for the existence of a  
11 student financial aid program, and not solely with administration of  
12 the program on an individual basis.

13 ~~(5) ((In the development of any new program, the commission shall  
14 seek advice from and consultation with the institutions of higher  
15 learning, state agencies, industry, labor, and such other interested  
16 groups as may be able to contribute to the effectiveness of program  
17 development and implementation.~~

18 ~~(6))~~ The "package" approach of combining loans, grants and  
19 employment for student financial aid shall be the conceptional element  
20 of the state's involvement.

21 **PART 9**

22 **ADVISORY COMMITTEE ON ACCESS TO EDUCATION**  
23 **FOR STUDENTS WITH DISABILITIES**

24 NEW SECTION. **Sec. 901.** The following acts or parts of acts are  
25 each repealed:

26 (1) RCW 28B.80.550 and 1991 c 228 s 7; and

27 (2) RCW 28B.80.555 and 1991 c 228 s 8.

28 **PART 10**

29 **ADVISORY COMMITTEE FOR PROGRAM FOR**  
30 **DISLOCATED FOREST PRODUCTS WORKERS**

31 **Sec. 1001.** RCW 28B.80.575 and 1991 c 315 s 19 are each amended to  
32 read as follows:

33 The board shall administer a program designed to provide upper  
34 division higher education opportunities to dislocated forest products  
35 workers, their spouses, and others in timber impact areas. In

1 administering the program, the board shall have the following powers  
2 and duties:

3 (1) Distribute funding for institutions of higher education to  
4 service placebound students in the timber impact areas meeting the  
5 following criteria, as determined by the employment security  
6 department: (a) A lumber and wood products employment location  
7 quotient at or above the state average; (b) a direct lumber and wood  
8 products job loss of one hundred positions or more; and (c) an annual  
9 unemployment rate twenty percent above the state average; and

10 ~~(2) ((Appoint an advisory committee to assist the board in program  
11 design and future project selection;~~

12 ~~(3))) Monitor the program and report on student progress and  
13 outcome((; and~~

14 ~~(4) Report to the legislature by December 1, 1993, on the status of  
15 the program)).~~

16 **PART 11**

17 **STATE FIRE DEFENSE BOARD AND**

18 **FIRE PROTECTION POLICY BOARD**

19 **Sec. 1101.** RCW 38.54.030 and 1992 c 117 s 11 are each amended to  
20 read as follows:

21 ~~((There is created the state fire defense board consisting of the  
22 state fire marshal, a representative from the department of natural  
23 resources appointed by the commissioner of public lands, the assistant  
24 director of the emergency management division of the department of  
25 community development, and one representative selected by each regional  
26 fire defense board in the state. Members of the state fire defense  
27 board shall select from among themselves a chairperson. Members  
28 serving on the board do so in a voluntary capacity and are not eligible  
29 for reimbursement for meeting related expenses from the state.))~~

30 The state fire ~~((defense board shall develop and maintain))~~  
31 protection policy board shall review and make recommendations to the  
32 director on the refinement and maintenance of the Washington state fire  
33 services mobilization plan, which shall include the procedures to be  
34 used during fire and other emergencies for coordinating local,  
35 regional, and state fire jurisdiction resources. In carrying out this  
36 duty, the fire protection policy board shall consult with and solicit  
37 recommendations from representatives of state and local fire and

1 emergency management organizations, regional fire defense boards, and  
2 the department of natural resources. The Washington state fire  
3 services mobilization plan shall be consistent with, and made part of,  
4 the Washington state comprehensive emergency management plan. The  
5 director shall review the fire services mobilization plan as submitted  
6 by the state fire defense board and after consultation with the fire  
7 protection policy board, recommend changes that may be necessary, and  
8 approve the fire services mobilization plan for inclusion within the  
9 state comprehensive emergency management plan.

10 It is the responsibility of the director to mobilize jurisdictions  
11 under the Washington state fire services mobilization plan. The state  
12 fire marshal shall serve as the state fire resources coordinator when  
13 the Washington state fire services mobilization plan is mobilized.

14 **PART 12**

15 **EMERGENCY MANAGEMENT COUNCIL AND RELATED BOARDS**

16 **Sec. 1201.** RCW 38.52.030 and 1991 c 322 s 20 and 1991 c 54 s 2 are  
17 each reenacted and amended to read as follows:

18 (1) The director may employ such personnel and may make such  
19 expenditures within the appropriation therefor, or from other funds  
20 made available for purposes of emergency management, as may be  
21 necessary to carry out the purposes of this chapter.

22 (2) The director, subject to the direction and control of the  
23 governor, shall be responsible to the governor for carrying out the  
24 program for emergency management of this state. The director shall  
25 coordinate the activities of all organizations for emergency management  
26 within the state, and shall maintain liaison with and cooperate with  
27 emergency management agencies and organizations of other states and of  
28 the federal government, and shall have such additional authority,  
29 duties, and responsibilities authorized by this chapter, as may be  
30 prescribed by the governor.

31 (3) The director shall develop and maintain a comprehensive, all-  
32 hazard emergency plan for the state which shall include an analysis of  
33 the natural and man-caused hazards which could affect the state of  
34 Washington, and shall include the procedures to be used during  
35 emergencies for coordinating local resources, as necessary, and the  
36 resources of all state agencies, departments, commissions, and boards.  
37 The comprehensive emergency management plan shall direct the department

1 in times of state emergency to administer and manage the state's  
2 emergency operations center. This will include representation from all  
3 appropriate state agencies and be available as a single point of  
4 contact for the authorizing of state resources or actions, including  
5 emergency permits. The comprehensive, all-hazard emergency plan  
6 authorized under this subsection may not include preparation for  
7 emergency evacuation or relocation of residents in anticipation of  
8 nuclear attack. This plan shall be known as the comprehensive  
9 emergency management plan.

10 (4) In accordance with the comprehensive emergency management plans  
11 and the programs for the emergency management of this state, the  
12 director shall procure supplies and equipment, institute training  
13 programs and public information programs, and shall take all other  
14 preparatory steps, including the partial or full mobilization of  
15 emergency management organizations in advance of actual disaster, to  
16 insure the furnishing of adequately trained and equipped forces of  
17 emergency management personnel in time of need.

18 (5) The director shall make such studies and surveys of the  
19 industries, resources, and facilities in this state as may be necessary  
20 to ascertain the capabilities of the state for emergency management,  
21 and shall plan for the most efficient emergency use thereof.

22 ~~(6) ((The director may appoint a communications coordinating~~  
23 ~~committee consisting of six to eight persons with the director, or his~~  
24 ~~or her designee, as chairman thereof. Three of the members shall be~~  
25 ~~appointed from qualified, trained and experienced telephone~~  
26 ~~communications administrators or engineers actively engaged in such~~  
27 ~~work within the state of Washington at the time of appointment, and~~  
28 ~~three of the members shall be appointed from qualified, trained and~~  
29 ~~experienced radio communication administrators or engineers actively~~  
30 ~~engaged in such work within the state of Washington at the time of~~  
31 ~~appointment. This committee)) The emergency management council shall  
32 advise the director on all aspects of the communications and warning  
33 systems and facilities operated or controlled under the provisions of  
34 this chapter.~~

35 (7) The director, through the state enhanced 911 coordinator, shall  
36 coordinate and facilitate implementation and operation of a state-wide  
37 enhanced 911 emergency communications network.

38 (8) The director shall appoint a state coordinator of search and  
39 rescue operations to coordinate those state resources, services and

1 facilities (other than those for which the state director of  
2 aeronautics is directly responsible) requested by political  
3 subdivisions in support of search and rescue operations, and on request  
4 to maintain liaison with and coordinate the resources, services, and  
5 facilities of political subdivisions when more than one political  
6 subdivision is engaged in joint search and rescue operations.

7 (9) The director, subject to the direction and control of the  
8 governor, shall prepare and administer a state program for emergency  
9 assistance to individuals within the state who are victims of a natural  
10 or man-made disaster, as defined by RCW 38.52.010(6). Such program may  
11 be integrated into and coordinated with disaster assistance plans and  
12 programs of the federal government which provide to the state, or  
13 through the state to any political subdivision thereof, services,  
14 equipment, supplies, materials, or funds by way of gift, grant, or loan  
15 for purposes of assistance to individuals affected by a disaster.  
16 Further, such program may include, but shall not be limited to, grants,  
17 loans, or gifts of services, equipment, supplies, materials, or funds  
18 of the state, or any political subdivision thereof, to individuals who,  
19 as a result of a disaster, are in need of assistance and who meet  
20 standards of eligibility for disaster assistance established by the  
21 department of social and health services: PROVIDED, HOWEVER, That  
22 nothing herein shall be construed in any manner inconsistent with the  
23 provisions of Article VIII, section 5 or section 7 of the Washington  
24 state Constitution.

25 (10) The director shall appoint a state coordinator for radioactive  
26 and hazardous waste emergency response programs. The coordinator shall  
27 consult with the state radiation control officer in matters relating to  
28 radioactive materials. The duties of the state coordinator for  
29 radioactive and hazardous waste emergency response programs shall  
30 include:

31 (a) Assessing the current needs and capabilities of state and local  
32 radioactive and hazardous waste emergency response teams on an ongoing  
33 basis;

34 (b) Coordinating training programs for state and local officials  
35 for the purpose of updating skills relating to emergency response;

36 (c) Utilizing appropriate training programs such as those offered  
37 by the federal emergency management agency, the department of  
38 transportation and the environmental protection agency; and



1 (d) Undertaking other duties in this area that are deemed  
2 appropriate by the director.

3 **Sec. 1202.** RCW 38.52.040 and 1988 c 81 s 18 are each amended to  
4 read as follows:

5 (1) There is hereby created the emergency management council  
6 (hereinafter called the council), to consist of not (~~less than seven~~  
7 ~~nor~~) more than seventeen members who shall be appointed by the  
8 governor. (~~The council shall advise the governor and the director on~~  
9 ~~all matters pertaining to emergency management and shall advise the~~  
10 ~~chief of the Washington state patrol on safety in the transportation of~~  
11 ~~hazardous materials described in RCW 46.48.170.~~) The membership of  
12 the council shall include, but not be limited to, representatives of  
13 city and county governments, sheriffs and police chiefs, the Washington  
14 state patrol, the military department, the department of ecology, state  
15 and local fire chiefs, seismic safety experts, state and local  
16 emergency management directors, search and rescue volunteers, medical  
17 professions who have expertise in emergency medical care, building  
18 officials, and private industry(~~, and local fire chiefs~~). The  
19 representatives of private industry shall include persons knowledgeable  
20 in (~~the handling and transportation of hazardous materials~~) emergency  
21 and hazardous materials management. The council members shall elect a  
22 chairman from within the council membership. The members of the  
23 council shall serve without compensation, but may be reimbursed for  
24 their travel expenses incurred in the performance of their duties in  
25 accordance with RCW 43.03.050 and 43.03.060 as now existing or  
26 hereafter amended.

27 (2) The emergency management council shall advise the governor and  
28 the director on all matters pertaining to state and local emergency  
29 management. The council may appoint such ad hoc committees,  
30 subcommittees, and working groups as are required to develop specific  
31 recommendations for the improvement of emergency management practices,  
32 standards, policies, or procedures. The council shall ensure that the  
33 governor receives an annual assessment of state-wide emergency  
34 preparedness including, but not limited to, specific progress on hazard  
35 mitigation and reduction efforts, implementation of seismic safety  
36 improvements, reduction of flood hazards, and coordination of hazardous  
37 materials planning and response activities. The council or a  
38 subcommittee thereof shall periodically convene in special session and

1 serve during those sessions as the state emergency response commission  
2 required by P.L. 99-499, the emergency planning and community right-to-  
3 know act. When sitting in session as the state emergency response  
4 commission, the council shall confine its deliberations to those items  
5 specified in federal statutes and state administrative rules governing  
6 the coordination of hazardous materials policy. The council shall  
7 review administrative rules governing state and local emergency  
8 management practices and recommend necessary revisions to the director.

9 NEW SECTION. Sec. 1203. By July 1, 1995, the director of  
10 community, trade, and economic development shall terminate the state  
11 emergency response commission, the disaster assistance council, the  
12 hazardous materials advisory committee, the hazardous materials  
13 transportation act grant review committee, the flood damage reduction  
14 committee, and the hazard mitigation grant review committee. The  
15 director shall ensure that the responsibilities of these committees are  
16 carried out by the emergency management council or subcommittees  
17 thereof.

18 **PART 13**

19 **OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

20 **ADVISORY COMMITTEE**

21 NEW SECTION. Sec. 1301. RCW 39.19.040 and 1985 c 466 s 45 & 1983  
22 c 120 s 4 are each repealed.

23 NEW SECTION. Sec. 1302. A new section is added to chapter 39.19  
24 RCW to read as follows:

25 The director may establish ad hoc advisory committees, as  
26 necessary, to assist in the development of policies to carry out the  
27 purposes of this chapter.

28 **PART 14**

29 **SUPPLY MANAGEMENT ADVISORY BOARD**

30 **Sec. 1401.** RCW 43.19.190 and 1994 c 138 s 1 are each amended to  
31 read as follows:

32 The director of general administration, through the state  
33 purchasing and material control director, shall:

1 (1) Establish and staff such administrative organizational units  
2 within the division of purchasing as may be necessary for effective  
3 administration of the provisions of RCW 43.19.190 through 43.19.1939;

4 (2) Purchase all material, supplies, services, and equipment needed  
5 for the support, maintenance, and use of all state institutions,  
6 colleges, community colleges, technical colleges, college districts,  
7 and universities, the offices of the elective state officers, the  
8 supreme court, the court of appeals, the administrative and other  
9 departments of state government, and the offices of all appointive  
10 officers of the state: PROVIDED, That the provisions of RCW 43.19.190  
11 through 43.19.1937 do not apply in any manner to the operation of the  
12 state legislature except as requested by the legislature: PROVIDED,  
13 That any agency may purchase material, supplies, services, and  
14 equipment for which the agency has notified the purchasing and material  
15 control director that it is more cost-effective for the agency to make  
16 the purchase directly from the vendor: PROVIDED, That primary  
17 authority for the purchase of specialized equipment, instructional, and  
18 research material for their own use shall rest with the colleges,  
19 community colleges, and universities: PROVIDED FURTHER, That  
20 universities operating hospitals and the state purchasing and material  
21 control director, as the agent for state hospitals as defined in RCW  
22 72.23.010, and for health care programs provided in state correctional  
23 institutions as defined in RCW 72.65.010(3) and veterans' institutions  
24 as defined in RCW 72.36.010 and 72.36.070, may make purchases for  
25 hospital operation by participating in contracts for materials,  
26 supplies, and equipment entered into by nonprofit cooperative hospital  
27 group purchasing organizations: PROVIDED FURTHER, That primary  
28 authority for the purchase of materials, supplies, and equipment for  
29 resale to other than public agencies shall rest with the state agency  
30 concerned: PROVIDED FURTHER, That authority to purchase services as  
31 included herein does not apply to personal services as defined in  
32 chapter 39.29 RCW, unless such organization specifically requests  
33 assistance from the division of purchasing in obtaining personal  
34 services and resources are available within the division to provide  
35 such assistance: PROVIDED FURTHER, That the authority for the purchase  
36 of insurance and bonds shall rest with the risk manager under RCW  
37 43.19.1935: PROVIDED FURTHER, That, except for the authority of the  
38 risk manager to purchase insurance and bonds, the director is not  
39 required to provide purchasing services for institutions of higher

1 education that choose to exercise independent purchasing authority  
2 under RCW 28B.10.029;

3 ~~(3) ((Provide the required staff assistance for the state supply  
4 management advisory board through the division of purchasing;~~

5 ~~(4))~~ Have authority to delegate to state agencies authorization to  
6 purchase or sell, which authorization shall specify restrictions as to  
7 dollar amount or to specific types of material, equipment, services,  
8 and supplies(~~(:—PROVIDED, That))~~). Acceptance of the purchasing  
9 authorization by a state agency does not relieve such agency from  
10 conformance with other sections of RCW 43.19.190 through 43.19.1939, or  
11 from policies established by the director (~~(after consultation with the  
12 state supply management advisory board:—PROVIDED FURTHER, That))~~).  
13 Also, delegation of such authorization to a state agency, including an  
14 educational institution to which this section applies, to purchase or  
15 sell material, equipment, services, and supplies shall not be granted,  
16 or otherwise continued under a previous authorization, if such agency  
17 is not in substantial compliance with overall state purchasing and  
18 material control policies as established herein;

19 ~~((+5))~~ (4) Contract for the testing of material, supplies, and  
20 equipment with public and private agencies as necessary and advisable  
21 to protect the interests of the state;

22 ~~((+6))~~ (5) Prescribe the manner of inspecting all deliveries of  
23 supplies, materials, and equipment purchased through the division;

24 ~~((+7))~~ (6) Prescribe the manner in which supplies, materials, and  
25 equipment purchased through the division shall be delivered, stored,  
26 and distributed;

27 ~~((+8))~~ (7) Provide for the maintenance of a catalogue library,  
28 manufacturers' and wholesalers' lists, and current market information;

29 ~~((+9))~~ (8) Provide for a commodity classification system and may,  
30 in addition, provide for the adoption of standard specifications  
31 (~~(after receiving the recommendation of the supply management advisory  
32 board))~~);

33 ~~((+10))~~ (9) Provide for the maintenance of inventory records of  
34 supplies, materials, and other property;

35 ~~((+11))~~ (10) Prepare rules and regulations governing the  
36 relationship and procedures between the division of purchasing and  
37 state agencies and vendors;

38 ~~((+12))~~ (11) Publish procedures and guidelines for compliance by  
39 all state agencies, including those educational institutions to which

1 this section applies, which implement overall state purchasing and  
2 material control policies;

3 ~~((13))~~ (12) Advise state agencies, including educational  
4 institutions, regarding compliance with established purchasing and  
5 material control policies under existing statutes.

6 **Sec. 1402.** RCW 43.19.1905 and 1993 sp.s. c 10 s 3 are each amended  
7 to read as follows:

8 The director of general administration(~~(, after consultation with~~  
9 ~~the supply management advisory board)~~) shall establish overall state  
10 policy for compliance by all state agencies, including educational  
11 institutions, regarding the following purchasing and material control  
12 functions:

13 (1) Development of a state commodity coding system, including  
14 common stock numbers for items maintained in stores for reissue;

15 (2) Determination where consolidations, closures, or additions of  
16 stores operated by state agencies and educational institutions should  
17 be initiated;

18 (3) Institution of standard criteria for determination of when and  
19 where an item in the state supply system should be stocked;

20 (4) Establishment of stock levels to be maintained in state stores,  
21 and formulation of standards for replenishment of stock;

22 (5) Formulation of an overall distribution and redistribution  
23 system for stock items which establishes sources of supply support for  
24 all agencies, including interagency supply support;

25 (6) Determination of what function data processing equipment,  
26 including remote terminals, shall perform in state-wide purchasing and  
27 material control for improvement of service and promotion of economy;

28 (7) Standardization of records and forms used state-wide for supply  
29 system activities involving purchasing, receiving, inspecting, storing,  
30 requisitioning, and issuing functions (~~(under the provisions of RCW~~  
31 ~~43.19.510)~~), including a standard notification form for state agencies  
32 to report cost-effective direct purchases, which shall at least  
33 identify the price of the goods as available through the division of  
34 purchasing, the price of the goods as available from the alternative  
35 source, the total savings, and the signature of the notifying agency's  
36 director or the director's designee;

- 1 (8) Screening of supplies, material, and equipment excess to the  
2 requirements of one agency for overall state need before sale as  
3 surplus;
- 4 (9) Establishment of warehouse operation and storage standards to  
5 achieve uniform, effective, and economical stores operations;
- 6 (10) Establishment of time limit standards for the issuing of  
7 material in store and for processing requisitions requiring purchase;
- 8 (11) Formulation of criteria for determining when centralized  
9 rather than decentralized purchasing shall be used to obtain maximum  
10 benefit of volume buying of identical or similar items, including  
11 procurement from federal supply sources;
- 12 (12) Development of criteria for use of leased, rather than state  
13 owned, warehouse space based on relative cost and accessibility;
- 14 (13) Institution of standard criteria for purchase and placement of  
15 state furnished materials, carpeting, furniture, fixtures, and nonfixed  
16 equipment, in newly constructed or renovated state buildings;
- 17 (14) Determination of how transportation costs incurred by the  
18 state for materials, supplies, services, and equipment can be reduced  
19 by improved freight and traffic coordination and control;
- 20 (15) Establishment of a formal certification program for state  
21 employees who are authorized to perform purchasing functions as agents  
22 for the state under the provisions of chapter 43.19 RCW;
- 23 (16) Development of performance measures for the reduction of total  
24 overall expense for material, supplies, equipment, and services used  
25 each biennium by the state;
- 26 (17) Establishment of a standard system for all state organizations  
27 to record and report dollar savings and cost avoidance which are  
28 attributable to the establishment and implementation of improved  
29 purchasing and material control procedures;
- 30 (18) Development of procedures for mutual and voluntary cooperation  
31 between state agencies, including educational institutions, and  
32 political subdivisions for exchange of purchasing and material control  
33 services;
- 34 (19) Resolution of all other purchasing and material matters  
35 (~~referred to him by a member of the advisory board~~) which require the  
36 establishment of overall state-wide policy for effective and economical  
37 supply management;
- 38 (20) Development of guidelines and criteria for the purchase of  
39 vehicles, alternate vehicle fuels and systems, equipment, and materials

1 that reduce overall energy-related costs and energy use by the state,  
2 including the requirement that new passenger vehicles purchased by the  
3 state meet the minimum standards for passenger automobile fuel economy  
4 established by the United States secretary of transportation pursuant  
5 to the energy policy and conservation act (15 U.S.C. Sec. 2002).

6 **Sec. 1403.** RCW 43.19.19052 and 1986 c 158 s 9 are each amended to  
7 read as follows:

8 Initial policy determinations for the functions described in RCW  
9 43.19.1905 shall be developed and published within the 1975-77 biennium  
10 by the director(~~(, after consultation with the supply management~~  
11 ~~advisory board))~~) for guidance and compliance by all state agencies,  
12 including educational institutions, involved in purchasing and material  
13 control. Modifications to these initial supply management policies  
14 established during the 1975-77 biennium shall be instituted by the  
15 director(~~(, after consultation with the advisory board,~~)) in future  
16 biennia as required to maintain an efficient and up-to-date state  
17 supply management system. The director shall transmit to the governor  
18 and the legislature in June 1976 and June 1977 a progress report which  
19 indicates the degree of accomplishment of each of these assigned  
20 duties, and which summarizes specific achievements obtained in  
21 increased effectiveness and dollar savings or cost avoidance within the  
22 overall state purchasing and material control system. The second  
23 progress report in June 1977 shall include a comprehensive supply  
24 management plan which includes the recommended organization of a state-  
25 wide purchasing and material control system and development of an  
26 orderly schedule for implementing such recommendation. In the interim  
27 between these annual progress reports, the director shall furnish  
28 periodic reports to the office of financial management for review of  
29 progress being accomplished in achieving increased efficiencies and  
30 dollar savings or cost avoidance.

31 It is the intention of the legislature that measurable improvements  
32 in the effectiveness and economy of supply management in state  
33 government shall be achieved during the 1975-77 biennium, and each  
34 biennium thereafter. All agencies, departments, offices, divisions,  
35 boards, and commissions and educational, correctional, and other types  
36 of institutions are required to cooperate with and support the  
37 development and implementation of improved efficiency and economy in  
38 purchasing and material control. To effectuate this legislative

1 intention, the director, (~~in consultation with the supply management~~  
2 ~~advisory board, and~~)) through the state purchasing and material control  
3 director, shall have the authority to direct and require the submittal  
4 of data from all state organizations concerning purchasing and material  
5 control matters.

6 **Sec. 1404.** RCW 43.19.1906 and 1994 c 300 s 1 are each amended to  
7 read as follows:

8 Insofar as practicable, all purchases and sales shall be based on  
9 competitive bids, and a formal sealed bid procedure shall be used as  
10 standard procedure for all purchases and contracts for purchases and  
11 sales executed by the state purchasing and material control director  
12 and under the powers granted by RCW 43.19.190 through 43.19.1939. This  
13 requirement also applies to purchases and contracts for purchases and  
14 sales executed by agencies, including educational institutions, under  
15 delegated authority granted in accordance with provisions of RCW  
16 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is  
17 not necessary for:

18 (1) Emergency purchases made pursuant to RCW 43.19.200 if the  
19 sealed bidding procedure would prevent or hinder the emergency from  
20 being met appropriately;

21 (2) Purchases not exceeding thirty-five thousand dollars, or  
22 subsequent limits as calculated by the office of financial management:  
23 PROVIDED, That the state director of general administration shall  
24 establish procedures to assure that purchases made by or on behalf of  
25 the various state agencies shall not be made so as to avoid the thirty-  
26 five thousand dollar bid limitation, or subsequent bid limitations as  
27 calculated by the office of financial management: PROVIDED FURTHER,  
28 That the state purchasing and material control director is authorized  
29 to reduce the formal sealed bid limits of thirty-five thousand dollars,  
30 or subsequent limits as calculated by the office of financial  
31 management, to a lower dollar amount for purchases by individual state  
32 agencies if considered necessary to maintain full disclosure of  
33 competitive procurement or otherwise to achieve overall state  
34 efficiency and economy in purchasing and material control. Quotations  
35 from four hundred dollars to thirty-five thousand dollars, or  
36 subsequent limits as calculated by the office of financial management,  
37 shall be secured from at least three vendors to assure establishment of  
38 a competitive price and may be obtained by telephone or written



1 quotations, or both. The agency shall invite at least one quotation  
2 each from a certified minority and a certified women-owned vendor who  
3 shall otherwise qualify to perform such work. Immediately after the  
4 award is made, the bid quotations obtained shall be recorded and open  
5 to public inspection and shall be available by telephone inquiry. A  
6 record of competition for all such purchases from four hundred dollars  
7 to thirty-five thousand dollars, or subsequent limits as calculated by  
8 the office of financial management, shall be documented for audit  
9 purposes. Purchases up to four hundred dollars may be made without  
10 competitive bids based on buyer experience and knowledge of the market  
11 in achieving maximum quality at minimum cost: PROVIDED, That this four  
12 hundred dollar direct buy limit without competitive bids may be  
13 increased incrementally as required to a maximum of eight hundred  
14 dollars (~~with the approval of at least ten of the members of the state~~  
15 ~~supply management advisory board~~), if warranted by increases in  
16 purchasing costs due to inflationary trends;

17 (3) Purchases which are clearly and legitimately limited to a  
18 single source of supply and purchases involving special facilities,  
19 services, or market conditions, in which instances the purchase price  
20 may be best established by direct negotiation;

21 (4) Purchases of insurance and bonds by the risk management office  
22 under RCW 43.19.1935;

23 (5) Purchases and contracts for vocational rehabilitation clients  
24 of the department of social and health services: PROVIDED, That this  
25 exemption is effective only when the state purchasing and material  
26 control director, after consultation with the director of the division  
27 of vocational rehabilitation and appropriate department of social and  
28 health services procurement personnel, declares that such purchases may  
29 be best executed through direct negotiation with one or more suppliers  
30 in order to expeditiously meet the special needs of the state's  
31 vocational rehabilitation clients;

32 (6) Purchases by universities for hospital operation or biomedical  
33 teaching or research purposes and by the state purchasing and material  
34 control director, as the agent for state hospitals as defined in RCW  
35 72.23.010, and for health care programs provided in state correctional  
36 institutions as defined in RCW 72.65.010(3) and veterans' institutions  
37 as defined in RCW 72.36.010 and 72.36.070, made by participating in  
38 contracts for materials, supplies, and equipment entered into by  
39 nonprofit cooperative hospital group purchasing organizations;

1 (7) Purchases by institutions of higher education not exceeding  
2 thirty-five thousand dollars: PROVIDED, That for purchases between two  
3 thousand five hundred dollars and thirty-five thousand dollars  
4 quotations shall be secured from at least three vendors to assure  
5 establishment of a competitive price and may be obtained by telephone  
6 or written quotations, or both. For purchases between two thousand  
7 five hundred dollars and thirty-five thousand dollars, each institution  
8 of higher education shall invite at least one quotation each from a  
9 certified minority and a certified women-owned vendor who shall  
10 otherwise qualify to perform such work. A record of competition for  
11 all such purchases made from two thousand five hundred to thirty-five  
12 thousand dollars shall be documented for audit purposes; and

13 (8) Beginning on July 1, 1995, and on July 1 of each succeeding  
14 odd-numbered year, the dollar limits specified in this section shall be  
15 adjusted as follows: The office of financial management shall  
16 calculate such limits by adjusting the previous biennium's limits by  
17 the appropriate federal inflationary index reflecting the rate of  
18 inflation for the previous biennium. Such amounts shall be rounded to  
19 the nearest one hundred dollars.

20 **Sec. 1405.** RCW 43.19.1937 and 1975-'76 2nd ex.s. c 21 s 13 are  
21 each amended to read as follows:

22 No (~~member of the state supply management advisory board or~~)  
23 state employee whose duties performed for the state include:

24 (1) Advising on or drawing specifications for supplies, equipment,  
25 commodities, or services;

26 (2) Suggesting or determining vendors to be placed upon a bid list;

27 (3) Drawing requisitions for supplies, equipment, commodities, or  
28 services;

29 (4) Evaluating specifications or bids and suggesting or determining  
30 awards; or

31 (5) Accepting the receipt of supplies, equipment, and commodities  
32 or approving the performance of services or contracts;

33 shall accept or receive, directly or indirectly, a personal financial  
34 benefit, or accept any gift, token, membership, or service, as a result  
35 of a purchase entered into by the state, from any person, firm, or  
36 corporation engaged in the sale, lease, or rental of property,  
37 material, supplies, equipment, commodities, or services to the state of  
38 Washington.

1 Violation of this section shall be considered a malfeasance and may  
2 cause loss of position, and the violator shall be liable to the state  
3 upon his official bond for all damages sustained by the state.  
4 Contracts involved may be canceled at the option of the state.  
5 Penalties provided in this section are not exclusive, and shall not bar  
6 action under any other statute penalizing the same act or omission.

7 **Sec. 1406.** RCW 43.19A.020 and 1991 c 297 s 3 are each amended to  
8 read as follows:

9 (1) The director shall adopt standards specifying the minimum  
10 content of recycled materials in products or product categories. The  
11 standards shall:

12 (a) Be consistent with the USEPA product standards, unless the  
13 director finds that a different standard would significantly increase  
14 recycled product availability or competition;

15 (b) Consider the standards of other states, to encourage  
16 consistency of manufacturing standards;

17 (c) Consider regional product manufacturing capability;

18 (d) Address specific products or classes of products; and

19 (e) Consider postconsumer waste content and the recyclability of  
20 the product.

21 (2) The director shall consult with the (~~supply management board~~  
22 ~~and~~) department of ecology prior to adopting the recycled content  
23 standards.

24 (3) The director shall adopt recycled content standards for at  
25 least the following products by the dates indicated:

26 (a) By July 1, 1992:

27 (i) Paper and paper products;

28 (ii) Organic recovered materials; and

29 (iii) Latex paint products;

30 (b) By July 1, 1993:

31 (i) Products for lower value uses containing recycled plastics;

32 (ii) Retread and remanufactured tires;

33 (iii) Lubricating oils;

34 (iv) Automotive batteries; and

35 (v) Building insulation.

36 (4) The standards required by this section shall be applied to  
37 recycled product purchasing by the department and other state agencies.  
38 The standards may be adopted or applied by any other local government

1 in product procurement. The standards shall provide for exceptions  
2 under appropriate circumstances to allow purchases of recycled products  
3 that do not meet the minimum content requirements of the standards.

4 NEW SECTION. **Sec. 1407.** RCW 43.19.1904 and 1979 c 88 s 2, 1975-  
5 '76 2nd ex.s. c 21 s 4, 1967 ex.s. c 104 s 4, & 1965 c 8 s 43.19.1904  
6 are each repealed.

7 **PART 15**

8 **PRESCRIPTION DRUG PROGRAM ADVISORY COMMITTEE**

9 NEW SECTION. **Sec. 1501.** By July 1, 1995, the secretary of the  
10 department of social and health services shall abolish the prescription  
11 drug program advisory committee.

12 **PART 16**

13 **TELECOMMUNICATIONS RELAY SERVICE PROGRAM**  
14 **ADVISORY COMMITTEE**

15 NEW SECTION. **Sec. 1601.** RCW 43.20A.730 and 1992 c 144 s 4, 1990  
16 c 89 s 4, & 1987 c 304 s 4 are each repealed.

17 **PART 17**

18 **LABORATORY ACCREDITATION ADVISORY COMMITTEE**

19 NEW SECTION. **Sec. 1701.** By July 1, 1995, the director of the  
20 department of ecology shall abolish the laboratory accreditation  
21 advisory committee.

22 **PART 18**

23 **METALS MINING ADVISORY GROUP**

24 NEW SECTION. **Sec. 1801.** 1994 c 232 s 27 (uncodified) is repealed.

25 **PART 19**

26 **HYDRAULIC APPEALS BOARD**

27 **Sec. 1901.** RCW 43.21B.005 and 1990 c 65 s 1 are each amended to  
28 read as follows:

1        There is created an environmental hearings office of the state of  
2 Washington. The environmental hearings office shall consist of the  
3 pollution control hearings board created in RCW 43.21B.010, the forest  
4 practices appeals board created in RCW 76.09.210, and the shorelines  
5 hearings board created in RCW 90.58.170(~~(, and the hydraulic appeals~~  
6 ~~board created in RCW 75.20.130))~~). The chairman of the pollution  
7 control hearings board shall be the chief executive officer of the  
8 environmental hearings office. Membership, powers, functions, and  
9 duties of the pollution control hearings board, the forest practices  
10 appeals board, and the shorelines hearings board(~~(, and the hydraulic~~  
11 ~~appeals board)~~) shall be as provided by law.

12        The chief executive officer of the environmental hearings office  
13 may appoint an administrative appeals judge who shall possess the  
14 powers and duties conferred by the administrative procedure act,  
15 chapter 34.05 RCW, in cases before the boards comprising the office.  
16 The administrative appeals judge shall have a demonstrated knowledge of  
17 environmental law, and shall be admitted to the practice of law in the  
18 state of Washington. Additional administrative appeals judges may also  
19 be appointed by the chief executive officer on the same terms.  
20 Administrative appeals judges shall not be subject to chapter 41.06  
21 RCW.

22        The chief executive officer may appoint, discharge, and fix the  
23 compensation of such administrative or clerical staff as may be  
24 necessary.

25        The chief executive officer may also contract for required  
26 services.

27        **Sec. 1902.** RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended  
28 to read as follows:

29        In the event that any person or government agency desires to  
30 construct any form of hydraulic project or other work that diverts  
31 water for agricultural irrigation or stock watering purposes, or when  
32 such hydraulic project or other work is associated with streambank  
33 stabilization to protect farm and agricultural land as defined in RCW  
34 84.34.020, and when such diversion or streambank stabilization will  
35 use, divert, obstruct, or change the natural flow or bed of any river  
36 or stream or will utilize any waters of the state or materials from the  
37 stream beds, the person or government agency shall, before commencing  
38 construction or work thereon and to ensure the proper protection of

1 fish life, secure a written approval from the department as to the  
2 adequacy of the means proposed for the protection of fish life. This  
3 approval shall not be unreasonably withheld. Except as provided in RCW  
4 75.20.1001 (~~and 75.20.1002~~), the department shall grant or deny the  
5 approval within forty-five calendar days of the receipt of a complete  
6 application and notice of compliance with any applicable requirements  
7 of the state environmental policy act, made in the manner prescribed in  
8 this section. The applicant may document receipt of application by  
9 filing in person or by registered mail. A complete application for an  
10 approval shall contain general plans for the overall project, complete  
11 plans and specifications of the proposed construction or work within  
12 ordinary high water line, and complete plans and specifications for the  
13 proper protection of fish life. The forty-five day requirement shall  
14 be suspended if (1) after ten working days of receipt of the  
15 application, the applicant remains unavailable or unable to arrange for  
16 a timely field evaluation of the proposed project; (2) the site is  
17 physically inaccessible for inspection; or (3) the applicant requests  
18 delay.

19 Immediately upon determination that the forty-five day period is  
20 suspended, the department shall notify the applicant in writing of the  
21 reasons for the delay.

22 An approval shall remain in effect without need for periodic  
23 renewal for projects that divert water for agricultural irrigation or  
24 stock watering purposes and that involve seasonal construction or other  
25 work. Approval for streambank stabilization projects shall remain in  
26 effect without need for periodic renewal if the problem causing the  
27 need for the streambank stabilization occurs on an annual or more  
28 frequent basis. The permittee must notify the appropriate agency  
29 before commencing the construction or other work within the area  
30 covered by the approval.

31 The permittee must demonstrate substantial progress on construction  
32 of that portion of the project relating to the approval within two  
33 years of the date of issuance. If the department denies approval, the  
34 department shall provide the applicant, in writing, a statement of the  
35 specific reasons why and how the proposed project would adversely  
36 affect fish life. Protection of fish life shall be the only ground  
37 upon which approval may be denied or conditioned. (~~Issuance, denial,~~  
38 ~~conditioning, or modification shall be appealable to the hydraulic~~  
39 ~~appeals board established in RCW 43.21B.005 within thirty days of the~~

1 ~~notice of decision.))~~ The burden shall be upon the department to show  
2 that the denial or conditioning of an approval is solely aimed at the  
3 protection of fish life.

4 The department may, after consultation with the permittee, modify  
5 an approval due to changed conditions. The modifications shall become  
6 effective (~~unless appealed to the hydraulic appeals board~~) within  
7 thirty days from the notice of the proposed modification. The burden  
8 is on the department to show that changed conditions warrant the  
9 modification in order to protect fish life.

10 A permittee may request modification of an approval due to changed  
11 conditions. The request shall be processed within forty-five calendar  
12 days of receipt of the written request. (~~A decision by the department  
13 may be appealed to the hydraulic appeals board within thirty days of  
14 the notice of the decision.~~) The burden is on the permittee to show  
15 that changed conditions warrant the requested modification and that  
16 such modification will not impair fish life.

17 If any person or government agency commences construction on any  
18 hydraulic works or projects subject to this section without first  
19 having obtained written approval of the department as to the adequacy  
20 of the means proposed for the protection of fish life, or if any person  
21 or government agency fails to follow or carry out any of the  
22 requirements or conditions as are made a part of such approval, the  
23 person or director of the agency is guilty of a gross misdemeanor. If  
24 any such person or government agency is convicted of violating any of  
25 the provisions of this section and continues construction on any such  
26 works or projects without fully complying with the provisions hereof,  
27 such works or projects are hereby declared a public nuisance and shall  
28 be subject to abatement as such.

29 In case of an emergency arising from weather or stream flow  
30 conditions or other natural conditions, the department, through its  
31 authorized representatives, shall issue immediately upon request oral  
32 approval for removing any obstructions, repairing existing structures,  
33 restoring stream banks, or to protect property threatened by the stream  
34 or a change in the stream flow without the necessity of obtaining a  
35 written approval prior to commencing work. Conditions of an oral  
36 approval shall be reduced to writing within thirty days and complied  
37 with as provided for in this section.

38 For purposes of this chapter, "streambank stabilization" shall  
39 include but not be limited to log and debris removal, bank protection

1 (including riprap, jetties, and groins), gravel removal and erosion  
2 control.

3 **Sec. 1903.** RCW 75.20.160 and 1991 c 279 s 1 are each amended to  
4 read as follows:

5 (1) In order to protect the property of marine waterfront shoreline  
6 owners it is necessary to facilitate issuance of hydraulic permits for  
7 bulkheads or rockwalls under certain conditions.

8 (2) The department shall issue a hydraulic permit with or without  
9 conditions within forty-five days of receipt of a complete and accurate  
10 application which authorizes commencement of construction, replacement,  
11 or repair of a marine beach front protective bulkhead or rockwall for  
12 single-family type residences or property under the following  
13 conditions:

14 (a) The waterward face of a new bulkhead or rockwall shall be  
15 located only as far waterward as is necessary to excavate for footings  
16 or place base rock for the structure and under no conditions shall be  
17 located more than six feet waterward of the ordinary high water line;

18 (b) Any bulkhead or rockwall to replace or repair an existing  
19 bulkhead or rockwall shall be placed along the same alignment as the  
20 bulkhead or rockwall it is replacing; however, the replaced or repaired  
21 bulkhead or rockwall may be placed waterward of and directly abutting  
22 the existing structure only in cases where removal of the existing  
23 bulkhead or rockwall would result in environmental degradation or  
24 removal problems related to geological, engineering, or safety  
25 considerations;

26 (c) Construction of a new bulkhead or rockwall, or replacement or  
27 repair of an existing bulkhead or rockwall waterward of the existing  
28 structure shall not result in the permanent loss of critical food fish  
29 or shellfish habitats; and

30 (d) Timing constraints shall be applied on a case-by-case basis for  
31 the protection of critical habitats, including but not limited to  
32 migration corridors, rearing and feeding areas, and spawning habitats,  
33 for the proper protection of fish life.

34 (3) Any bulkhead or rockwall construction, replacement, or repair  
35 not meeting the conditions in this section shall be processed under  
36 this chapter in the same manner as any other application.

37 (4) ~~((Any person aggrieved by the approval, denial, conditioning,~~  
38 ~~or modification of a hydraulic permit approval under this section may~~



1 ~~formally appeal the decision to the hydraulic appeals board pursuant to~~  
2 ~~this chapter.))~~ The director shall establish an advisory committee to  
3 develop new and review existing technical provisions for hydraulic  
4 project permit conditions that would commonly apply to bulkhead  
5 construction. The purpose of the advisory committee shall be to  
6 develop recommendations for legislative and rule changes that (a)  
7 protect against the loss of property of waterfront shoreline owners;  
8 (b) facilitate the timely issuance of hydraulic permits and the prompt  
9 completion of projects; (c) reduce subjective project approval  
10 decisions by the department; and (d) foster better working  
11 relationships between bulkhead contractors, landowners, and the  
12 department. These recommendations shall be based on scientific  
13 evidence that demonstrates the association of project activities with  
14 impacts on fish life. The advisory committee shall be comprised of  
15 technical experts in the field of bulkhead construction, civil  
16 engineering, hydrology, and fish biology. By January 1, 1996, the  
17 committee shall submit recommendations to the director and the natural  
18 resources committees of the house of representatives and senate. The  
19 advisory committee shall expire on December 31, 1996.

20 NEW SECTION. Sec. 1904. The following acts or parts of acts are  
21 each repealed:

22 (1) RCW 75.20.130 and 1993 sp.s. c 2 s 37, 1989 c 175 s 160, 1988  
23 c 272 s 3, 1988 c 36 s 37, & 1986 c 173 s 4; and

24 (2) RCW 75.20.140 and 1989 c 175 s 161 & 1986 c 173 s 5.

## 25 PART 20

### 26 ECONOMIC RECOVERY COORDINATION BOARD

27 **Sec. 2001.** RCW 43.20A.750 and 1993 c 280 s 38 are each amended to  
28 read as follows:

29 (1) The department of social and health services shall help  
30 families and workers in timber impact areas make the transition through  
31 economic difficulties and shall provide services to assist workers to  
32 gain marketable skills. The department, as a member of the agency  
33 timber task force (~~and in consultation with the economic recovery~~  
34 ~~coordination board,~~) and, where appropriate, under an interagency  
35 agreement with the department of community, trade, and economic  
36 development, shall provide grants through the office of the secretary

1 for services to the unemployed in timber impact areas, including  
2 providing direct or referral services, establishing and operating  
3 service delivery programs, and coordinating delivery programs and  
4 delivery of services. These grants may be awarded for family support  
5 centers, reemployment centers, or other local service agencies.

6 (2) The services provided through the grants may include, but need  
7 not be limited to: Credit counseling; social services including  
8 marital counseling; psychotherapy or psychological counseling; mortgage  
9 foreclosures and utilities problems counseling; drug and alcohol abuse  
10 services; medical services; and residential heating and food  
11 acquisition.

12 (3) Funding for these services shall be coordinated through the  
13 economic recovery coordination board which will establish a fund to  
14 provide child care assistance, mortgage assistance, and counseling  
15 which cannot be met through current programs. No funds shall be used  
16 for additional full-time equivalents for administering this section.

17 (4)(a) Grants for family support centers are intended to provide  
18 support to families by responding to needs identified by the families  
19 and communities served by the centers. Services provided by family  
20 support centers may include parenting education, child development  
21 assessments, health and nutrition education, counseling, and  
22 information and referral services. Such services may be provided  
23 directly by the center or through referral to other agencies  
24 participating in the interagency team.

25 (b) The department shall consult with the council on child abuse or  
26 neglect regarding grants for family support centers.

27 (5) "Timber impact area" means:

28 ((~~a~~)) A county having a population of less than five hundred  
29 thousand, or a city or town located within a county having a population  
30 of less than five hundred thousand, and meeting two of the following  
31 three criteria, as determined by the employment security department,  
32 for the most recent year such data is available: ((~~i~~)) (a) A lumber  
33 and wood products employment location quotient at or above the state  
34 average; ((~~ii~~)) (b) projected or actual direct lumber and wood  
35 products job losses of one hundred positions or more, except counties  
36 having a population greater than two hundred thousand but less than  
37 five hundred thousand must have direct lumber and wood products job  
38 losses of one thousand positions or more; or ((~~iii~~)) (c) an annual  
39 unemployment rate twenty percent or more above the state average(~~i~~ or

1 ~~(b) Additional communities as the economic recovery coordinating~~  
2 ~~board, established in RCW 43.31.631, designates based on a finding by~~  
3 ~~the board that each designated community is socially and economically~~  
4 ~~integrated with areas that meet the definition of a timber impact area~~  
5 ~~under (a) of this subsection)).~~

6 NEW SECTION. Sec. 2002. RCW 43.31.631 and 1993 c 316 s 3 & 1991  
7 c 314 s 6 are each repealed.

8  
9

**PART 21**

**JOINT OPERATING AGENCY EXECUTIVE COMMITTEE**

10 NEW SECTION. Sec. 2101. RCW 43.52.373 and 1982 1st ex.s. c 43 s  
11 6 & 1965 c 8 s 43.52.373 are each repealed.

12  
13

**PART 22**

**OFFICE OF CRIME VICTIMS ADVOCACY ADVISORY COMMITTEE**

14 NEW SECTION. Sec. 2201. By July 1, 1995, the director of the  
15 department of community, trade, and economic development shall abolish  
16 the office of crime victims advocacy advisory committee.

17 NEW SECTION. Sec. 2202. A new section is added to chapter 43.63A  
18 RCW to read as follows:

19 The director of the department of community, trade, and economic  
20 development may establish ad hoc advisory committees, as necessary, to  
21 obtain advice and guidance regarding the office of crime victims  
22 advocacy program.

23  
24

**PART 23**

**HEALTH CARE ACCESS AND COST CONTROL COUNCIL**

25 **Sec. 2301.** RCW 43.70.010 and 1994 sp.s. c 7 s 206 are each amended  
26 to read as follows:

27 As used in this chapter, unless the context indicates otherwise:

28 (1) "Assessment" means the regular collection, analysis, and  
29 sharing of information about health conditions, risks, and resources in  
30 a community. Assessment activities identify trends in illness, injury,  
31 and death and the factors that may cause these events. They also

1 identify environmental risk factors, community concerns, community  
2 health resources, and the use of health services. Assessment includes  
3 gathering statistical data as well as conducting epidemiologic and  
4 other investigations and evaluations of health emergencies and specific  
5 ongoing health problems;

6 (2) "Board" means the state board of health;

7 (3) (~~("Council" means the health care access and cost control~~  
8 ~~council;~~

9 ~~(4))~~) "Department" means the department of health;

10 (~~(5))~~) (4) "Policy development" means the establishment of social  
11 norms, organizational guidelines, operational procedures, rules,  
12 ordinances, or statutes that promote health or prevent injury, illness,  
13 or death; and

14 (~~(6))~~) (5) "Secretary" means the secretary of health.

15 **Sec. 2302.** RCW 43.70.070 and 1989 1st ex.s. c 9 s 109 are each  
16 amended to read as follows:

17 The department shall evaluate and analyze readily available data  
18 and information to determine the outcome and effectiveness of health  
19 services, utilization of services, and payment methods. This section  
20 should not be construed as allowing the department access to  
21 proprietary information.

22 (1) The department shall make its evaluations available to the  
23 board (~~(and the council)~~) for use in preparation of the state health  
24 report required by RCW 43.20.050, and to consumers, purchasers, and  
25 providers of health care.

26 (2) The department(~~(, with advice from the council)~~) shall use the  
27 information to:

28 (a) Develop guidelines which may be used by consumers, purchasers,  
29 and providers of health care to encourage necessary and cost-effective  
30 services; and

31 (b) Make recommendations to the governor on how state government  
32 and private purchasers may be prudent purchasers of cost-effective,  
33 adequate health services.

34 **Sec. 2303.** RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each  
35 amended to read as follows:

36 As used in this chapter:

1       (1) (~~("Council" means the health care access and cost control~~  
2 ~~council created by this chapter.~~  
3       ~~(2))~~) "Department" means department of health.  
4       (~~((3))~~) (2) "Hospital" means any health care institution which is  
5 required to qualify for a license under RCW 70.41.020(2); or as a  
6 psychiatric hospital under chapter 71.12 RCW.  
7       (~~((4))~~) (3) "Secretary" means secretary of health.  
8       (~~((5))~~) (4) "Charity care" means necessary hospital health care  
9 rendered to indigent persons, to the extent that the persons are unable  
10 to pay for the care or to pay deductibles or co-insurance amounts  
11 required by a third-party payer, as determined by the department.  
12       (~~((6))~~) (5) "Sliding fee schedule" means a hospital-determined,  
13 publicly available schedule of discounts to charges for persons deemed  
14 eligible for charity care; such schedules shall be established after  
15 consideration of guidelines developed by the department.  
16       (~~((7))~~) (6) "Special studies" means studies which have not been  
17 funded through the department's biennial or other legislative  
18 appropriations.

19       NEW SECTION.   **Sec. 2304.** The following acts or parts of acts are  
20 each repealed:  
21       (1) RCW 70.170.030 and 1989 1st ex.s. c 9 s 503; and  
22       (2) RCW 70.170.040 and 1989 1st ex.s. c 9 s 504.

23   **PART 24**  
24   **COUNCIL ON VOLUNTEERISM AND CITIZEN SERVICE**

25       **Sec. 2401.** RCW 43.150.030 and 1992 c 66 s 3 are each amended to  
26 read as follows:

27       Unless the context clearly requires otherwise, the definitions in  
28 this section apply throughout this chapter.

29       (1) "Volunteer" means a person who is willing to work without  
30 expectation of salary or financial reward and who chooses where he or  
31 she provides services and the type of services he or she provides.

32       (2) "Center" means the state center for volunteerism and citizen  
33 service.

34       (~~((3) "Council" means the Washington state council on volunteerism~~  
35 ~~and citizen service.))~~)

1 NEW SECTION. **Sec. 2402.** RCW 43.150.060 and 1992 c 66 s 6, 1987 c  
2 505 s 39, 1985 c 110 s 1, & 1982 1st ex.s. c 11 s 6 are each repealed.

3 **PART 25**

4 **COMMISSION ON EFFICIENCY AND ACCOUNTABILITY**

5 **IN GOVERNMENT**

6 NEW SECTION. **Sec. 2501.** The following acts or parts of acts are  
7 each repealed:

- 8 (1) RCW 43.17.260 and 1987 c 480 s 1;  
9 (2) RCW 43.17.270 and 1987 c 480 s 2;  
10 (3) RCW 43.17.280 and 1987 c 480 s 3;  
11 (4) RCW 43.17.290 and 1987 c 480 s 4;  
12 (5) RCW 43.17.300 and 1987 c 480 s 5; and  
13 (6) 1991 c 53 s 1 & 1987 c 480 s 6 (uncodified).

14 **PART 26**

15 **TECHNICAL ADVISORY COMMITTEE ON PUPIL TRANSPORTATION**

16 **Sec. 2601.** RCW 46.61.380 and 1984 c 7 s 70 are each amended to  
17 read as follows:

18 The state superintendent of public instruction(~~(, by and with the~~  
19 ~~advice of the state department of transportation and the chief of the~~  
20 ~~Washington state patrol,~~)) shall adopt and enforce rules not  
21 inconsistent with the law of this state to govern the design, marking,  
22 and mode of operation of all school buses owned and operated by any  
23 school district or privately owned and operated under contract or  
24 otherwise with any school district in this state for the transportation  
25 of school children. Those rules shall by reference be made a part of  
26 any such contract or other agreement with the school district. Every  
27 school district, its officers and employees, and every person employed  
28 under contract or otherwise by a school district is subject to such  
29 rules. It is unlawful for any officer or employee of any school  
30 district or for any person operating any school bus under contract with  
31 any school district to violate any of the provisions of such rules.

1 PART 27

2 TRANSPORTATION IMPROVEMENT BOARD AND  
3 MULTIMODAL TRANSPORTATION PROGRAMS  
4 AND PROJECTS SELECTION COMMITTEE

5 **Sec. 2701.** RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393  
6 s 1 are each reenacted and amended to read as follows:

7 (1) The transportation fund is created in the state treasury.  
8 Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the  
9 surcharge under RCW 82.50.510 shall be deposited into the fund as  
10 provided in those sections.

11 Moneys in the fund may be spent only after appropriation.  
12 Expenditures from the fund may be used only for transportation purposes  
13 and activities and operations of the Washington state patrol not  
14 directly related to the policing of public highways and that are not  
15 authorized under Article II, section 40 of the state Constitution.

16 (2) There is hereby created the central Puget Sound public  
17 transportation account within the transportation fund. Moneys  
18 deposited into the account under RCW 82.44.150(2)(b) shall be  
19 appropriated to the ~~((department of))~~ transportation improvement board  
20 and allocated by the ~~((multimodal transportation programs and projects~~  
21 ~~selection committee created in RCW 47.66.020))~~ transportation  
22 improvement board to public transportation projects within the region  
23 from which the funds are derived, solely for:

24 (a) Planning;

25 (b) Development of capital projects;

26 (c) Development of high capacity transportation systems as defined  
27 in RCW 81.104.015;

28 (d) Development of high occupancy vehicle lanes and related  
29 facilities as defined in RCW 81.100.020; and

30 (e) Public transportation system contributions required to fund  
31 projects under federal programs and those approved by the  
32 transportation improvement board from other fund sources.

33 (3) There is hereby created the public transportation systems  
34 account within the transportation fund. Moneys deposited into the  
35 account under RCW 82.44.150(2)(c) shall be appropriated to the  
36 ~~((department of))~~ transportation improvement board and allocated by the  
37 ~~((multimodal transportation programs and projects selection committee))~~  
38 transportation improvement board to public transportation projects

1 submitted by the public transportation systems from which the funds are  
2 derived, solely for:

3 (a) Planning;

4 (b) Development of capital projects;

5 (c) Development of high capacity transportation systems as defined  
6 in RCW 81.104.015;

7 (d) Development of high occupancy vehicle lanes and related  
8 facilities as defined in RCW 81.100.020;

9 (e) Other public transportation system-related roadway projects on  
10 state highways, county roads, or city streets; and

11 (f) Public transportation system contributions required to fund  
12 projects under federal programs and those approved by the  
13 transportation improvement board from other fund sources.

14 **Sec. 2702.** RCW 81.104.090 and 1993 c 393 s 2 are each amended to  
15 read as follows:

16 The department of transportation shall be responsible for  
17 distributing amounts appropriated from the high capacity transportation  
18 account, which shall be allocated by the (~~multimodal transportation~~  
19 ~~programs and projects selection committee~~) department of  
20 transportation based on criteria in subsection (2) of this section.  
21 The department shall assemble and participate in a committee comprised  
22 of transit agencies eligible to receive funds from the high capacity  
23 transportation account for the purpose of reviewing fund applications.

24 (1) State high capacity transportation account funds may provide up  
25 to eighty percent matching assistance for high capacity transportation  
26 planning efforts.

27 (2) Authorizations for state funding for high capacity  
28 transportation planning projects shall be subject to the following  
29 criteria:

30 (a) Conformance with the designated regional transportation  
31 planning organization's regional transportation plan;

32 (b) Local matching funds;

33 (c) Demonstration of projected improvement in regional mobility;

34 (d) Conformance with planning requirements prescribed in RCW  
35 81.104.100, and if five hundred thousand dollars or more in state  
36 funding is requested, conformance with the requirements of RCW  
37 81.104.110; and



1 (e) Establishment, through interlocal agreements, of a joint  
2 regional policy committee as defined in RCW 81.104.030 or 81.104.040.

3 (3) The department of transportation shall provide general review  
4 and monitoring of the system and project planning process prescribed in  
5 RCW 81.104.100.

6 **Sec. 2703.** RCW 47.26.121 and 1994 c 179 s 13 are each amended to  
7 read as follows:

8 (1) There is hereby created a transportation improvement board of  
9 ~~((eighteen))~~ twenty-one members, six of whom shall be county members  
10 and six of whom shall be city members. The remaining members shall be:  
11 (a) One representative appointed by the governor who shall be a state  
12 employee with responsibility for transportation policy, planning, or  
13 funding; (b) ~~((the assistant secretary of the department of  
14 transportation whose primary responsibilities relate to planning and  
15 public transportation; (c) the assistant secretary for local programs  
16 of))~~ two representatives from the department of transportation; ((d)  
17 a)) (c) two representatives of ((a)) public transit systems; ((e))  
18 (d) a private sector representative; ((and (f) a public member)) (e) a  
19 member representing the ports; (f) a member representing nonmotorized  
20 transportation; and (g) a member representing special needs  
21 transportation.

22 (2) Of the county members of the board, one shall be a county  
23 engineer or public works director; one shall be the executive director  
24 of the county road administration board; one shall be a county planning  
25 director or planning manager; one shall be a county executive,  
26 councilmember, or commissioner from a county with a population of one  
27 hundred twenty-five thousand or more; one shall be a county executive,  
28 councilmember, or commissioner of a county who serves on the board of  
29 a public transit system; and one shall be a county executive,  
30 councilmember, or commissioner from a county with a population of less  
31 than one hundred twenty-five thousand. All county members of the  
32 board, except the executive director of the county road administration  
33 board, shall be appointed. Not more than one county member of the  
34 board shall be from any one county. No more than two of the three  
35 county-elected officials may represent counties located in either the  
36 eastern or western part of the state as divided north and south by the  
37 summit of the Cascade mountains.

1 (3) Of the city members of the board one shall be a chief city  
2 engineer, public works director, or other city employee with  
3 responsibility for public works activities, of a city with a population  
4 of twenty thousand or more; one shall be a chief city engineer, public  
5 works director, or other city employee with responsibility for public  
6 works activities, of a city of less than twenty thousand population;  
7 one shall be a city planning director or planning manager; one shall be  
8 a mayor, commissioner, or city councilmember of a city with a  
9 population of twenty thousand or more; one shall be a mayor,  
10 commissioner, or city councilmember of a city who serves on the board  
11 of a public transit system; and one shall be a mayor, commissioner, or  
12 councilmember of a city of less than twenty thousand population. All  
13 of the city members shall be appointed. Not more than one city member  
14 of the board shall be from any one city. No more than two of the three  
15 city-elected officials may represent cities located in either the  
16 eastern or western part of the state as divided north and south by the  
17 summit of the Cascade mountains.

18 (4) Of the transit members, at least one shall be a general  
19 manager, executive director, or transit director of a public transit  
20 system in an urban area with a population over two hundred thousand and  
21 at least one representative from a rural or small urban transit system  
22 in an area with a population less than two hundred thousand.

23 (5) The private sector member shall be a citizen with business,  
24 management, and transportation related experience and shall be active  
25 in a business community-based transportation organization.

26 (6) The public member shall have professional experience in  
27 transportation or land use planning, a demonstrated interest in  
28 transportation issues, and involvement with community groups or grass  
29 roots organizations.

30 (7) The port member shall be a commissioner or senior staff person  
31 of a public port.

32 (8) The nonmotorized transportation member shall be a citizen with  
33 a demonstrated interest and involvement with a nonmotorized  
34 transportation group.

35 (9) The specialized transportation member shall be a citizen with  
36 a demonstrated interest and involvement with a state-wide specialized  
37 needs transportation group.

38 (10) Appointments of county, city, Washington department of  
39 transportation, transit, port, nonmotorized transportation, special

1 needs transportation, private sector, and public representatives shall  
2 be made by the secretary of the department of transportation.  
3 Appointees shall be chosen from a list of two persons for each position  
4 nominated by the Washington state association of counties for county  
5 members, the association of Washington cities for city members, ((and))  
6 the Washington state transit association for the transit members, and  
7 the Washington public ports association for the port member. The  
8 private sector ((and)), public, nonmotorized transportation, and  
9 special needs members shall be sought through classified advertisements  
10 in selected newspapers collectively serving all urban areas of the  
11 state, and other appropriate means. Persons applying for the private  
12 sector, nonmotorized transportation, special needs transportation, or  
13 the public member position must provide a letter of interest and a  
14 resume to the secretary of the department of transportation. In the  
15 case of a vacancy, the appointment shall be only for the remainder of  
16 the unexpired term in which the vacancy has occurred. A vacancy shall  
17 be deemed to have occurred on the board when any member elected to  
18 public office completes that term of office or is removed therefrom for  
19 any reason or when any member employed by a political subdivision  
20 terminates such employment for whatsoever reason or when a private  
21 sector, nonmotorized transportation, special needs transportation, or  
22 public member resigns or is unable or unwilling to serve.

23 ((+8)) (11) Appointments shall be for terms of four years. Terms  
24 of all appointed members shall expire on June 30th of even-numbered  
25 years. The initial term of appointed members may be for less than four  
26 years. No appointed member may serve more than two consecutive four-  
27 year terms.

28 ((+9)) (12) The board shall elect a chair from among its members  
29 for a two-year term.

30 ((+10)) (13) Expenses of the board shall be paid in accordance  
31 with RCW 47.26.140.

32 ((+11)) (14) For purposes of this section, "public transit system"  
33 means a city-owned transit system, county transportation authority,  
34 metropolitan municipal corporation, public transportation benefit area,  
35 or regional transit authority.

36 **Sec. 2704.** RCW 47.66.030 and 1993 c 393 s 5 are each amended to  
37 read as follows:

1 (1)(a) The ~~((multimodal transportation programs and projects~~  
2 ~~selection committee))~~ transportation improvement board is authorized  
3 and responsible for the final selection of programs and projects funded  
4 from the central Puget Sound public transportation account; public  
5 transportation systems account; high capacity transportation account;  
6 and the intermodal surface transportation and efficiency act of 1991,  
7 surface transportation program, state-wide competitive.

8 (b) The ~~((committee))~~ board may establish subcommittees ~~((of the~~  
9 ~~full committee))~~ as well as technical advisory committees to carry out  
10 the mandates of this chapter.

11 (2)~~((a))~~ Expenses of the ~~((committee))~~ board, including  
12 administrative expenses for managing the program, shall be paid ~~((from~~  
13 ~~the transportation fund))~~ in accordance with RCW 47.26.140.

14 ~~((b) Members of the committee shall receive no compensation for~~  
15 ~~their services on the committee, but shall be reimbursed for travel~~  
16 ~~expenses incurred while attending meetings of the committee or while~~  
17 ~~engaged on other business of the committee when authorized by the~~  
18 ~~committee in accordance with RCW 43.03.050 and 43.03.060.))~~

19 **Sec. 2705.** RCW 47.26.140 and 1994 c 179 s 14 are each amended to  
20 read as follows:

21 The transportation improvement board shall appoint an executive  
22 director, who shall serve at its pleasure and whose salary shall be set  
23 by the board, and may employ additional staff as it deems appropriate.  
24 All costs associated with staff, together with travel expenses in  
25 accordance with RCW 43.03.050 and 43.03.060, shall be paid from the  
26 urban arterial trust account, small city account, city hardship  
27 assistance account, transportation fund, and the transportation  
28 improvement account in the motor vehicle fund as determined by the  
29 biennial appropriation.

30 **Sec. 2706.** RCW 47.66.040 and 1993 c 393 s 6 are each amended to  
31 read as follows:

32 (1) The ~~((multimodal transportation programs and projects selection~~  
33 ~~committee))~~ transportation improvement board shall select programs and  
34 projects based on a competitive process consistent with the mandates  
35 governing each account or source of funds. The competition shall be  
36 consistent with the following criteria:

37 (a) Local, regional, and state transportation plans;

1 (b) Local transit development plans; and

2 (c) Local comprehensive land use plans.

3 (2) The following criteria shall be considered by the ((committee))  
4 board in selecting programs and projects:

5 (a) Objectives of the growth management act, the high capacity  
6 transportation act, the commute trip reduction act, transportation  
7 demand management programs, federal and state air quality requirements,  
8 and federal Americans with disabilities act and related state  
9 accessibility requirements; and

10 (b) Energy efficiency issues, freight and goods movement as related  
11 to economic development, regional significance, rural isolation, the  
12 leveraging of other funds including funds administered by this  
13 ((committee)) board, and safety and security issues.

14 (3) The ((committee)) board shall determine the appropriate level  
15 of local match required for each program and project based on the  
16 source of funds.

17 **Sec. 2707.** RCW 47.26.160 and 1994 c 179 s 15 are each amended to  
18 read as follows:

19 The transportation improvement board shall:

20 (1) Adopt rules necessary to implement the provisions of chapter  
21 47.66 RCW and this chapter relating to the allocation of funds;

22 (2) Adopt reasonably uniform design standards for city and county  
23 arterials.

24 NEW SECTION. **Sec. 2708.** The following acts or parts of acts are  
25 each repealed:

26 (1) RCW 47.66.020 and 1993 c 393 s 4;

27 (2) RCW 47.66.050 and 1993 c 393 s 7; and

28 (3) RCW 47.66.060 and 1993 c 393 s 8.

29 **PART 28**

30 **OVERSIGHT COMMITTEE ON LONGSHOREMAN'S AND**  
31 **HARBOR WORKER'S COMPENSATION COVERAGE**

32 NEW SECTION. **Sec. 2801.** The following acts or parts of acts are  
33 each repealed:

34 (1) RCW 48.22.071 and 1992 c 209 s 3; and

35 (2) RCW 48.22.072 and 1993 c 177 s 2 & 1992 c 209 s 4.

PART 29

BOARD OF ADVISORS FOR SOLID WASTE INCINERATOR  
AND LANDFILL OPERATOR CERTIFICATION

**Sec. 2901.** RCW 70.95D.010 and 1989 c 431 s 65 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

~~(1) ("Board" means the board of advisors for solid waste incinerator and landfill operator certification established by RCW 70.95D.050.~~

~~(2))~~ "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ (2) "Department" means the department of ecology.

~~((4))~~ (3) "Director" means the director of ecology.

~~((5))~~ (4) "Incinerator" means a facility which has the primary purpose of burning or which is designed with the primary purpose of burning solid waste or solid waste derived fuel, but excludes facilities that have the primary purpose of burning hog fuel.

~~((6))~~ (5) "Landfill" means a landfill as defined under RCW 70.95.030.

~~((7))~~ (6) "Owner" means, in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee; in the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee; in the case of a privately owned landfill or incinerator, the legal owner.

~~((8))~~ (7) "Solid waste" means solid waste as defined under RCW 70.95.030.

**Sec. 2902.** RCW 70.95D.060 and 1989 c 431 s 70 are each amended to read as follows:

(1) The director may ~~(, with the recommendation of the board and after a hearing before the board,~~) revoke a certificate:

(a) If it were found to have been obtained by fraud or deceit;

1 (b) For gross negligence in the operation of a solid waste  
2 incinerator or landfill;

3 (c) For violating the requirements of this chapter or any lawful  
4 rule or order of the department; or

5 (d) If the facility operated by the certified employee is operated  
6 in violation of state or federal environmental laws.

7 (2) A person whose certificate is revoked under this section shall  
8 not be eligible to apply for a certificate for one year from the  
9 effective date of the final order (~~(or [of])~~) of revocation.

10 NEW SECTION. Sec. 2903. RCW 70.95D.050 and 1989 c 431 s 69 are  
11 each repealed.

12 NEW SECTION. Sec. 2904. A new section is added to chapter 70.95D  
13 RCW to read as follows:

14 The director may establish ad hoc advisory committees, as  
15 necessary, to obtain advice and technical assistance on the  
16 certification of solid waste incinerator and landfill operators.

17 **PART 30**

18 **WATER AND WASTEWATER OPERATOR CERTIFICATION**

19 **BOARD OF EXAMINERS**

20 **Sec. 3001.** RCW 70.95B.020 and 1987 c 357 s 1 are each amended to  
21 read as follows:

22 As used in this chapter unless context requires another meaning:

23 (1) "Director" means the director of the department of ecology.

24 (2) "Department" means the department of ecology.

25 (3) (~~"Board" means the water and wastewater operator certification~~  
26 ~~board of examiners established by RCW 70.95B.070.~~

27 ~~(4))~~ "Certificate" means a certificate of competency issued by the  
28 director stating that the operator has met the requirements for the  
29 specified operator classification of the certification program.

30 ~~((+5))~~ (4) "Wastewater treatment plant" means a facility used to  
31 treat any liquid or waterborne waste of domestic origin or a  
32 combination of domestic, commercial or industrial origin, and which by  
33 its design requires the presence of an operator for its operation. It  
34 shall not include any facility used exclusively by a single family

1 residence, septic tanks with subsoil absorption, industrial wastewater  
2 treatment plants, or wastewater collection systems.

3 ~~((+6))~~ (5) "Operator in responsible charge" means an individual  
4 who is designated by the owner as the person on-site in responsible  
5 charge of the routine operation of a wastewater treatment plant.

6 ~~((+7))~~ (6) "Nationally recognized association of certification  
7 authorities" shall mean that organization which serves as an  
8 information center for certification activities, recommends minimum  
9 standards and guidelines for classification of potable water treatment  
10 plants, water distribution systems and wastewater facilities and  
11 certification of operators, facilitates reciprocity between state  
12 programs and assists authorities in establishing new certification  
13 programs and updating existing ones.

14 ~~((+8))~~ (7) "Wastewater collection system" means any system of  
15 lines, pipes, manholes, pumps, liftstations, or other facilities used  
16 for the purpose of collecting and transporting wastewater.

17 ~~((+9))~~ (8) "Operating experience" means routine performance of  
18 duties, on-site in a wastewater treatment plant, that affects plant  
19 performance or effluent quality.

20 ~~((+10))~~ (9) "Owner" means in the case of a town or city, the city  
21 or town acting through its chief executive officer or the lessee if  
22 operated pursuant to a lease or contract; in the case of a county, the  
23 chairman of the county legislative authority or the chairman's  
24 designee; in the case of a sewer district, board of public utilities,  
25 association, municipality or other public body, the president or  
26 chairman of the body or the president's or chairman's designee; in the  
27 case of a privately owned wastewater treatment plant, the legal owner.

28 ~~((+11))~~ (10) "Wastewater certification program coordinator" means  
29 an employee of the department ~~((who is appointed by the director to  
30 serve on the board and))~~ who administers the wastewater treatment plant  
31 operators' certification program.

32 **Sec. 3002.** RCW 70.95B.040 and 1987 c 357 s 3 are each amended to  
33 read as follows:

34 The director ~~((, with the approval of the board,))~~ shall adopt and  
35 enforce such rules and regulations as may be necessary for the  
36 administration of this chapter. The rules and regulations shall  
37 include, but not be limited to, provisions for the qualification and



1 certification of operators for different classifications of wastewater  
2 treatment plants.

3 **Sec. 3003.** RCW 70.95B.100 and 1973 c 139 s 10 are each amended to  
4 read as follows:

5 The director may(~~(, with the recommendation of the board and after~~  
6 ~~a hearing before the same,)~~) revoke a certificate found to have been  
7 obtained by fraud or deceit, or for gross negligence in the operation  
8 of a waste treatment plant, or for violating the requirements of this  
9 chapter or any lawful rule, order or regulation of the department. No  
10 person whose certificate is revoked under this section shall be  
11 eligible to apply for a certificate for one year from the effective  
12 date of this final order or revocation.

13 **Sec. 3004.** RCW 70.119.020 and 1991 c 305 s 2 are each amended to  
14 read as follows:

15 As used in this chapter unless context requires another meaning:

16 (1) (~~("Board" means the board established pursuant to RCW~~  
17 ~~70.95B.070 which shall be known as the water and waste water operator~~  
18 ~~certification board of examiners.~~

19 ~~(2))~~ "Certificate" means a certificate of competency issued by the  
20 secretary stating that the operator has met the requirements for the  
21 specified operator classification of the certification program.

22 ~~((3))~~ (2) "Certified operator" means an individual holding a  
23 valid certificate and employed or appointed by any county, water  
24 district, municipality, public or private corporation, company,  
25 institution, person, or the state of Washington and who is designated  
26 by the employing or appointing officials as the person responsible for  
27 active daily technical operation.

28 ~~((4))~~ (3) "Department" means the department of health.

29 ~~((5))~~ (4) "Distribution system" means that portion of a public  
30 water system which stores, transmits, pumps and distributes water to  
31 consumers.

32 ~~((6))~~ (5) "Ground water under the direct influence of surface  
33 water" means any water beneath the surface of the ground with:

34 (a) Significant occurrence of insects or other macroorganisms,  
35 algae, or large diameter pathogens such as giardia lamblia; or

1 (b) Significant and relatively rapid shifts in water  
2 characteristics such as turbidity, temperature, conductivity, or pH  
3 which closely correlate to climatological or surface water conditions.

4 (~~(7)~~) (6) "Group A water system" means a system with fifteen or  
5 more service connections, regardless of the number of people; or a  
6 system serving an average of twenty-five or more people per day for  
7 sixty or more days within a calendar year, regardless of the number of  
8 service connections. Group A water system does not include a system  
9 serving fewer than fifteen single-family residences, regardless of the  
10 number of people.

11 (~~(8)~~) (7) "Nationally recognized association of certification  
12 authorities" shall mean an organization which serves as an information  
13 center for certification activities, recommends minimum standards and  
14 guidelines for classification of potable water treatment plants, water  
15 distribution systems and waste water facilities and certification of  
16 operators, facilitates reciprocity between state programs and assists  
17 authorities in establishing new certification programs and updating  
18 existing ones.

19 (~~(9)~~) (8) "Public water system" means any system, excluding a  
20 system serving only one single-family residence and a system with four  
21 or fewer connections all of which serve residences on the same farm,  
22 providing piped water for human consumption, including any collection,  
23 treatment, storage, or distribution facilities under control of the  
24 purveyor and used primarily in connection with the system; and  
25 collection or pretreatment storage facilities not under control of the  
26 purveyor but primarily used in connection with the system.

27 (~~(10)~~) (9) "Purification plant" means that portion of a public  
28 water system which treats or improves the physical, chemical or  
29 bacteriological quality of the system's water to bring the water into  
30 compliance with state board of health standards.

31 (~~(11)~~) (10) "Secretary" means the secretary of the department of  
32 health.

33 (~~(12)~~) (11) "Service" means a connection to a public water system  
34 designed to serve a single-family residence, dwelling unit, or  
35 equivalent use. If the facility has group home or barracks-type  
36 accommodations, three persons will be considered equivalent to one  
37 service.

38 (~~(13)~~) (12) "Surface water" means all water open to the  
39 atmosphere and subject to surface runoff.

1       **Sec. 3005.** RCW 70.119.050 and 1983 c 292 s 4 are each amended to  
2 read as follows:

3       The secretary shall adopt(~~(, with the approval of the board,)~~) such  
4 rules and regulations as may be necessary for the administration of  
5 this chapter and shall enforce such rules and regulations. The rules  
6 and regulations shall include provisions establishing minimum  
7 qualifications and procedures for the certification of operators,  
8 criteria for determining the kind and nature of continuing educational  
9 requirements for renewal of certification under RCW 70.119.100(2), and  
10 provisions for classifying water purification plants and distribution  
11 systems.

12       Rules and regulations adopted under the provisions of this section  
13 shall be adopted in accordance with the provisions of chapter 34.05  
14 RCW.

15       **Sec. 3006.** RCW 70.119.110 and 1991 c 305 s 7 are each amended to  
16 read as follows:

17       The secretary may(~~(, with the recommendation of the board and after~~  
18 ~~hearing before the same,)~~) after conducting a hearing revoke a  
19 certificate found to have been obtained by fraud or deceit; or for  
20 gross negligence in the operation of a purification plant or  
21 distribution system; or for an intentional violation of the  
22 requirements of this chapter or any lawful rules, order, or regulation  
23 of the department. No person whose certificate is revoked under this  
24 section shall be eligible to apply for a certificate for one year from  
25 the effective date of the final order of revocation.

26       NEW SECTION. **Sec. 3007.** The following acts or parts of acts are  
27 each repealed:

28       (1) RCW 70.95B.070 and 1984 c 287 s 106, 1975-'76 2nd ex.s. c 34 s  
29 161, & 1973 c 139 s 7; and

30       (2) RCW 70.119.080 and 1983 c 292 s 6 & 1977 ex.s. c 99 s 8.

31       NEW SECTION. **Sec. 3008.** A new section is added to chapter 70.95B  
32 RCW to read as follows:

33       The director, in cooperation with the secretary of health, may  
34 establish ad hoc advisory committees, as necessary, to obtain advice  
35 and technical assistance regarding the examination and certification of  
36 operators of wastewater treatment plants.

1 NEW SECTION. **Sec. 3009.** A new section is added to chapter 70.119  
2 RCW to read as follows:

3 The secretary, in cooperation with the director of ecology, may  
4 establish ad hoc advisory committees, as necessary, to obtain advice  
5 and technical assistance regarding the development of rules  
6 implementing this chapter and on the examination and certification of  
7 operators of water systems.

8 **PART 31**

9 **TWIN RIVERS CORRECTIONS CENTER**

10 **VOLUNTEER ADVISORY COMMITTEE**

11 NEW SECTION. **Sec. 3101.** By July 1, 1995, the secretary of the  
12 department of corrections shall abolish the twin rivers corrections  
13 center volunteer advisory committee.

14 **PART 32**

15 **SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARDS**

16 **Sec. 3201.** RCW 75.30.050 and 1994 sp.s. c 9 s 807 and 1994 c 260  
17 s 18 are each reenacted and amended to read as follows:

18 (1) The director shall appoint three-member advisory review boards  
19 to hear cases as provided in RCW 75.30.060. Members shall be from:

20 (a) The commercial crab fishing industry in cases involving  
21 Dungeness crab ~~Puget Sound~~ fishery licenses;

22 (b) The commercial herring fishery in cases involving herring  
23 fishery licenses;

24 (c) The commercial sea urchin and sea cucumber fishery in cases  
25 involving sea urchin and sea cucumber dive fishery licenses;

26 ~~(d) ((The commercial sea cucumber fishery in cases involving sea  
27 cucumber dive fishery licenses;~~

28 ~~(e)))~~ The commercial ocean pink shrimp industry (*Pandalus jordani*)  
29 in cases involving ocean pink shrimp delivery licenses; and

30 ~~((f)))~~ (e) The commercial coastal crab fishery in cases involving  
31 Dungeness crab ~~coastal~~ fishery licenses and Dungeness crab ~~coastal~~  
32 class B fishery licenses. The members shall include one person from  
33 the commercial crab processors, one Dungeness crab ~~coastal~~ fishery  
34 license holder, and one citizen representative of a coastal community.

1 (2) Members shall serve at the discretion of the director and shall  
2 be reimbursed for travel expenses as provided in RCW 43.03.050,  
3 43.03.060, and 43.03.065.

4 **PART 33**

5 **ADVISORY BOARD FOR THE PURCHASE OF**  
6 **FISHING VESSELS AND LICENSES**

7 **Sec. 3301.** RCW 75.44.140 and 1983 1st ex.s. c 46 s 159 are each  
8 amended to read as follows:

9 The director shall adopt rules for the administration of the  
10 program. To assist the department in the administration of the  
11 program, the director may contract with persons not employed by the  
12 state and may enlist the aid of other state agencies.

13 ~~((The director shall appoint an advisory board composed of five  
14 individuals who are knowledgeable of the commercial fishing industry to  
15 advise the director concerning the values of licenses and permits.  
16 Advisory board members shall be reimbursed for travel expenses under  
17 RCW 43.03.050 and 43.03.060.))~~

18 **PART 34**

19 **RAIL DEVELOPMENT COMMISSION**

20 NEW SECTION. **Sec. 3401.** The following acts or parts of acts are  
21 each repealed:

- 22 (1) RCW 81.62.010 and 1987 c 429 s 1;  
23 (2) RCW 81.62.020 and 1987 c 429 s 2;  
24 (3) RCW 81.62.030 and 1987 c 429 s 3;  
25 (4) RCW 81.62.040 and 1987 c 429 s 4;  
26 (5) RCW 81.62.050 and 1987 c 429 s 5;  
27 (6) RCW 81.62.060 and 1987 c 429 s 6;  
28 (7) RCW 81.62.900 and 1987 c 429 s 7; and  
29 (8) RCW 81.62.901 and 1987 c 429 s 8.

30 **PART 35**

31 **MARINE OVERSIGHT BOARD**

32 NEW SECTION. **Sec. 3501.** RCW 90.56.450 and 1992 c 73 s 40 & 1991  
33 c 200 s 501 are each repealed.

1 PART 36

2 INTERAGENCY COORDINATING COMMITTEE FOR PUGET SOUND  
3 AMBIENT MONITORING PROGRAM

4 Sec. 3601. RCW 90.70.065 and 1994 c 264 s 98 are each amended to  
5 read as follows:

6 (1) In addition to other powers and duties specified in this  
7 chapter, the authority shall ensure implementation and coordination of  
8 the Puget Sound ambient monitoring program established in the plan  
9 under RCW 90.70.060(12). The program shall:

10 (a) Develop a baseline and examine differences among areas of Puget  
11 Sound, for environmental conditions, natural resources, and  
12 contaminants in seafood, against which future changes can be measured;

13 (b) Take measurements relating to specific program elements  
14 identified in the plan;

15 (c) Measure the progress of the ambient monitoring programs  
16 implemented under the plan;

17 (d) Provide a permanent record of significant natural and human-  
18 caused changes in key environmental indicators in Puget Sound; and

19 (e) Help support research on Puget Sound.

20 (2) ~~((To ensure proper coordination of the ambient monitoring  
21 program, the authority may establish an interagency coordinating  
22 committee consisting of representatives from the departments of  
23 ecology, fish and wildlife, natural resources, and health, and such  
24 federal, local, tribal, and other organizations as are necessary to  
25 implement the program.~~

26 ~~(3))~~ Each state agency with responsibilities for implementing the  
27 Puget Sound ambient monitoring program, as specified in the plan, shall  
28 participate in the program.

29 Part 37

30 MISCELLANEOUS

31 NEW SECTION. Sec. 3701. Part headings as used in this act do not  
32 constitute any part of the law.

33 NEW SECTION. Sec. 3702. If any provision of this act or its  
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 3703.** Section 301 of this act shall take effect  
4 June 30, 1997.

5 NEW SECTION. **Sec. 3704.** Sections 101, 201, 302, 303, 401, 402,  
6 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203,  
7 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901 through  
8 1904, 2001, 2002, 2101, 2201, 2202, 2301 through 2304, 2401, 2402,  
9 2501, 2601, 2701 through 2708, 2801, 2901 through 2904, 3001 through  
10 3009, 3101, 3201, 3301, 3401, 3501, and 3601 of this act are necessary  
11 for the immediate preservation of the public peace, health, or safety,  
12 or support of the state government and its existing public  
13 institutions, and shall take effect July 1, 1995.

--- END ---