
SUBSTITUTE SENATE BILL 5415

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on State & Local Government (originally sponsored by Senators Patterson, Horn and McAuliffe; by request of Governor Locke)

Read first time 02/12/1999.

1 AN ACT Relating to the elimination and consolidation of boards,
2 commissions, and programs; amending RCW 18.28.010, 18.28.080,
3 18.28.090, 18.28.100, 18.28.110, 18.28.120, 18.28.130, 18.28.140,
4 18.28.150, 18.28.165, 18.28.190, 18.135.030, 18.138.070, 43.43.705,
5 43.43.785, 43.43.800, 43.63A.245, 43.220.040, 43.220.190, 43.220.210,
6 43.220.240, 75.30.050, 75.30.130, 79.72.020, 79.72.030, 79.72.040, and
7 79.72.050; creating new sections; repealing RCW 18.28.020, 18.28.030,
8 18.28.040, 18.28.045, 18.28.050, 18.28.060, 18.28.070, 18.28.160,
9 18.28.170, 18.28.230, 18.28.240, 18.138.120, 18.175.010, 18.175.020,
10 18.175.025, 18.175.027, 18.175.030, 18.175.040, 18.175.050, 18.175.060,
11 18.175.070, 18.175.080, 28C.20.010, 28C.20.020, 28C.20.030, 41.52.010,
12 41.52.020, 41.52.030, 41.52.040, 41.52.050, 41.52.060, 41.52.070,
13 42.17.261, 43.31.855, 43.31.857, 43.38.010, 43.38.020, 43.38.030,
14 43.38.040, 43.43.790, 43.43.795, 43.63A.260, and 70.95H.020; repealing
15 1996 c 316 s 2 (uncodified); providing an effective date; and declaring
16 an emergency.

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

18

PART 1

19

REGULATION OF DEBT ADJUSTERS

1 **Sec. 101.** RCW 18.28.010 and 1979 c 156 s 1 are each amended to
2 read as follows:

3 Unless a different meaning is plainly required by the context, the
4 following words and phrases as hereinafter used in this chapter shall
5 have the following meanings:

6 (1) "Debt adjusting" means the managing, counseling, settling,
7 adjusting, prorating, or liquidating of the indebtedness of a debtor,
8 or receiving funds for the purpose of distributing said funds among
9 creditors in payment or partial payment of obligations of a debtor.

10 (2) "Debt adjuster", which includes any person known as a debt
11 pooler, debt manager, debt consolidator, debt prorater, or credit
12 counselor, is any person engaging in or holding himself or herself out
13 as engaging in the business of debt adjusting for compensation. The
14 term shall not include:

15 (a) Attorneys at law, escrow agents, accountants, broker-dealers in
16 securities, or investment advisors in securities, while performing
17 services solely incidental to the practice of their professions;

18 (b) Any person, partnership, association, or corporation doing
19 business under and as permitted by any law of this state or of the
20 United States relating to banks, (~~small loan companies, industrial~~)
21 consumer finance businesses, consumer loan companies, trust companies,
22 mutual savings banks, savings and loan associations, building and loan
23 associations, credit unions, crop credit associations, development
24 credit corporations, industrial development corporations, title
25 insurance companies, or insurance companies;

26 (c) Persons who, as employees on a regular salary or wage of an
27 employer not engaged in the business of debt adjusting, perform credit
28 services for their employer;

29 (d) Public officers while acting in their official capacities and
30 persons acting under court order;

31 (e) Any person while performing services incidental to the
32 dissolution, winding up or liquidation of a partnership, corporation,
33 or other business enterprise;

34 (f) Nonprofit organizations dealing exclusively with debts owing
35 from commercial enterprises to business creditors;

36 (g) Nonprofit organizations engaged in debt adjusting and which do
37 not assess against the debtor a service charge in excess of fifteen
38 dollars per month.

1 (3) "Debt adjusting agency" is any partnership, corporation, or
2 association engaging in or holding itself out as engaging in the
3 business of debt adjusting.

4 ~~((4) "License" means a debt adjuster license or debt adjusting
5 agency license issued under the provisions of this chapter.~~

6 ~~(5) "Licensee" means a debt adjuster or debt adjusting agency to
7 whom a license has been issued under the provisions of this chapter.~~

8 ~~(6) "Director" means the director of the department of licensing.)~~

9 **Sec. 102.** RCW 18.28.080 and 1979 c 156 s 4 are each amended to
10 read as follows:

11 (1) By contract a ~~((licensee))~~ debt adjuster may charge a
12 reasonable fee for debt adjusting services. The total fee for debt
13 adjusting services may not exceed fifteen percent of the total debt
14 listed by the debtor on the contract. The fee retained by the
15 ~~((licensee))~~ debt adjuster from any one payment made by or on behalf of
16 the debtor may not exceed fifteen percent of the payment~~((: PROVIDED,~~
17 ~~That the licensee)).~~ The debt adjuster may make an initial charge of
18 up to twenty-five dollars which shall be considered part of the total
19 fee. If an initial charge is made, no additional fee may be retained
20 which will bring the total fee retained to date to more than fifteen
21 percent of the total payments made to date. No fee whatsoever shall be
22 applied against rent and utility payments for housing.

23 In the event of cancellation or default on performance of the
24 contract by the debtor prior to its successful completion, the
25 ~~((licensee))~~ debt adjuster may collect in addition to fees previously
26 received, six percent of that portion of the remaining indebtedness
27 listed on said contract which was due when the contract was entered
28 into, but not to exceed twenty-five dollars.

29 (2) A ~~((licensee))~~ debt adjuster shall not be entitled to retain
30 any fee until notifying all creditors listed by the debtor that the
31 debtor has engaged the ~~((licensee))~~ debt adjuster in a program of debt
32 adjusting.

33 **Sec. 103.** RCW 18.28.090 and 1967 c 201 s 9 are each amended to
34 read as follows:

35 If a ~~((licensee))~~ debt adjuster contracts for, receives or makes
36 any charge in excess of the maximums permitted by this chapter, except
37 as the result of an accidental and bona fide error, the ~~((licensee's))~~

1 debt adjuster's contract with the debtor shall be void and the
2 ((licensee)) debt adjuster shall return to the debtor the amount of all
3 payments received from the debtor or on ((his)) the debtor's behalf and
4 not distributed to creditors.

5 **Sec. 104.** RCW 18.28.100 and 1979 c 156 s 5 are each amended to
6 read as follows:

7 Every contract between a ((licensee)) debt adjuster and a debtor
8 shall:

9 (1) List every debt to be handled with the creditor's name and
10 disclose the approximate total of all known debts;

11 (2) Provide in precise terms payments reasonably within the ability
12 of the debtor to pay;

13 (3) Disclose in precise terms the rate and amount of all of the
14 ((licensee's)) debt adjuster's charges and fees;

15 (4) Disclose the approximate number and amount of installments
16 required to pay the debts in full;

17 (5) Disclose the name and address of the ((licensee)) debt adjuster
18 and of the debtor;

19 (6) Provide that the ((licensee)) debt adjuster shall notify the
20 debtor, in writing, within five days of notification to the
21 ((licensee)) debt adjuster by a creditor that the creditor refuses to
22 accept payment pursuant to the contract between the ((licensee)) debt
23 adjuster and the debtor;

24 (7) Contain the following notice in ten point boldface type or
25 larger directly above the space reserved in the contract for the
26 signature of the buyer: NOTICE TO DEBTOR:

27 (a) Do not sign this contract before you read it or if any spaces
28 intended for the agreed terms are left blank.

29 (b) You are entitled to a copy of this contract at the time you
30 sign it.

31 (c) You may cancel this contract within three days of signing by
32 sending notice of cancellation by certified mail return receipt
33 requested to the debt adjuster at his or her address shown on the
34 contract, which notice shall be posted not later than midnight of the
35 third day (excluding Sundays and holidays) following your signing of
36 the contract; and

37 (8) Contain such other and further provisions or disclosures as
38 ((the director shall determine)) are necessary for the protection of

1 the debtor and the proper conduct of business by the ((licensee)) debt
2 adjuster.

3 **Sec. 105.** RCW 18.28.110 and 1979 c 156 s 6 are each amended to
4 read as follows:

5 Every ((licensee)) debt adjuster shall perform the following
6 functions:

7 (1) Make a permanent record of all payments by debtors, or on the
8 debtors' behalf, and of all disbursements to creditors of such debtors,
9 and shall keep and maintain in this state all such records, and all
10 payments not distributed to creditors. No person shall intentionally
11 make any false entry in any such record, or intentionally mutilate,
12 destroy or otherwise dispose of any such record. Such records shall at
13 all times be open for inspection by the ((~~director or his~~)) attorney
14 general or the attorney general's authorized agent, and shall be
15 preserved as original records or by microfilm or other methods of
16 duplication ((~~acceptable to the director,~~)) for at least six years
17 after making the final entry therein.

18 (2) Deliver a completed copy of the contract between the
19 ((licensee)) debt adjuster and a debtor to the debtor immediately after
20 the debtor executes the contract, and sign the debtor's copy of such
21 contract.

22 (3) Unless paid by check or money order, deliver a receipt to a
23 debtor for each payment within five days after receipt of such payment.

24 (4) Distribute to the creditors of the debtor at least once each
25 forty days after receipt of payment during the term of the contract at
26 least eighty-five percent of each payment received from the debtor.

27 (5) At least once every month render an accounting to the debtor
28 which shall indicate the total amount received from or on behalf of the
29 debtor, the total amount paid to each creditor, the total amount which
30 any creditor has agreed to accept as payment in full on any debt owed
31 ((~~him~~)) the creditor by the debtor, the amount of charges deducted, and
32 any amount held in trust. The ((licensee)) debt adjuster shall in
33 addition render such an account to a debtor within ten days after
34 written demand.

35 (6) Notify the debtor, in writing, within five days of notification
36 to the ((licensee)) debt adjuster by a creditor that the creditor
37 refuses to accept payment pursuant to the contract between the
38 ((licensee)) debt adjuster and the debtor.

1 (~~(7) Furnish the director with all contracts, assignments, and~~
2 forms as described in RCW 18.28.030 which are currently in use.))

3 **Sec. 106.** RCW 18.28.120 and 1967 c 201 s 12 are each amended to
4 read as follows:

5 A ((~~licensee~~)) debt adjuster shall not:

6 (1) Take any contract, or other instrument which has any blank
7 spaces when signed by the debtor;

8 (2) Receive or charge any fee in the form of a promissory note or
9 other promise to pay or receive or accept any mortgage or other
10 security for any fee, whether as to real or personal property;

11 (3) Lend money or credit;

12 (4) Take any confession of judgment or power of attorney to confess
13 judgment against the debtor or appear as the debtor in any judicial
14 proceedings;

15 (5) Take, concurrent with the signing of the contract or as a part
16 of the contract or as part of the application for the contract, a
17 release of any obligation to be performed on the part of the
18 ((~~licensee~~)) debt adjuster;

19 (6) Advertise ((~~his~~)) services, display, distribute, broadcast or
20 televise, or permit ((~~his~~)) services to be displayed, advertised,
21 distributed, broadcasted or televised in any manner whatsoever wherein
22 any false, misleading or deceptive statement or representation with
23 regard to the services to be performed by the ((~~licensee~~)) debt
24 adjuster, or the charges to be made therefor, is made;

25 (7) Offer, pay, or give any cash, fee, gift, bonus, premiums,
26 reward, or other compensation to any person for referring any
27 prospective customer to the ((~~licensee~~)) debt adjuster;

28 (8) Receive any cash, fee, gift, bonus, premium, reward, or other
29 compensation from any person other than the debtor or a person in the
30 debtor's behalf in connection with his or her activities as a
31 ((~~licensee~~)) debt adjuster; or

32 (9) Disclose to anyone(~~(, other than the director or his agent,)~~)
33 the debtors who have contracted with the ((~~licensee~~)) debt adjuster;
34 nor shall the ((~~licensee~~)) debt adjuster disclose the creditors of a
35 debtor to anyone other than: (a) The debtor(~~(,)~~)i or (b) ((~~the~~
36 ~~director or his agent, or (c)~~)) another creditor of the debtor and then
37 only to the extent necessary to secure the cooperation of such a
38 creditor in a debt adjusting plan.

1 **Sec. 107.** RCW 18.28.130 and 1967 c 201 s 13 are each amended to
2 read as follows:

3 Without limiting the generality of the foregoing and other
4 applicable laws, the ((licensee)) debt adjuster, manager or an employee
5 of ((a licensee)) the debt adjuster shall not:

6 (1) Prepare, advise, or sign a release of attachment or
7 garnishment, stipulation, affidavit for exemption, compromise agreement
8 or other legal or court document, nor furnish legal advice or perform
9 legal services of any kind;

10 (2) Represent that he or she is authorized or competent to furnish
11 legal advice or perform legal services;

12 (3) Assume authority on behalf of creditors or a debtor or accept
13 a power of attorney authorizing it to employ or terminate the services
14 of any attorney or to arrange the terms of or compensate for such
15 services; or

16 (4) Communicate with the debtor or creditor or any other person in
17 the name of any attorney or upon the stationery of any attorney or
18 prepare any form or instrument which only attorneys are authorized to
19 prepare.

20 **Sec. 108.** RCW 18.28.140 and 1967 c 201 s 14 are each amended to
21 read as follows:

22 Nothing in this chapter shall be construed as prohibiting the
23 assignment of wages by a debtor to a ((licensee)) debt adjuster, if
24 such assignment is otherwise in accordance with the law of this state.

25 **Sec. 109.** RCW 18.28.150 and 1979 c 156 s 8 are each amended to
26 read as follows:

27 (1) Any payment received by a ((licensee)) debt adjuster from or on
28 behalf of a debtor shall be held in trust by the ((licensee)) debt
29 adjuster from the moment it is received. The ((licensee)) debt
30 adjuster shall not commingle such payment with ((his)) the debt
31 adjuster's own property or funds, but shall maintain a separate trust
32 account and deposit in such account all such payments received. All
33 disbursements whether to the debtor or to the creditors of the debtor,
34 or to the ((licensee)) debt adjuster, shall be made from such account.

35 (2) In the event that the debtor cancels or defaults on the
36 contract between the debtor and the ((licensee)) debt adjuster, the

1 ((licensee)) debt adjuster shall close out the debtor's trust account
2 in the following manner:

3 (a) The ((licensee)) debt adjuster may take from the account that
4 amount necessary to satisfy any fees, other than any cancellation or
5 default fee, authorized by this chapter.

6 (b) After deducting the fees provided in subsection (2)(a) of this
7 section, the ((licensee)) debt adjuster shall distribute the remaining
8 amount in the account to the creditors of the debtor. The distribution
9 shall be made within five days of the demand therefor by the debtor,
10 but if the debtor fails to make the demand, then the ((licensee)) debt
11 adjuster shall make the distribution within thirty days of the date of
12 cancellation or default.

13 **Sec. 110.** RCW 18.28.165 and 1979 c 156 s 7 are each amended to
14 read as follows:

15 For the purpose of discovering violations of this chapter or
16 securing information lawfully required ((by him hereunder, the
17 director)) under this chapter, the office of the attorney general may
18 at any time((, either personally or by a person or persons duly
19 designated by him,)): Investigate the debt adjusting business and
20 examine the books, accounts, records, and files used ((therein, of
21 every licensee. For that purpose the director and his duly designated
22 representatives shall)); have free access to the offices and places of
23 business, books, accounts, papers, records, files, safes, and vaults of
24 ((all licensees. The director and all persons duly designated by him
25 may)) debt adjusters; and require the attendance of and examine under
26 oath all persons whomsoever whose testimony ((he may require)) might be
27 required relative to such debt adjusting business or to the subject
28 matter of any examination, investigation, or hearing.

29 **Sec. 111.** RCW 18.28.190 and 1967 c 201 s 19 are each amended to
30 read as follows:

31 Any person who violates any provision of this chapter or aids or
32 abets such violation, or any rule lawfully ((promulgated hereunder))
33 adopted under this chapter or any order ((or decision of the director
34 hereunder, or any person who operates as a debt adjuster without a
35 license, shall be)) made under this chapter, is guilty of a
36 misdemeanor.

1 requested by the secretary. The members shall be reimbursed for travel
2 expenses under RCW 43.03.050 and 43.03.060.

3 (2) In addition to any other authority provided by law, the
4 secretary shall adopt rules necessary to:

5 (a) Administer, implement, and enforce this chapter ((and));

6 (b) Establish the minimum requirements necessary for a health care
7 facility or health care practitioner to certify a health care assistant
8 capable of performing the functions authorized in this chapter((—The
9 rules shall)); and

10 (c) Establish minimum requirements for each and every category of
11 health care assistant.

12 ~~((Said))~~ (3) The rules shall be adopted after fair consideration of
13 input from representatives of each category. These requirements shall
14 ensure that the public health and welfare are protected and shall
15 include, but not be limited to, the following factors:

16 ~~((+1))~~ (a) The education and occupational qualifications for the
17 health care assistant category;

18 ~~((+2))~~ (b) The work experience for the health care assistant
19 category;

20 ~~((+3))~~ (c) The instruction and training provided for the health
21 care assistant category; and

22 ~~((+4))~~ (d) The types of drugs or diagnostic agents which may be
23 administered by injection by health care assistants working in a
24 hospital or nursing home. The rules established ((pursuant to)) under
25 this subsection shall not prohibit health care assistants working in a
26 health care facility other than a nursing home or hospital from
27 performing the functions authorized under this chapter.

28 **PART 3**

29 **DIETICIANS AND NUTRITIONISTS ADVISORY COMMITTEE**

30 **Sec. 301.** RCW 18.138.070 and 1994 sp.s. c 9 s 516 are each amended
31 to read as follows:

32 In addition to any other authority provided by law, the secretary
33 may:

34 (1) Adopt rules in accordance with chapter 34.05 RCW necessary to
35 implement this chapter;

36 (2) Establish forms necessary to administer this chapter;

1 (3) Issue a certificate to an applicant who has met the
2 requirements for certification and deny a certificate to an applicant
3 who does not meet the minimum qualifications;

4 (4) Hire clerical, administrative, and investigative staff as
5 needed to implement and administer this chapter and hire individuals,
6 including those certified under this chapter, to serve as consultants
7 as necessary to implement and administer this chapter;

8 (5) Maintain the official departmental record of all applicants and
9 certificate holders;

10 (6) Conduct a hearing, pursuant to chapter 34.05 RCW, on an appeal
11 of a denial of certification based on the applicant's failure to meet
12 the minimum qualifications for certification;

13 (7) Investigate alleged violations of this chapter and consumer
14 complaints involving the practice of persons representing themselves as
15 certified dietitians or certified nutritionists;

16 (8) Issue subpoenas, statements of charges, statements of intent to
17 deny certifications, and orders and delegate in writing to a designee
18 the authority to issue subpoenas, statements of charges, and statements
19 on intent to deny certifications;

20 (9) Conduct disciplinary proceedings, impose sanctions, and assess
21 fines for violations of this chapter or any rules adopted under it in
22 accordance with chapter 34.05 RCW;

23 (10) Set all certification, renewal, and late renewal fees in
24 accordance with RCW 43.70.250; and

25 (11) Set certification expiration dates and renewal periods for all
26 certifications under this chapter(~~(; and~~

27 ~~(12) Appoint members of the profession to serve in an ad hoc~~
28 ~~advisory capacity to the secretary in carrying out this chapter. The~~
29 ~~members will serve for designated time[s] and provide advice on matters~~
30 ~~specifically identified and requested by the secretary. The members~~
31 ~~shall be compensated in accordance with RCW 43.03.220 and reimbursed~~
32 ~~for travel expenses under RCW 43.03.040 and 43.03.060. The secretary,~~
33 ~~ad hoc committee members, or individuals acting in their behalf are~~
34 ~~immune from suit in a civil action based on any certification or~~
35 ~~disciplinary proceedings or other official acts performed in the course~~
36 ~~of their duties)).~~

37 **PART 4**

38 **HEALTH PROFESSIONS ADVISORY COMMITTEE**

1 "Criminal justice agencies" are those public agencies within or
2 outside the state which perform, as a principal function, activities
3 directly relating to the apprehension, prosecution, adjudication or
4 rehabilitation of criminal offenders.

5 "Dependency record information" includes and shall be restricted to
6 identifying data regarding a person, over the age of eighteen, who was
7 a party to a dependency proceeding brought under chapter 13.34 RCW and
8 who has been found, pursuant to such dependency proceeding, to have
9 sexually abused or exploited or physically abused a child.

10 "Protection proceeding record information" includes and shall be
11 restricted to identifying data regarding a person, over eighteen, who
12 was a respondent to a protection proceeding brought under chapter 74.34
13 RCW and who has been found pursuant to such a proceeding to have abused
14 or financially exploited a vulnerable adult.

15 The section may refuse to furnish any information pertaining to the
16 identification or history of any person or persons of whom it has a
17 record, or other information in its files and records, to any applicant
18 if the chief determines that the applicant has previously misused
19 information furnished to such applicant by the section or the chief
20 believes that the applicant will not use the information requested
21 solely for the purpose of due administration of the criminal laws or
22 for the purposes enumerated in RCW 43.43.760(3). The applicant may
23 appeal such determination (~~and denial of information to the advisory~~
24 ~~council created in RCW 43.43.785 and the council may direct that the~~
25 ~~section furnish such information to the applicant~~) by notifying the
26 chief in writing within thirty days. The hearing shall be before an
27 administrative law judge appointed under chapter 34.12 RCW and in
28 accordance with procedures for adjudicative proceedings under chapter
29 34.05 RCW.

30 **Sec. 1102.** RCW 43.43.785 and 1972 ex.s. c 152 s 18 are each
31 amended to read as follows:

32 The legislature finds that there is a need for the Washington state
33 patrol to establish a program which will consolidate existing programs
34 of criminal justice services within its jurisdiction so that such
35 services may be more effectively utilized by the criminal justice
36 agencies of this state. The chief(~~(, with the advice of the state~~
37 ~~advisory council on criminal justice services created in RCW~~
38 ~~43.43.790,)) shall establish such a program which shall include but not~~

1 be limited to the identification section, all auxiliary systems
2 including the Washington crime information center and the
3 teletypewriter communications network, the drug control assistance
4 unit, and any other services the chief deems necessary which are not
5 directly related to traffic control.

6 **Sec. 1103.** RCW 43.43.800 and 1972 ex.s. c 152 s 21 are each
7 amended to read as follows:

8 The (~~advisory council~~) executive committee created in RCW
9 10.98.160 shall review the provisions of RCW 43.43.700 through
10 43.43.785 and the administration thereof and shall consult with and
11 advise the chief of the state patrol on matters pertaining to the
12 policies of criminal justice services program.

13 (~~The council shall appoint technical advisory committees comprised~~
14 ~~of members of criminal justice agencies having demonstrated technical~~
15 ~~expertise in the various fields of specialty within the program.))~~

16 NEW SECTION. **Sec. 1104.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 43.43.790 (Criminal justice services--Advisory council--
19 Created--Membership--Terms--Vacancies) and 1972 ex.s. c 152 s 19; and

20 (2) RCW 43.43.795 (Criminal justice services--Advisory council--
21 Meetings) and 1972 ex.s. c 152 s 20.

22 PART 12

23 SENIOR ENVIRONMENTAL CORPS COORDINATING COUNCIL

24 **Sec. 1201.** RCW 43.63A.245 and 1993 c 280 s 64 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout RCW 43.63A.240 through 43.63A.270.

28 "Agency" means one of the agencies or organizations participating
29 in the activities of the senior environmental corps.

30 "Coordinator" means the person designated by the director of
31 community, trade, and economic development (~~with the advice of the~~
32 ~~council~~) to administer the activities of the senior environmental
33 corps.

34 "Corps" means the senior environmental corps.

1 (~~"Council" means the senior environmental corps coordinating~~
2 ~~council.~~)

3 "Department" means the department of community, trade, and economic
4 development.

5 "Director" means the director of community, trade, and economic
6 development or the director's authorized representative.

7 "Representative" means the person who (~~represents an agency on the~~
8 ~~council and~~) is responsible for the activities of the senior
9 environmental corps in his or her agency.

10 "Senior" means any person who is fifty-five years of age or over.

11 "Volunteer" means a person who is willing to work without
12 expectation of salary or financial reward, and who chooses where he or
13 she provides services and the type of services he or she provides.

14 NEW SECTION. **Sec. 1202.** RCW 43.63A.260 (Senior environmental
15 corps--Coordinating council--Duties) and 1994 c 264 s 26, 1993 c 280 s
16 66, & 1992 c 63 s 5 are each repealed.

17 PART 13

18 WASHINGTON CONSERVATION CORPS COORDINATING COUNCIL

19 **Sec. 1301.** RCW 43.220.040 and 1987 c 367 s 2 are each amended to
20 read as follows:

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

23 (1) "Public lands" means any lands or waters, or interests therein,
24 owned or administered by any agency or instrumentality of the state,
25 federal, or local government.

26 (2) "Corps" means the Washington conservation corps.

27 (3) "Corps member" means an individual enrolled in the Washington
28 conservation corps.

29 (4) "Corps member leaders" or "specialists" means members of the
30 corps who serve in leadership or training capacities or who provide
31 specialized services other than or in addition to the types of work and
32 services that are performed by the corps members in general.

33 (~~(5) "Council" means the Washington conservation corps~~
34 ~~coordinating council.~~)

1 **Sec. 1302.** RCW 43.220.190 and 1987 c 367 s 3 are each amended to
2 read as follows:

3 The agencies listed in RCW 43.220.020 shall ~~((convene a~~
4 ~~conservation corps coordinating council to meet as needed to))~~
5 establish consistent work standards and placement and evaluation
6 procedures of corps programs. ~~((The coordinating council shall be~~
7 ~~composed of administrative personnel of the agencies. The coordinating~~
8 ~~council shall serve to))~~ They shall also reconcile problems that arise
9 in the implementation of the corps programs and develop coordination
10 procedures for emergency responses of corps members.

11 **Sec. 1303.** RCW 43.220.210 and 1987 c 367 s 4 are each amended to
12 read as follows:

13 The ~~((Washington conservation corps coordinating council))~~ agencies
14 listed in RCW 43.220.020 shall select, review, approve, and evaluate
15 the success of projects under this chapter.

16 Up to fifteen percent of funds spent for recruitment, job training
17 and placement services shall, wherever possible, be contracted through
18 local educational institutions and/or nonprofit corporations.

19 Such contracts may include, but not be limited to, general
20 education development testing, preparation of resumes and job search
21 skills.

22 All contracts or agreements entered into by agencies listed in RCW
23 43.220.020 shall be ~~((reviewed by the council for compliance))~~
24 consistent with legislative intent as set forth in this section.

25 **Sec. 1304.** RCW 43.220.240 and 1985 c 230 s 4 are each amended to
26 read as follows:

27 Staff support to the department of employment security shall be
28 provided by the ~~((Washington conservation corps coordinating council as~~
29 ~~established in RCW 43.220.190))~~ agencies listed in RCW 43.220.020. The
30 employment security department shall be the central administrative
31 authority for data on projects, project requests, applicants and
32 reports to the legislature. The department shall be reimbursed by the
33 Washington conservation corps agencies specified in RCW 43.220.020.
34 Reimbursement shall be for reasonable administrative costs associated
35 with the department's role as the central administrative authority and
36 for extraordinary placement costs incurred for the corps agencies. The
37 ~~((Washington conservation corps coordinating council is to))~~ agencies

1 listed in RCW 43.220.020 shall develop the most cost-effective
2 administrative system to provide training, payroll, and purchasing
3 services to the conservation corps agencies and present the system to
4 the department for approval. The department shall select the
5 administrative system which best meets the purposes of this chapter,
6 and is cost-efficient.

7 **PART 14**

8 **CLEAN WASHINGTON CENTER POLICY BOARD**

9 NEW SECTION. Sec. 1401. RCW 70.95H.020 (Policy board) and 1995 c
10 399 s 193 & 1991 c 319 s 204 are each repealed.

11 **PART 15**

12 **PUGET SOUND TRAWL EMERGING FISHERIES ADVISORY BOARD**

13 NEW SECTION. Sec. 1501. By July 1, 1999, the director of the
14 department of fish and wildlife shall abolish the Puget Sound trawl
15 emerging fisheries advisory board.

16 **PART 16**

17 **PUGET SOUND CRAB FISHERY LICENSE ADVISORY REVIEW BOARD**

18 **COMMERCIAL HERRING FISHERY ADVISORY REVIEW BOARD**

19 **COMMERCIAL OCEAN PINK SHRIMP ADVISORY REVIEW BOARD**

20 **Sec. 1601.** RCW 75.30.050 and 1995 c 269 s 3101 are each amended to
21 read as follows:

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

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

26 ~~(b) The commercial herring fishery in cases involving herring~~
27 ~~fishery licenses;~~

28 ~~(c))~~ The commercial sea urchin and sea cucumber fishery in cases
29 involving sea urchin and sea cucumber dive fishery licenses;

30 ~~((d) The commercial ocean pink shrimp industry (Pandalus jordani)~~
31 ~~in cases involving ocean pink shrimp delivery licenses; and~~

32 ~~(e))~~ (b) The commercial coastal crab fishery in cases involving
33 Dungeness crab-coastal fishery licenses and Dungeness crab-coastal

1 class B fishery licenses. The members shall include one person from
2 the commercial crab processors, one Dungeness crab-coastal fishery
3 license holder, and one citizen representative of a coastal community.

4 (2) Members shall serve at the discretion of the director and shall
5 be reimbursed for travel expenses as provided in RCW 43.03.050,
6 43.03.060, and 43.03.065.

7 **Sec. 1602.** RCW 75.30.130 and 1998 c 190 s 101 are each amended to
8 read as follows:

9 (1) A person shall not commercially take Dungeness crab (*Cancer*
10 *magister*) in Puget Sound without first obtaining a Dungeness crab--
11 Puget Sound fishery license. As used in this section, "Puget Sound"
12 has the meaning given in RCW 75.28.110(5)(a). A Dungeness crab--Puget
13 Sound fishery license is not required to take other species of crab,
14 including red rock crab (*Cancer productus*).

15 (2) Except as provided in subsections (3) and (6) of this section,
16 after January 1, 1982, the director shall issue no new Dungeness crab--
17 Puget Sound fishery licenses. Only a person who meets the following
18 qualification may renew an existing license: The person shall have
19 held the Dungeness crab--Puget Sound fishery license sought to be
20 renewed during the previous year or acquired the license by transfer
21 from someone who held it during the previous year, and shall not have
22 subsequently transferred the license to another person.

23 (3) Where the person failed to obtain the license during the
24 previous year because of a license suspension, the person may qualify
25 for a license by establishing that the person held such a license
26 during the last year in which the license was not suspended.

27 (4) This section does not restrict the issuance of commercial crab
28 licenses for areas other than Puget Sound or for species other than
29 Dungeness crab.

30 (5) Dungeness crab--Puget Sound fishery licenses are transferable
31 from one license holder to another.

32 (6) If fewer than one hundred twenty-five persons are eligible for
33 Dungeness crab--Puget Sound fishery licenses, the director may accept
34 applications for new licenses. The director shall determine by random
35 selection the successful applicants for the additional licenses. The
36 number of additional licenses issued shall be sufficient to maintain
37 one hundred twenty-five licenses in the Puget Sound Dungeness crab
38 fishery. The director shall adopt rules governing the application,

1 selection, and issuance procedures for new Dungeness crab--Puget Sound
2 fishery licenses(~~(, based upon recommendations of a board of review~~
3 established under RCW 75.30.050)).

4 **PART 17**

5 **SCENIC RIVERS COMMITTEE OF PARTICIPATING AGENCIES**

6 **Sec. 1701.** RCW 79.72.020 and 1994 c 264 s 64 are each amended to
7 read as follows:

8 The definitions set forth in this section apply throughout this
9 chapter unless the context clearly requires otherwise.

10 (1) "Department" means the state parks and recreation commission.

11 (~~(2) ("Committee of participating agencies" or "committee" means a~~
12 ~~committee composed of the executive head, or the executive's designee,~~
13 ~~of each of the state departments of ecology, fish and wildlife, natural~~
14 ~~resources, and transportation, the state parks and recreation~~
15 ~~commission, the interagency committee for outdoor recreation, the~~
16 ~~Washington state association of counties, and the association of~~
17 ~~Washington cities. In addition, the governor shall appoint two public~~
18 ~~members of the committee. Public members of the committee shall be~~
19 ~~compensated in accordance with RCW 43.03.220 and shall receive~~
20 ~~reimbursement for their travel expenses as provided in RCW 43.03.050~~
21 ~~and 43.03.060.~~

22 ~~When a specific river or river segment of the state's scenic river~~
23 ~~system is being considered by the committee, a representative of each~~
24 ~~participating local government associated with that river or river~~
25 ~~segment shall serve as a member of the committee.~~

26 (~~(3))~~) "Participating local government" means the legislative
27 authority of any city or county, a portion of whose territorial
28 jurisdiction is bounded by or includes a river or river segment of the
29 state's scenic river system.

30 (~~((4))~~) (3) "River" means a flowing body of water or a section,
31 segment, or portion thereof.

32 (~~((5))~~) (4) "River area" means a river and the land area in its
33 immediate environs as established by the participating agencies not
34 exceeding a width of one-quarter mile landward from the streamway on
35 either side of the river.

1 ~~((+6))~~ (5) "Scenic easement" means the negotiated right to control
2 the use of land, including the air space above the land, for the
3 purpose of protecting the scenic view throughout the visual corridor.

4 ~~((+7))~~ (6) "Streamway" means that stream-dependent corridor of
5 single or multiple, wet or dry, channel or channels within which the
6 usual seasonal or stormwater run-off peaks are contained, and within
7 which environment the flora, fauna, soil, and topography is dependent
8 on or influenced by the height and velocity of the fluctuating river
9 currents.

10 ~~((+8))~~ (7) "System" means all the rivers and river areas in the
11 state designated by the legislature for inclusion as scenic rivers but
12 does not include tributaries of a designated river unless specifically
13 included by the legislature. The inclusion of a river in the system
14 does not mean that other rivers or tributaries in a drainage basin
15 shall be required to be part of the management program developed for
16 the system unless the rivers and tributaries within the drainage basin
17 are specifically designated for inclusion by the legislature.

18 ~~((+9))~~ (8) "Visual corridor" means that area which can be seen in
19 a normal summer month by a person of normal vision walking either bank
20 of a river included in the system. The visual corridor shall not
21 exceed the river area.

22 **Sec. 1702.** RCW 79.72.030 and 1977 ex.s. c 161 s 3 are each amended
23 to read as follows:

24 (1) The department shall develop and adopt management policies for
25 publicly owned or leased land on the rivers designated by the
26 legislature as being a part of the state's scenic river system and
27 within the associated river areas. The department may adopt
28 regulations identifying river classifications which reflect the
29 characteristics common to various segments of scenic rivers and may
30 adopt management policies consistent with local government's shoreline
31 management master plans appropriate for each such river classification.
32 All such policies shall be ~~((subject to review by the committee of
33 participating agencies. Once such a policy has been approved by a
34 majority vote of the committee members, it shall be))~~ adopted by the
35 department in accordance with the provisions of chapter 34.05 RCW, as
36 now or hereafter amended. Any variance with such a policy by any
37 public agency shall be authorized only by the approval of the
38 ~~((committee of participating agencies by majority vote,))~~ department

1 and shall be made only to alleviate unusual hardships unique to a given
2 segment of the system.

3 (2) Any policies developed pursuant to subsection (1) of this
4 section shall include management plans for protecting ecological,
5 economic, recreational, aesthetic, botanical, scenic, geological,
6 hydrological, fish and wildlife, historical, cultural, archaeological,
7 and scientific features of the rivers designated as being in the
8 system. Such policies shall also include management plans to encourage
9 any nonprofit group, organization, association, person, or corporation
10 to develop and adopt programs for the purpose of increasing fish
11 propagation.

12 (~~((committee of participating agencies shall, by two-thirds~~
13 ~~majority vote,))~~ department shall identify on a river by river basis
14 any publicly owned or leased lands which could be included in a river
15 area of the system but which are developed in a manner unsuitable for
16 land to be managed as part of the system. The department shall exclude
17 lands so identified from the provisions of any management policies
18 implementing the provisions of this chapter.

19 (4) The (~~((committee of participating agencies, by majority vote,))~~
20 department shall determine the boundaries which shall define the river
21 area associated with any included river. With respect to the rivers
22 named in RCW 79.72.080, the (~~((committee))~~ department shall make such
23 determination, and those determinations authorized by subsection (3) of
24 this section, within one year of September 21, 1977.

25 (5) Before making a decision regarding the river area to be
26 included in the system, a variance in policy, or the excluding of land
27 from the provisions of the management policies, the (~~((committee))~~
28 department shall hold hearings in accord with chapter 34.05 RCW, with
29 at least one public hearing to be held in the general locale of the
30 river under consideration. The department shall cause to be published
31 in a newspaper of general circulation in the area which includes the
32 river or rivers to be considered, a description, including a map
33 showing such river or rivers, of the material to be considered at the
34 public hearing. Such notice shall appear at least twice in the time
35 period between two and four weeks prior to the public hearing.

36 (~~((6) Meetings of the committee shall be called by the department~~
37 ~~or by written petition signed by five or more of the committee members.~~
38 ~~The chairman of the parks and recreation commission or the chairman's~~

1 ~~designee shall serve as the chairman of any meetings of the committee~~
2 ~~held to implement the provisions of this chapter.))~~

3 The ((committee)) department shall seek and receive comments from
4 the public regarding potential additions to the system, shall initiate
5 studies, and may((, through the department,)) submit to any session of
6 the legislature proposals for additions to the state scenic river
7 system. These proposals shall be accompanied by a detailed report on
8 the factors which, in the ((committee's)) department's judgment, make
9 an area a worthy addition to the system.

10 **Sec. 1703.** RCW 79.72.040 and 1989 c 175 s 169 are each amended to
11 read as follows:

12 (1) The management program for the system shall be administered by
13 the department. The department shall have the responsibility for
14 coordinating the development of the program between affected state
15 agencies and participating local governments, and shall develop and
16 adopt rules, in accord with chapter 34.05 RCW, the Administrative
17 Procedure Act, for each portion of the system, which shall implement
18 the management policies. In developing rules for a specific river in
19 the system, the department shall hold at least one public hearing in
20 the general locale of the river under consideration. The hearing may
21 constitute the hearing required by chapter 34.05 RCW. The department
22 shall cause a brief summary of the proposed rules to be published twice
23 in a newspaper of general circulation in the area that includes the
24 river to be considered in the period of time between two and four weeks
25 prior to the public hearing. In addition to the foregoing required
26 publication, the department shall also provide notice of the hearings,
27 rules, and decisions of the department to radio and television stations
28 and major local newspapers in the areas that include the river to be
29 considered.

30 (2) In addition to any other powers granted to carry out the intent
31 of this chapter, the department is authorized((, subject to approval by
32 majority vote of the members of the committee,)) to: (a) Purchase,
33 within the river area, real property in fee or any lesser right or
34 interest in real property including, but not limited to scenic
35 easements and future development rights, visual corridors, wildlife
36 habitats, unique ecological areas, historical sites, camping and picnic
37 areas, boat launching sites, and/or easements abutting the river for
38 the purpose of preserving or enhancing the river or facilitating the

1 use of the river by the public for fishing, boating and other water
2 related activities; and (b) purchase, outside of a river area, public
3 access to the river area.

4 The right of eminent domain shall not be utilized in any purchase
5 made pursuant to this section.

6 (3) The department is further authorized to: (a) Acquire by gift,
7 devise, grant, or dedication the fee, an option to purchase, a right of
8 first refusal or any other lesser right or interest in real property
9 and upon acquisition such real property shall be held and managed
10 within the scenic river system; and (b) accept grants, contributions,
11 or funds from any agency, public or private, or individual for the
12 purposes of this chapter.

13 (4) The department is hereby vested with the power to obtain
14 injunctions and other appropriate relief against violations of any
15 provisions of this chapter and any rules adopted under this section or
16 agreements made under the provisions of this chapter.

17 **Sec. 1704.** RCW 79.72.050 and 1977 ex.s. c 161 s 5 are each amended
18 to read as follows:

19 (1) All state government agencies and local governments are hereby
20 directed to pursue policies with regard to their respective activities,
21 functions, powers, and duties which are designed to conserve and
22 enhance the conditions of rivers which have been included in the
23 system, in accordance with the management policies and the rules and
24 regulations adopted by the department for such rivers. Local agencies
25 are directed to pursue such policies with respect to all lands in the
26 river area owned or leased by such local agencies. Nothing in this
27 chapter shall authorize the modification of a shoreline management plan
28 adopted by a local government and approved by the state pursuant to
29 chapter 90.58 RCW without the approval of the department of ecology and
30 local government. The policies adopted pursuant to this chapter shall
31 be integrated, as fully as possible, with those of the shoreline
32 management act of 1971.

33 (2) Nothing in this chapter shall grant to the (~~committee of~~
34 ~~participating agencies or the~~) department the power to restrict the
35 use of private land without either the specific written consent of the
36 owner thereof or the acquisition of rights in real property authorized
37 by RCW 79.72.040.

1 (3) Nothing in this chapter shall prohibit the department of
2 natural resources from exercising its full responsibilities and
3 obligations for the management of state trust lands.

4 **PART 18**

5 **DEPARTMENT OF CORRECTIONS COMMITTEES**

6 NEW SECTION. **Sec. 1801.** By July 1, 1999, the secretary of
7 corrections shall abolish the work release advisory committee, the
8 Pierce county advisory committee, the Moses Lake search committee, the
9 Spokane search committee, the Bremerton advisory committee, the Kitsap
10 county work release facility analysis and site evaluation committee,
11 the Wenatchee search committee, the Snohomish siting committee, and the
12 Airway Heights corrections center correctional industries advisory
13 board.

14 **PART 19**

15 **LAKES HEALTH PLAN COMMITTEE**

16 NEW SECTION. **Sec. 1901.** 1996 c 316 s 2 (uncodified) is repealed.

17 **PART 20**

18 **LOWER COLUMBIA RIVER BISTATE STEERING COMMITTEE**

19 NEW SECTION. **Sec. 2001.** The bistate steering committee created in
20 section 302(28)(a), chapter 16, Laws of 1990 1st ex. sess. is
21 abolished.

22 **PART 21**

23 **COMMUNITY DIVERSIFICATION PROGRAM ADVISORY COMMITTEE**

24 NEW SECTION. **Sec. 2101.** By July 1, 1999, the director of the
25 department of community, trade, and economic development shall abolish
26 the community diversification program advisory committee.

27 **PART 22**

28 **BUSINESS AND JOB RETENTION ADVISORY COMMITTEE**

