
ENGROSSED SUBSTITUTE HOUSE BILL 1107

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives Reams, Rust, Goldsmith, Kremen, Wolfe, R. Fisher and Chopp; by request of Governor Lowry)

Read first time 02/07/95.

1 AN ACT Relating to the elimination and consolidation of boards and
2 commissions; amending RCW 13.40.025, 9.94A.040, 18.145.030, 18.145.050,
3 18.145.070, 18.145.080, 28B.10.804, 28B.80.575, 38.54.030, 38.52.040,
4 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1937, 43.19A.020,
5 43.21B.005, 75.20.103, 75.20.160, 43.20A.750, 43.70.010, 43.70.070,
6 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121, 47.66.030,
7 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060, 70.95B.020,
8 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110, 75.44.140,
9 and 90.70.065; reenacting and amending RCW 38.52.030, 82.44.180, and
10 75.30.050; adding a new section to chapter 9.94A RCW; adding a new
11 section to chapter 39.19 RCW; adding a new section to chapter 43.63A
12 RCW; adding a new section to chapter 70.95D RCW; adding a new section
13 to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW;
14 creating new sections; repealing RCW 1.30.010, 1.30.020, 1.30.030,
15 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030, 2.52.035,
16 2.52.040, 2.52.050, 18.145.060, 27.34.300, 27.60.010, 27.60.020,
17 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090, 27.60.900,
18 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730, 75.20.130,
19 75.20.140, 43.31.631, 43.52.373, 70.170.030, 70.170.040, 43.150.060,
20 43.17.260, 43.17.270, 43.17.280, 43.17.290, 43.17.300, 47.66.020,
21 47.66.050, 47.66.060, 48.22.071, 48.22.072, 70.95D.050, 70.95B.070,

1 70.119.080, 81.62.010, 81.62.020, 81.62.030, 81.62.040, 81.62.050,
2 81.62.060, 81.62.900, 81.62.901, and 90.56.450; repealing 1994 c 232 s
3 27 (uncodified); repealing 1991 c 53 s 1 and 1987 c 480 s 6
4 (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9 each repealed: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 **SHORTHAND REPORTERS ADVISORY BOARD**

16 **Sec. 401.** RCW 18.145.030 and 1989 c 382 s 4 are each amended to
17 read as follows:

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

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

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

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

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

26 **Sec. 402.** RCW 18.145.050 and 1989 c 382 s 6 are each amended to
27 read as follows:

28 In addition to any other authority provided by law, the director
29 may:

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

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

34 (3) Establish the forms and procedures necessary to administer this
35 chapter;

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

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

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

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

13 (8) Maintain the official departmental record of all applicants and
14 certificate holders;

15 (9) Delegate, in writing to a designee, the authority to issue
16 subpoenas, statements of charges, and statements of intent to deny
17 certification;

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

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

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

25 (13) Establish ad hoc advisory committees whose membership shall
26 include representatives of professional court reporting and
27 stenomasking associations and representatives from accredited schools
28 offering degrees in court reporting or stenomasking to advise the
29 director on testing procedures, professional standards, disciplinary
30 activities, or any other matters deemed necessary.

31 **Sec. 403.** RCW 18.145.070 and 1989 c 382 s 8 are each amended to
32 read as follows:

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

36 **Sec. 404.** RCW 18.145.080 and 1989 c 382 s 9 are each amended to
37 read as follows:

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

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

4 (b) Good moral character;

5 (c) Not engaged in unprofessional conduct; and

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

8 (2) A one-year temporary certificate may be issued, at the
9 discretion of the director, to a person holding one of the following:
10 National shorthand reporters association certificate of proficiency,
11 registered professional reporter certificate, or certificate of merit;
12 a current court or shorthand reporter certification, registration, or
13 license of another state; or a certificate of graduation of a court
14 reporting school. To continue to be certified under this chapter, a
15 person receiving a temporary certificate shall successfully complete
16 the examination under subsection (1)(a) of this section within one year
17 of receiving the temporary certificate, except that the director may
18 renew the temporary certificate if extraordinary circumstances are
19 shown.

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

23 NEW SECTION. **Sec. 405.** RCW 18.145.060 and 1989 c 382 s 7 are each
24 repealed.

25 **PART 5**

26 **MARITIME BICENTENNIAL ADVISORY COMMITTEE**

27 NEW SECTION. **Sec. 501.** RCW 27.34.300 and 1989 c 82 s 2 are each
28 repealed.

29 **PART 6**

30 **CENTENNIAL COMMISSION**

31 NEW SECTION. **Sec. 601.** The following acts or parts of acts are
32 each repealed:

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

- 1 (2) RCW 27.60.020 and 1985 c 291 s 1, 1984 c 120 s 1, & 1982 c 90
2 s 2;
- 3 (3) RCW 27.60.030 and 1982 c 90 s 3;
- 4 (4) RCW 27.60.040 and 1987 c 195 s 1, 1985 c 291 s 2, & 1982 c 90
5 s 4;
- 6 (5) RCW 27.60.050 and 1982 c 90 s 5;
- 7 (6) RCW 27.60.070 and 1985 c 291 s 4;
- 8 (7) RCW 27.60.090 and 1986 c 157 s 2; and
- 9 (8) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s
10 6.

11 **PART 7**

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

13 **Sec. 701.** RCW 28B.10.804 and 1969 ex.s. c 222 s 10 are each
14 amended to read as follows:

15 The commission shall be cognizant of the following guidelines in
16 the performance of its duties:

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

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

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

27 (4) Counseling is a paramount function of student financial aid,
28 and in most cases could only be properly implemented at the
29 institutional levels; therefore, state student financial aid programs
30 shall be concerned with the attainment of those goals which, in the
31 judgment of the commission, are the reasons for the existence of a
32 student financial aid program, and not solely with administration of
33 the program on an individual basis.

34 ~~(5) ((In the development of any new program, the commission shall
35 seek advice from and consultation with the institutions of higher
36 learning, state agencies, industry, labor, and such other interested~~

1 ~~groups as may be able to contribute to the effectiveness of program~~
2 ~~development and implementation.~~

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

6 **PART 8**

7 **ADVISORY COMMITTEE ON ACCESS TO EDUCATION**
8 **FOR STUDENTS WITH DISABILITIES**

9 NEW SECTION. **Sec. 801.** The following acts or parts of acts are
10 each repealed:

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

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

13 **PART 9**

14 **ADVISORY COMMITTEE FOR PROGRAM FOR**
15 **DISLOCATED FOREST PRODUCTS WORKERS**

16 **Sec. 901.** RCW 28B.80.575 and 1991 c 315 s 19 are each amended to
17 read as follows:

18 The board shall administer a program designed to provide upper
19 division higher education opportunities to dislocated forest products
20 workers, their spouses, and others in timber impact areas. In
21 administering the program, the board shall have the following powers
22 and duties:

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

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

32 ~~(3))~~ Monitor the program and report on student progress and
33 outcome(~~(; and~~

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

1 PART 10

2 STATE FIRE DEFENSE BOARD AND
3 FIRE PROTECTION POLICY BOARD

4 Sec. 1001. RCW 38.54.030 and 1992 c 117 s 11 are each amended to
5 read as follows:

6 ~~((There is created the state fire defense board consisting of the
7 state fire marshal, a representative from the department of natural
8 resources appointed by the commissioner of public lands, the assistant
9 director of the emergency management division of the department of
10 community development, and one representative selected by each regional
11 fire defense board in the state. Members of the state fire defense
12 board shall select from among themselves a chairperson. Members
13 serving on the board do so in a voluntary capacity and are not eligible
14 for reimbursement for meeting related expenses from the state.))~~

15 The state fire ~~((defense board shall develop and maintain))~~
16 protection policy board shall review and make recommendations to the
17 director on the refinement and maintenance of the Washington state fire
18 services mobilization plan, which shall include the procedures to be
19 used during fire and other emergencies for coordinating local,
20 regional, and state fire jurisdiction resources. In carrying out this
21 duty, the fire protection policy board shall consult with and solicit
22 recommendations from representatives of state and local fire and
23 emergency management organizations, regional fire defense boards, and
24 the department of natural resources. The Washington state fire
25 services mobilization plan shall be consistent with, and made part of,
26 the Washington state comprehensive emergency management plan. The
27 director shall review the fire services mobilization plan as submitted
28 by the state fire defense board and after consultation with the fire
29 protection policy board, recommend changes that may be necessary, and
30 approve the fire services mobilization plan for inclusion within the
31 state comprehensive emergency management plan.

32 It is the responsibility of the director to mobilize jurisdictions
33 under the Washington state fire services mobilization plan. The state
34 fire marshal shall serve as the state fire resources coordinator when
35 the Washington state fire services mobilization plan is mobilized.

36 PART 11

37 EMERGENCY MANAGEMENT COUNCIL AND RELATED BOARDS

1 **Sec. 1101.** RCW 38.52.030 and 1991 c 322 s 20 and 1991 c 54 s 2 are
2 each reenacted and amended to read as follows:

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

7 (2) The director, subject to the direction and control of the
8 governor, shall be responsible to the governor for carrying out the
9 program for emergency management of this state. The director shall
10 coordinate the activities of all organizations for emergency management
11 within the state, and shall maintain liaison with and cooperate with
12 emergency management agencies and organizations of other states and of
13 the federal government, and shall have such additional authority,
14 duties, and responsibilities authorized by this chapter, as may be
15 prescribed by the governor.

16 (3) The director shall develop and maintain a comprehensive, all-
17 hazard emergency plan for the state which shall include an analysis of
18 the natural and man-caused hazards which could affect the state of
19 Washington, and shall include the procedures to be used during
20 emergencies for coordinating local resources, as necessary, and the
21 resources of all state agencies, departments, commissions, and boards.
22 The comprehensive emergency management plan shall direct the department
23 in times of state emergency to administer and manage the state's
24 emergency operations center. This will include representation from all
25 appropriate state agencies and be available as a single point of
26 contact for the authorizing of state resources or actions, including
27 emergency permits. The comprehensive, all-hazard emergency plan
28 authorized under this subsection may not include preparation for
29 emergency evacuation or relocation of residents in anticipation of
30 nuclear attack. This plan shall be known as the comprehensive
31 emergency management plan.

32 (4) In accordance with the comprehensive emergency management plans
33 and the programs for the emergency management of this state, the
34 director shall procure supplies and equipment, institute training
35 programs and public information programs, and shall take all other
36 preparatory steps, including the partial or full mobilization of
37 emergency management organizations in advance of actual disaster, to
38 insure the furnishing of adequately trained and equipped forces of
39 emergency management personnel in time of need.

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

5 ~~(6) ((The director may appoint a communications coordinating~~
6 ~~committee consisting of six to eight persons with the director, or his~~
7 ~~or her designee, as chairman thereof. Three of the members shall be~~
8 ~~appointed from qualified, trained and experienced telephone~~
9 ~~communications administrators or engineers actively engaged in such~~
10 ~~work within the state of Washington at the time of appointment, and~~
11 ~~three of the members shall be appointed from qualified, trained and~~
12 ~~experienced radio communication administrators or engineers actively~~
13 ~~engaged in such work within the state of Washington at the time of~~
14 ~~appointment. This committee)) The emergency management council shall~~
15 advise the director on all aspects of the communications and warning
16 systems and facilities operated or controlled under the provisions of
17 this chapter.

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

21 (8) The director shall appoint a state coordinator of search and
22 rescue operations to coordinate those state resources, services and
23 facilities (other than those for which the state director of
24 aeronautics is directly responsible) requested by political
25 subdivisions in support of search and rescue operations, and on request
26 to maintain liaison with and coordinate the resources, services, and
27 facilities of political subdivisions when more than one political
28 subdivision is engaged in joint search and rescue operations.

29 (9) The director, subject to the direction and control of the
30 governor, shall prepare and administer a state program for emergency
31 assistance to individuals within the state who are victims of a natural
32 or man-made disaster, as defined by RCW 38.52.010(6). Such program may
33 be integrated into and coordinated with disaster assistance plans and
34 programs of the federal government which provide to the state, or
35 through the state to any political subdivision thereof, services,
36 equipment, supplies, materials, or funds by way of gift, grant, or loan
37 for purposes of assistance to individuals affected by a disaster.
38 Further, such program may include, but shall not be limited to, grants,
39 loans, or gifts of services, equipment, supplies, materials, or funds

1 of the state, or any political subdivision thereof, to individuals who,
2 as a result of a disaster, are in need of assistance and who meet
3 standards of eligibility for disaster assistance established by the
4 department of social and health services: PROVIDED, HOWEVER, That
5 nothing herein shall be construed in any manner inconsistent with the
6 provisions of Article VIII, section 5 or section 7 of the Washington
7 state Constitution.

8 (10) The director shall appoint a state coordinator for radioactive
9 and hazardous waste emergency response programs. The coordinator shall
10 consult with the state radiation control officer in matters relating to
11 radioactive materials. The duties of the state coordinator for
12 radioactive and hazardous waste emergency response programs shall
13 include:

14 (a) Assessing the current needs and capabilities of state and local
15 radioactive and hazardous waste emergency response teams on an ongoing
16 basis;

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

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

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

24 **Sec. 1102.** RCW 38.52.040 and 1988 c 81 s 18 are each amended to
25 read as follows:

26 (1) There is hereby created the emergency management council
27 (hereinafter called the council), to consist of not (~~less than seven~~
28 ~~nor~~) more than seventeen members who shall be appointed by the
29 governor. (~~The council shall advise the governor and the director on~~
30 ~~all matters pertaining to emergency management and shall advise the~~
31 ~~chief of the Washington state patrol on safety in the transportation of~~
32 ~~hazardous materials described in RCW 46.48.170.~~) The membership of
33 the council shall include, but not be limited to, representatives of
34 city and county governments, sheriffs and police chiefs, the Washington
35 state patrol, the military department, the department of ecology, state
36 and local fire chiefs, seismic safety experts, state and local
37 emergency management directors, search and rescue volunteers, medical
38 professions who have expertise in emergency medical care, building

1 officials, and private industry~~((, and local fire chiefs))~~. The
2 representatives of private industry shall include persons knowledgeable
3 in ~~((the handling and transportation of hazardous materials))~~ emergency
4 and hazardous materials management. The council members shall elect a
5 chairman from within the council membership. The members of the
6 council shall serve without compensation, but may be reimbursed for
7 their travel expenses incurred in the performance of their duties in
8 accordance with RCW 43.03.050 and 43.03.060 as now existing or
9 hereafter amended.

10 (2) The emergency management council shall advise the governor and
11 the director on all matters pertaining to state and local emergency
12 management. The council may appoint such ad hoc committees,
13 subcommittees, and working groups as are required to develop specific
14 recommendations for the improvement of emergency management practices,
15 standards, policies, or procedures. The council shall ensure that the
16 governor receives an annual assessment of state-wide emergency
17 preparedness including, but not limited to, specific progress on hazard
18 mitigation and reduction efforts, implementation of seismic safety
19 improvements, reduction of flood hazards, and coordination of hazardous
20 materials planning and response activities. The council or a
21 subcommittee thereof shall periodically convene in special session and
22 serve during those sessions as the state emergency response commission
23 required by P.L. 99-499, the emergency planning and community right-to-
24 know act. When sitting in session as the state emergency response
25 commission, the council shall confine its deliberations to those items
26 specified in federal statutes and state administrative rules governing
27 the coordination of hazardous materials policy. The council shall
28 review administrative rules governing state and local emergency
29 management practices and recommend necessary revisions to the director.

30 NEW SECTION. Sec. 1103. By July 1, 1995, the director of
31 community, trade, and economic development shall terminate the state
32 emergency response commission, the disaster assistance council, the
33 hazardous materials advisory committee, the hazardous materials
34 transportation act grant review committee, the flood damage reduction
35 committee, and the hazard mitigation grant review committee. The
36 director shall ensure that the responsibilities of these committees are
37 carried out by the emergency management council or subcommittees
38 thereof.

1 PART 12
2 OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
3 ADVISORY COMMITTEE

4 NEW SECTION. **Sec. 1201.** RCW 39.19.040 and 1985 c 466 s 45 & 1983
5 c 120 s 4 are each repealed.

6 NEW SECTION. **Sec. 1202.** A new section is added to chapter 39.19
7 RCW to read as follows:

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

11 PART 13
12 SUPPLY MANAGEMENT ADVISORY BOARD

13 **Sec. 1301.** RCW 43.19.190 and 1994 c 138 s 1 are each amended to
14 read as follows:

15 The director of general administration, through the state
16 purchasing and material control director, shall:

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

20 (2) Purchase all material, supplies, services, and equipment needed
21 for the support, maintenance, and use of all state institutions,
22 colleges, community colleges, technical colleges, college districts,
23 and universities, the offices of the elective state officers, the
24 supreme court, the court of appeals, the administrative and other
25 departments of state government, and the offices of all appointive
26 officers of the state: PROVIDED, That the provisions of RCW 43.19.190
27 through 43.19.1937 do not apply in any manner to the operation of the
28 state legislature except as requested by the legislature: PROVIDED,
29 That any agency may purchase material, supplies, services, and
30 equipment for which the agency has notified the purchasing and material
31 control director that it is more cost-effective for the agency to make
32 the purchase directly from the vendor: PROVIDED, That primary
33 authority for the purchase of specialized equipment, instructional, and
34 research material for their own use shall rest with the colleges,
35 community colleges, and universities: PROVIDED FURTHER, That

1 universities operating hospitals and the state purchasing and material
2 control director, as the agent for state hospitals as defined in RCW
3 72.23.010, and for health care programs provided in state correctional
4 institutions as defined in RCW 72.65.010(3) and veterans' institutions
5 as defined in RCW 72.36.010 and 72.36.070, may make purchases for
6 hospital operation by participating in contracts for materials,
7 supplies, and equipment entered into by nonprofit cooperative hospital
8 group purchasing organizations: PROVIDED FURTHER, That primary
9 authority for the purchase of materials, supplies, and equipment for
10 resale to other than public agencies shall rest with the state agency
11 concerned: PROVIDED FURTHER, That authority to purchase services as
12 included herein does not apply to personal services as defined in
13 chapter 39.29 RCW, unless such organization specifically requests
14 assistance from the division of purchasing in obtaining personal
15 services and resources are available within the division to provide
16 such assistance: PROVIDED FURTHER, That the authority for the purchase
17 of insurance and bonds shall rest with the risk manager under RCW
18 43.19.1935: PROVIDED FURTHER, That, except for the authority of the
19 risk manager to purchase insurance and bonds, the director is not
20 required to provide purchasing services for institutions of higher
21 education that choose to exercise independent purchasing authority
22 under RCW 28B.10.029;

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

25 ~~(4))~~ Have authority to delegate to state agencies authorization to
26 purchase or sell, which authorization shall specify restrictions as to
27 dollar amount or to specific types of material, equipment, services,
28 and supplies(~~(:—PROVIDED, That))~~). Acceptance of the purchasing
29 authorization by a state agency does not relieve such agency from
30 conformance with other sections of RCW 43.19.190 through 43.19.1939, or
31 from policies established by the director (~~(after consultation with the
32 state supply management advisory board:—PROVIDED FURTHER, That))~~).
33 Also, delegation of such authorization to a state agency, including an
34 educational institution to which this section applies, to purchase or
35 sell material, equipment, services, and supplies shall not be granted,
36 or otherwise continued under a previous authorization, if such agency
37 is not in substantial compliance with overall state purchasing and
38 material control policies as established herein;

1 ~~((+5+))~~ (4) Contract for the testing of material, supplies, and
2 equipment with public and private agencies as necessary and advisable
3 to protect the interests of the state;

4 ~~((+6+))~~ (5) Prescribe the manner of inspecting all deliveries of
5 supplies, materials, and equipment purchased through the division;

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

9 ~~((+8+))~~ (7) Provide for the maintenance of a catalogue library,
10 manufacturers' and wholesalers' lists, and current market information;

11 ~~((+9+))~~ (8) Provide for a commodity classification system and may,
12 in addition, provide for the adoption of standard specifications
13 ~~((after receiving the recommendation of the supply management advisory
14 board))~~;

15 ~~((+10+))~~ (9) Provide for the maintenance of inventory records of
16 supplies, materials, and other property;

17 ~~((+11+))~~ (10) Prepare rules and regulations governing the
18 relationship and procedures between the division of purchasing and
19 state agencies and vendors;

20 ~~((+12+))~~ (11) Publish procedures and guidelines for compliance by
21 all state agencies, including those educational institutions to which
22 this section applies, which implement overall state purchasing and
23 material control policies;

24 ~~((+13+))~~ (12) Advise state agencies, including educational
25 institutions, regarding compliance with established purchasing and
26 material control policies under existing statutes.

27 **Sec. 1302.** RCW 43.19.1905 and 1993 sp.s. c 10 s 3 are each amended
28 to read as follows:

29 The director of general administration(~~(, after consultation with
30 the supply management advisory board))~~) shall establish overall state
31 policy for compliance by all state agencies, including educational
32 institutions, regarding the following purchasing and material control
33 functions:

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

36 (2) Determination where consolidations, closures, or additions of
37 stores operated by state agencies and educational institutions should
38 be initiated;

- 1 (3) Institution of standard criteria for determination of when and
2 where an item in the state supply system should be stocked;
- 3 (4) Establishment of stock levels to be maintained in state stores,
4 and formulation of standards for replenishment of stock;
- 5 (5) Formulation of an overall distribution and redistribution
6 system for stock items which establishes sources of supply support for
7 all agencies, including interagency supply support;
- 8 (6) Determination of what function data processing equipment,
9 including remote terminals, shall perform in state-wide purchasing and
10 material control for improvement of service and promotion of economy;
- 11 (7) Standardization of records and forms used state-wide for supply
12 system activities involving purchasing, receiving, inspecting, storing,
13 requisitioning, and issuing functions (~~(under the provisions of RCW~~
14 ~~43.19.510)~~), including a standard notification form for state agencies
15 to report cost-effective direct purchases, which shall at least
16 identify the price of the goods as available through the division of
17 purchasing, the price of the goods as available from the alternative
18 source, the total savings, and the signature of the notifying agency's
19 director or the director's designee;
- 20 (8) Screening of supplies, material, and equipment excess to the
21 requirements of one agency for overall state need before sale as
22 surplus;
- 23 (9) Establishment of warehouse operation and storage standards to
24 achieve uniform, effective, and economical stores operations;
- 25 (10) Establishment of time limit standards for the issuing of
26 material in store and for processing requisitions requiring purchase;
- 27 (11) Formulation of criteria for determining when centralized
28 rather than decentralized purchasing shall be used to obtain maximum
29 benefit of volume buying of identical or similar items, including
30 procurement from federal supply sources;
- 31 (12) Development of criteria for use of leased, rather than state
32 owned, warehouse space based on relative cost and accessibility;
- 33 (13) Institution of standard criteria for purchase and placement of
34 state furnished materials, carpeting, furniture, fixtures, and nonfixed
35 equipment, in newly constructed or renovated state buildings;
- 36 (14) Determination of how transportation costs incurred by the
37 state for materials, supplies, services, and equipment can be reduced
38 by improved freight and traffic coordination and control;

1 (15) Establishment of a formal certification program for state
2 employees who are authorized to perform purchasing functions as agents
3 for the state under the provisions of chapter 43.19 RCW;

4 (16) Development of performance measures for the reduction of total
5 overall expense for material, supplies, equipment, and services used
6 each biennium by the state;

7 (17) Establishment of a standard system for all state organizations
8 to record and report dollar savings and cost avoidance which are
9 attributable to the establishment and implementation of improved
10 purchasing and material control procedures;

11 (18) Development of procedures for mutual and voluntary cooperation
12 between state agencies, including educational institutions, and
13 political subdivisions for exchange of purchasing and material control
14 services;

15 (19) Resolution of all other purchasing and material matters
16 (~~referred to him by a member of the advisory board~~) which require the
17 establishment of overall state-wide policy for effective and economical
18 supply management;

19 (20) Development of guidelines and criteria for the purchase of
20 vehicles, alternate vehicle fuels and systems, equipment, and materials
21 that reduce overall energy-related costs and energy use by the state,
22 including the requirement that new passenger vehicles purchased by the
23 state meet the minimum standards for passenger automobile fuel economy
24 established by the United States secretary of transportation pursuant
25 to the energy policy and conservation act (15 U.S.C. Sec. 2002).

26 **Sec. 1303.** RCW 43.19.19052 and 1986 c 158 s 9 are each amended to
27 read as follows:

28 Initial policy determinations for the functions described in RCW
29 43.19.1905 shall be developed and published within the 1975-77 biennium
30 by the director(~~(, after consultation with the supply management
31 advisory board)~~) for guidance and compliance by all state agencies,
32 including educational institutions, involved in purchasing and material
33 control. Modifications to these initial supply management policies
34 established during the 1975-77 biennium shall be instituted by the
35 director(~~(, after consultation with the advisory board,)~~) in future
36 biennia as required to maintain an efficient and up-to-date state
37 supply management system. The director shall transmit to the governor
38 and the legislature in June 1976 and June 1977 a progress report which

1 indicates the degree of accomplishment of each of these assigned
2 duties, and which summarizes specific achievements obtained in
3 increased effectiveness and dollar savings or cost avoidance within the
4 overall state purchasing and material control system. The second
5 progress report in June 1977 shall include a comprehensive supply
6 management plan which includes the recommended organization of a state-
7 wide purchasing and material control system and development of an
8 orderly schedule for implementing such recommendation. In the interim
9 between these annual progress reports, the director shall furnish
10 periodic reports to the office of financial management for review of
11 progress being accomplished in achieving increased efficiencies and
12 dollar savings or cost avoidance.

13 It is the intention of the legislature that measurable improvements
14 in the effectiveness and economy of supply management in state
15 government shall be achieved during the 1975-77 biennium, and each
16 biennium thereafter. All agencies, departments, offices, divisions,
17 boards, and commissions and educational, correctional, and other types
18 of institutions are required to cooperate with and support the
19 development and implementation of improved efficiency and economy in
20 purchasing and material control. To effectuate this legislative
21 intention, the director, (~~in consultation with the supply management~~
22 ~~advisory board, and~~) through the state purchasing and material control
23 director, shall have the authority to direct and require the submittal
24 of data from all state organizations concerning purchasing and material
25 control matters.

26 **Sec. 1304.** RCW 43.19.1906 and 1994 c 300 s 1 are each amended to
27 read as follows:

28 Insofar as practicable, all purchases and sales shall be based on
29 competitive bids, and a formal sealed bid procedure shall be used as
30 standard procedure for all purchases and contracts for purchases and
31 sales executed by the state purchasing and material control director
32 and under the powers granted by RCW 43.19.190 through 43.19.1939. This
33 requirement also applies to purchases and contracts for purchases and
34 sales executed by agencies, including educational institutions, under
35 delegated authority granted in accordance with provisions of RCW
36 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is
37 not necessary for:

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

4 (2) Purchases not exceeding thirty-five thousand dollars, or
5 subsequent limits as calculated by the office of financial management:
6 PROVIDED, That the state director of general administration shall
7 establish procedures to assure that purchases made by or on behalf of
8 the various state agencies shall not be made so as to avoid the thirty-
9 five thousand dollar bid limitation, or subsequent bid limitations as
10 calculated by the office of financial management: PROVIDED FURTHER,
11 That the state purchasing and material control director is authorized
12 to reduce the formal sealed bid limits of thirty-five thousand dollars,
13 or subsequent limits as calculated by the office of financial
14 management, to a lower dollar amount for purchases by individual state
15 agencies if considered necessary to maintain full disclosure of
16 competitive procurement or otherwise to achieve overall state
17 efficiency and economy in purchasing and material control. Quotations
18 from four hundred dollars to thirty-five thousand dollars, or
19 subsequent limits as calculated by the office of financial management,
20 shall be secured from at least three vendors to assure establishment of
21 a competitive price and may be obtained by telephone or written
22 quotations, or both. The agency shall invite at least one quotation
23 each from a certified minority and a certified women-owned vendor who
24 shall otherwise qualify to perform such work. Immediately after the
25 award is made, the bid quotations obtained shall be recorded and open
26 to public inspection and shall be available by telephone inquiry. A
27 record of competition for all such purchases from four hundred dollars
28 to thirty-five thousand dollars, or subsequent limits as calculated by
29 the office of financial management, shall be documented for audit
30 purposes. Purchases up to four hundred dollars may be made without
31 competitive bids based on buyer experience and knowledge of the market
32 in achieving maximum quality at minimum cost: PROVIDED, That this four
33 hundred dollar direct buy limit without competitive bids may be
34 increased incrementally as required to a maximum of eight hundred
35 dollars (~~with the approval of at least ten of the members of the state~~
36 ~~supply management advisory board~~)), if warranted by increases in
37 purchasing costs due to inflationary trends;

38 (3) Purchases which are clearly and legitimately limited to a
39 single source of supply and purchases involving special facilities,

1 services, or market conditions, in which instances the purchase price
2 may be best established by direct negotiation;

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

5 (5) Purchases and contracts for vocational rehabilitation clients
6 of the department of social and health services: PROVIDED, That this
7 exemption is effective only when the state purchasing and material
8 control director, after consultation with the director of the division
9 of vocational rehabilitation and appropriate department of social and
10 health services procurement personnel, declares that such purchases may
11 be best executed through direct negotiation with one or more suppliers
12 in order to expeditiously meet the special needs of the state's
13 vocational rehabilitation clients;

14 (6) Purchases by universities for hospital operation or biomedical
15 teaching or research purposes and by the state purchasing and material
16 control director, as the agent for state hospitals as defined in RCW
17 72.23.010, and for health care programs provided in state correctional
18 institutions as defined in RCW 72.65.010(3) and veterans' institutions
19 as defined in RCW 72.36.010 and 72.36.070, made by participating in
20 contracts for materials, supplies, and equipment entered into by
21 nonprofit cooperative hospital group purchasing organizations;

22 (7) Purchases by institutions of higher education not exceeding
23 thirty-five thousand dollars: PROVIDED, That for purchases between two
24 thousand five hundred dollars and thirty-five thousand dollars
25 quotations shall be secured from at least three vendors to assure
26 establishment of a competitive price and may be obtained by telephone
27 or written quotations, or both. For purchases between two thousand
28 five hundred dollars and thirty-five thousand dollars, each institution
29 of higher education shall invite at least one quotation each from a
30 certified minority and a certified women-owned vendor who shall
31 otherwise qualify to perform such work. A record of competition for
32 all such purchases made from two thousand five hundred to thirty-five
33 thousand dollars shall be documented for audit purposes; and

34 (8) Beginning on July 1, 1995, and on July 1 of each succeeding
35 odd-numbered year, the dollar limits specified in this section shall be
36 adjusted as follows: The office of financial management shall
37 calculate such limits by adjusting the previous biennium's limits by
38 the appropriate federal inflationary index reflecting the rate of

1 inflation for the previous biennium. Such amounts shall be rounded to
2 the nearest one hundred dollars.

3 **Sec. 1305.** RCW 43.19.1937 and 1975-'76 2nd ex.s. c 21 s 13 are
4 each amended to read as follows:

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

7 (1) Advising on or drawing specifications for supplies, equipment,
8 commodities, or services;

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

10 (3) Drawing requisitions for supplies, equipment, commodities, or
11 services;

12 (4) Evaluating specifications or bids and suggesting or determining
13 awards; or

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

16 shall accept or receive, directly or indirectly, a personal financial
17 benefit, or accept any gift, token, membership, or service, as a result
18 of a purchase entered into by the state, from any person, firm, or
19 corporation engaged in the sale, lease, or rental of property,
20 material, supplies, equipment, commodities, or services to the state of
21 Washington.

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

28 **Sec. 1306.** RCW 43.19A.020 and 1991 c 297 s 3 are each amended to
29 read as follows:

30 (1) The director shall adopt standards specifying the minimum
31 content of recycled materials in products or product categories. The
32 standards shall:

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

36 (b) Consider the standards of other states, to encourage
37 consistency of manufacturing standards;

- 1 (c) Consider regional product manufacturing capability;
2 (d) Address specific products or classes of products; and
3 (e) Consider postconsumer waste content and the recyclability of
4 the product.

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

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

10 (a) By July 1, 1992:

- 11 (i) Paper and paper products;
12 (ii) Organic recovered materials; and
13 (iii) Latex paint products;

14 (b) By July 1, 1993:

- 15 (i) Products for lower value uses containing recycled plastics;
16 (ii) Retread and remanufactured tires;
17 (iii) Lubricating oils;
18 (iv) Automotive batteries; and
19 (v) Building insulation.

20 (4) The standards required by this section shall be applied to
21 recycled product purchasing by the department and other state agencies.
22 The standards may be adopted or applied by any other local government
23 in product procurement. The standards shall provide for exceptions
24 under appropriate circumstances to allow purchases of recycled products
25 that do not meet the minimum content requirements of the standards.

26 NEW SECTION. **Sec. 1307.** RCW 43.19.1904 and 1979 c 88 s 2, 1975-
27 '76 2nd ex.s. c 21 s 4, 1967 ex.s. c 104 s 4, & 1965 c 8 s 43.19.1904
28 are each repealed.

29 **PART 14**

30 **PRESCRIPTION DRUG PROGRAM ADVISORY COMMITTEE**

31 NEW SECTION. **Sec. 1401.** By July 1, 1995, the secretary of the
32 department of social and health services shall abolish the prescription
33 drug program advisory committee.

1 PART 15

2 TELECOMMUNICATIONS RELAY SERVICE PROGRAM

3 ADVISORY COMMITTEE

4 NEW SECTION. **Sec. 15.** RCW 43.20A.730 and 1992 c 144 s 4, 1990 c
5 89 s 4, & 1987 c 304 s 4 are each repealed.

6 PART 16

7 LABORATORY ACCREDITATION ADVISORY COMMITTEE

8 NEW SECTION. **Sec. 1601.** By July 1, 1995, the director of the
9 department of ecology shall abolish the laboratory accreditation
10 advisory committee.

11 PART 17

12 METALS MINING ADVISORY GROUP

13 NEW SECTION. **Sec. 1701.** 1994 c 232 s 27 (uncodified) is repealed.

14 PART 18

15 HYDRAULIC APPEALS BOARD

16 **Sec. 1801.** RCW 43.21B.005 and 1990 c 65 s 1 are each amended to
17 read as follows:

18 There is created an environmental hearings office of the state of
19 Washington. The environmental hearings office shall consist of the
20 pollution control hearings board created in RCW 43.21B.010, the forest
21 practices appeals board created in RCW 76.09.210, and the shorelines
22 hearings board created in RCW 90.58.170(~~(, and the hydraulic appeals~~
23 ~~board created in RCW 75.20.130))~~). The chairman of the pollution
24 control hearings board shall be the chief executive officer of the
25 environmental hearings office. Membership, powers, functions, and
26 duties of the pollution control hearings board, the forest practices
27 appeals board, and the shorelines hearings board(~~(, and the hydraulic~~
28 ~~appeals board))~~) shall be as provided by law.

29 The chief executive officer of the environmental hearings office
30 may appoint an administrative appeals judge who shall possess the
31 powers and duties conferred by the administrative procedure act,
32 chapter 34.05 RCW, in cases before the boards comprising the office.

1 The administrative appeals judge shall have a demonstrated knowledge of
2 environmental law, and shall be admitted to the practice of law in the
3 state of Washington. Additional administrative appeals judges may also
4 be appointed by the chief executive officer on the same terms.
5 Administrative appeals judges shall not be subject to chapter 41.06
6 RCW.

7 The chief executive officer may appoint, discharge, and fix the
8 compensation of such administrative or clerical staff as may be
9 necessary.

10 The chief executive officer may also contract for required
11 services.

12 **Sec. 1802.** RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended
13 to read as follows:

14 In the event that any person or government agency desires to
15 construct any form of hydraulic project or other work that diverts
16 water for agricultural irrigation or stock watering purposes, or when
17 such hydraulic project or other work is associated with streambank
18 stabilization to protect farm and agricultural land as defined in RCW
19 84.34.020, and when such diversion or streambank stabilization will
20 use, divert, obstruct, or change the natural flow or bed of any river
21 or stream or will utilize any waters of the state or materials from the
22 stream beds, the person or government agency shall, before commencing
23 construction or work thereon and to ensure the proper protection of
24 fish life, secure a written approval from the department as to the
25 adequacy of the means proposed for the protection of fish life. This
26 approval shall not be unreasonably withheld. Except as provided in RCW
27 75.20.1001 ((and 75.20.1002)), the department shall grant or deny the
28 approval within forty-five calendar days of the receipt of a complete
29 application and notice of compliance with any applicable requirements
30 of the state environmental policy act, made in the manner prescribed in
31 this section. The applicant may document receipt of application by
32 filing in person or by registered mail. A complete application for an
33 approval shall contain general plans for the overall project, complete
34 plans and specifications of the proposed construction or work within
35 ordinary high water line, and complete plans and specifications for the
36 proper protection of fish life. The forty-five day requirement shall
37 be suspended if (1) after ten working days of receipt of the
38 application, the applicant remains unavailable or unable to arrange for

1 a timely field evaluation of the proposed project; (2) the site is
2 physically inaccessible for inspection; or (3) the applicant requests
3 delay.

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

7 An approval shall remain in effect without need for periodic
8 renewal for projects that divert water for agricultural irrigation or
9 stock watering purposes and that involve seasonal construction or other
10 work. Approval for streambank stabilization projects shall remain in
11 effect without need for periodic renewal if the problem causing the
12 need for the streambank stabilization occurs on an annual or more
13 frequent basis. The permittee must notify the appropriate agency
14 before commencing the construction or other work within the area
15 covered by the approval.

16 The permittee must demonstrate substantial progress on construction
17 of that portion of the project relating to the approval within two
18 years of the date of issuance. If the department denies approval, the
19 department shall provide the applicant, in writing, a statement of the
20 specific reasons why and how the proposed project would adversely
21 affect fish life. Protection of fish life shall be the only ground
22 upon which approval may be denied or conditioned. ~~((Issuance, denial,~~
23 ~~conditioning, or modification shall be appealable to the hydraulic~~
24 ~~appeals board established in RCW 43.21B.005 within thirty days of the~~
25 ~~notice of decision.))~~ The burden shall be upon the department to show
26 that the denial or conditioning of an approval is solely aimed at the
27 protection of fish life.

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

34 A permittee may request modification of an approval due to changed
35 conditions. The request shall be processed within forty-five calendar
36 days of receipt of the written request. ~~((A decision by the department~~
37 ~~may be appealed to the hydraulic appeals board within thirty days of~~
38 ~~the notice of the decision.))~~ The burden is on the permittee to show

1 that changed conditions warrant the requested modification and that
2 such modification will not impair fish life.

3 If any person or government agency commences construction on any
4 hydraulic works or projects subject to this section without first
5 having obtained written approval of the department as to the adequacy
6 of the means proposed for the protection of fish life, or if any person
7 or government agency fails to follow or carry out any of the
8 requirements or conditions as are made a part of such approval, the
9 person or director of the agency is guilty of a gross misdemeanor. If
10 any such person or government agency is convicted of violating any of
11 the provisions of this section and continues construction on any such
12 works or projects without fully complying with the provisions hereof,
13 such works or projects are hereby declared a public nuisance and shall
14 be subject to abatement as such.

15 In case of an emergency arising from weather or stream flow
16 conditions or other natural conditions, the department, through its
17 authorized representatives, shall issue immediately upon request oral
18 approval for removing any obstructions, repairing existing structures,
19 restoring stream banks, or to protect property threatened by the stream
20 or a change in the stream flow without the necessity of obtaining a
21 written approval prior to commencing work. Conditions of an oral
22 approval shall be reduced to writing within thirty days and complied
23 with as provided for in this section.

24 For purposes of this chapter, "streambank stabilization" shall
25 include but not be limited to log and debris removal, bank protection
26 (including riprap, jetties, and groins), gravel removal and erosion
27 control.

28 **Sec. 1803.** RCW 75.20.160 and 1991 c 279 s 1 are each amended to
29 read as follows:

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

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

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

5 (b) Any bulkhead or rockwall to replace or repair an existing
6 bulkhead or rockwall shall be placed along the same alignment as the
7 bulkhead or rockwall it is replacing; however, the replaced or repaired
8 bulkhead or rockwall may be placed waterward of and directly abutting
9 the existing structure only in cases where removal of the existing
10 bulkhead or rockwall would result in environmental degradation or
11 removal problems related to geological, engineering, or safety
12 considerations;

13 (c) Construction of a new bulkhead or rockwall, or replacement or
14 repair of an existing bulkhead or rockwall waterward of the existing
15 structure shall not result in the permanent loss of critical food fish
16 or shellfish habitats; and

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

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

24 ~~((4) Any person aggrieved by the approval, denial, conditioning,
25 or modification of a hydraulic permit approval under this section may
26 formally appeal the decision to the hydraulic appeals board pursuant to
27 this chapter.))~~

28 NEW SECTION. **Sec. 1804.** The following acts or parts of acts are
29 each repealed:

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

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

33 **PART 19**

34 **ECONOMIC RECOVERY COORDINATION BOARD**

35 **Sec. 1901.** RCW 43.20A.750 and 1993 c 280 s 38 are each amended to
36 read as follows:

1 (1) The department of social and health services shall help
2 families and workers in timber impact areas make the transition through
3 economic difficulties and shall provide services to assist workers to
4 gain marketable skills. The department, as a member of the agency
5 timber task force (~~and in consultation with the economic recovery~~
6 ~~coordination board,~~) and, where appropriate, under an interagency
7 agreement with the department of community, trade, and economic
8 development, shall provide grants through the office of the secretary
9 for services to the unemployed in timber impact areas, including
10 providing direct or referral services, establishing and operating
11 service delivery programs, and coordinating delivery programs and
12 delivery of services. These grants may be awarded for family support
13 centers, reemployment centers, or other local service agencies.

14 (2) The services provided through the grants may include, but need
15 not be limited to: Credit counseling; social services including
16 marital counseling; psychotherapy or psychological counseling; mortgage
17 foreclosures and utilities problems counseling; drug and alcohol abuse
18 services; medical services; and residential heating and food
19 acquisition.

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

25 (4)(a) Grants for family support centers are intended to provide
26 support to families by responding to needs identified by the families
27 and communities served by the centers. Services provided by family
28 support centers may include parenting education, child development
29 assessments, health and nutrition education, counseling, and
30 information and referral services. Such services may be provided
31 directly by the center or through referral to other agencies
32 participating in the interagency team.

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

35 (5) "Timber impact area" means:

36 (~~(a)~~) A county having a population of less than five hundred
37 thousand, or a city or town located within a county having a population
38 of less than five hundred thousand, and meeting two of the following
39 three criteria, as determined by the employment security department,

1 for the most recent year such data is available: ((+i+)) (a) A lumber
2 and wood products employment location quotient at or above the state
3 average; ((+ii+)) (b) projected or actual direct lumber and wood
4 products job losses of one hundred positions or more, except counties
5 having a population greater than two hundred thousand but less than
6 five hundred thousand must have direct lumber and wood products job
7 losses of one thousand positions or more; or ((+iii+)) (c) an annual
8 unemployment rate twenty percent or more above the state average((+or
9 (b) ~~Additional communities as the economic recovery coordinating~~
10 ~~board, established in RCW 43.31.631, designates based on a finding by~~
11 ~~the board that each designated community is socially and economically~~
12 ~~integrated with areas that meet the definition of a timber impact area~~
13 ~~under (a) of this subsection)).~~

14 NEW SECTION. Sec. 1902. RCW 43.31.631 and 1993 c 316 s 3 & 1991
15 c 314 s 6 are each repealed.

16 **PART 20**

17 **JOINT OPERATING AGENCY EXECUTIVE COMMITTEE**

18 NEW SECTION. Sec. 2001. RCW 43.52.373 and 1982 1st ex.s. c 43 s
19 6 & 1965 c 8 s 43.52.373 are each repealed.

20 **PART 21**

21 **OFFICE OF CRIME VICTIMS ADVOCACY ADVISORY COMMITTEE**

22 NEW SECTION. Sec. 2101. By July 1, 1995, the director of the
23 department of community, trade, and economic development shall abolish
24 the office of crime victims advocacy advisory committee.

25 NEW SECTION. Sec. 2102. A new section is added to chapter 43.63A
26 RCW to read as follows:

27 The director of the department of community, trade, and economic
28 development may establish ad hoc advisory committees, as necessary, to
29 obtain advice and guidance regarding the office of crime victims
30 advocacy program.

31 **PART 22**

32 **HEALTH CARE ACCESS AND COST CONTROL COUNCIL**

1 **Sec. 2201.** RCW 43.70.010 and 1994 sp.s. c 7 s 206 are each amended
2 to read as follows:

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

4 (1) "Assessment" means the regular collection, analysis, and
5 sharing of information about health conditions, risks, and resources in
6 a community. Assessment activities identify trends in illness, injury,
7 and death and the factors that may cause these events. They also
8 identify environmental risk factors, community concerns, community
9 health resources, and the use of health services. Assessment includes
10 gathering statistical data as well as conducting epidemiologic and
11 other investigations and evaluations of health emergencies and specific
12 ongoing health problems;

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

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

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

17 (~~(5))~~) (4) "Policy development" means the establishment of social
18 norms, organizational guidelines, operational procedures, rules,
19 ordinances, or statutes that promote health or prevent injury, illness,
20 or death; and

21 (~~(6))~~) (5) "Secretary" means the secretary of health.

22 **Sec. 2202.** RCW 43.70.070 and 1989 1st ex.s. c 9 s 109 are each
23 amended to read as follows:

24 The department shall evaluate and analyze readily available data
25 and information to determine the outcome and effectiveness of health
26 services, utilization of services, and payment methods. This section
27 should not be construed as allowing the department access to
28 proprietary information.

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

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

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

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

4 **Sec. 2203.** RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each
5 amended to read as follows:

6 As used in this chapter:

7 (1) (~~("Council" means the health care access and cost control~~
8 ~~council created by this chapter.~~

9 ~~(2))~~ "Department" means department of health.

10 ~~((3))~~ (2) "Hospital" means any health care institution which is
11 required to qualify for a license under RCW 70.41.020(2); or as a
12 psychiatric hospital under chapter 71.12 RCW.

13 ~~((4))~~ (3) "Secretary" means secretary of health.

14 ~~((5))~~ (4) "Charity care" means necessary hospital health care
15 rendered to indigent persons, to the extent that the persons are unable
16 to pay for the care or to pay deductibles or co-insurance amounts
17 required by a third-party payer, as determined by the department.

18 ~~((6))~~ (5) "Sliding fee schedule" means a hospital-determined,
19 publicly available schedule of discounts to charges for persons deemed
20 eligible for charity care; such schedules shall be established after
21 consideration of guidelines developed by the department.

22 ~~((7))~~ (6) "Special studies" means studies which have not been
23 funded through the department's biennial or other legislative
24 appropriations.

25 NEW SECTION. **Sec. 2204.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 70.170.030 and 1989 1st ex.s. c 9 s 503; and

28 (2) RCW 70.170.040 and 1989 1st ex.s. c 9 s 504.

29 **PART 23**

30 **COUNCIL ON VOLUNTEERISM AND CITIZEN SERVICE**

31 **Sec. 2301.** RCW 43.150.030 and 1992 c 66 s 3 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.

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

4 (2) "Center" means the state center for volunteerism and citizen
5 service.

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

8 NEW SECTION. Sec. 2302. RCW 43.150.060 and 1992 c 66 s 6, 1987 c
9 505 s 39, 1985 c 110 s 1, & 1982 1st ex.s. c 11 s 6 are each repealed.

10 **PART 24**
11 **COMMISSION ON EFFICIENCY AND ACCOUNTABILITY**
12 **IN GOVERNMENT**

13 NEW SECTION. Sec. 2401. The following acts or parts of acts are
14 each repealed:

- 15 (1) RCW 43.17.260 and 1987 c 480 s 1;
16 (2) RCW 43.17.270 and 1987 c 480 s 2;
17 (3) RCW 43.17.280 and 1987 c 480 s 3;
18 (4) RCW 43.17.290 and 1987 c 480 s 4;
19 (5) RCW 43.17.300 and 1987 c 480 s 5; and
20 (6) 1991 c 53 s 1 & 1987 c 480 s 6 (uncodified).

21 **PART 25**
22 **TECHNICAL ADVISORY COMMITTEE ON PUPIL TRANSPORTATION**

23 **Sec. 2501.** RCW 46.61.380 and 1984 c 7 s 70 are each amended to
24 read as follows:

25 The state superintendent of public instruction(~~(, by and with the~~
26 ~~advice of the state department of transportation and the chief of the~~
27 ~~Washington state patrol,~~)) shall adopt and enforce rules not
28 inconsistent with the law of this state to govern the design, marking,
29 and mode of operation of all school buses owned and operated by any
30 school district or privately owned and operated under contract or
31 otherwise with any school district in this state for the transportation
32 of school children. Those rules shall by reference be made a part of
33 any such contract or other agreement with the school district. Every
34 school district, its officers and employees, and every person employed

1 under contract or otherwise by a school district is subject to such
2 rules. It is unlawful for any officer or employee of any school
3 district or for any person operating any school bus under contract with
4 any school district to violate any of the provisions of such rules.

5 **PART 26**

6 **TRANSPORTATION IMPROVEMENT BOARD AND**
7 **MULTIMODAL TRANSPORTATION PROGRAMS**
8 **AND PROJECTS SELECTION COMMITTEE**

9 **Sec. 2601.** RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393
10 s 1 are each reenacted and amended to read as follows:

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

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

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

28 (a) Planning;

29 (b) Development of capital projects;

30 (c) Development of high capacity transportation systems as defined
31 in RCW 81.104.015;

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

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

1 (3) There is hereby created the public transportation systems
2 account within the transportation fund. Moneys deposited into the
3 account under RCW 82.44.150(2)(c) shall be appropriated to the
4 ~~((department of))~~ transportation improvement board and allocated by the
5 ~~((multimodal transportation programs and projects selection committee))~~
6 transportation improvement board to public transportation projects
7 submitted by the public transportation systems from which the funds are
8 derived, solely for:

9 (a) Planning;

10 (b) Development of capital projects;

11 (c) Development of high capacity transportation systems as defined
12 in RCW 81.104.015;

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

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

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

20 **Sec. 2602.** RCW 81.104.090 and 1993 c 393 s 2 are each amended to
21 read as follows:

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

30 (1) State high capacity transportation account funds may provide up
31 to eighty percent matching assistance for high capacity transportation
32 planning efforts.

33 (2) Authorizations for state funding for high capacity
34 transportation planning projects shall be subject to the following
35 criteria:

36 (a) Conformance with the designated regional transportation
37 planning organization's regional transportation plan;

38 (b) Local matching funds;

1 (c) Demonstration of projected improvement in regional mobility;
2 (d) Conformance with planning requirements prescribed in RCW
3 81.104.100, and if five hundred thousand dollars or more in state
4 funding is requested, conformance with the requirements of RCW
5 81.104.110; and

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

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

11 **Sec. 2603.** RCW 47.26.121 and 1994 c 179 s 13 are each amended to
12 read as follows:

13 (1) There is hereby created a transportation improvement board of
14 ~~((eighteen))~~ twenty-four members, six of whom shall be county members
15 and six of whom shall be city members. The remaining members shall be:

16 (a) One representative appointed by the governor who shall be a state
17 employee with responsibility for transportation policy, planning, or
18 funding; (b) ~~((the assistant secretary of the department of
19 transportation whose primary responsibilities relate to planning and
20 public transportation; (c) the assistant secretary for local programs
21 of))~~ three representatives from the department of transportation; ((d)
22 a) (c) three representatives of ((a)) public transit systems; ((e))
23 (d) a private sector representative; ((and (f))) (e) a public member;
24 (f) a member representing the ports; (g) a member representing
25 nonmotorized transportation; and (h) a member representing special
26 needs transportation.

27 (2) Of the county members of the board, ~~((one))~~ two shall be ~~((a))~~
28 county engineers or public works directors~~((;))~~ one ~~((shall))~~ of whom
29 may be the executive director of the county road administration board;
30 one shall be a county planning director or planning manager; one shall
31 be a county executive, councilmember, or commissioner from a county
32 with a population of one hundred twenty-five thousand or more; one
33 shall be a county executive, councilmember, or commissioner of a county
34 who serves on the board of a public transit system; and one shall be a
35 county executive, councilmember, or commissioner from a county with a
36 population of less than one hundred twenty-five thousand. All county
37 members of the board~~((, except the executive director of the county~~
38 ~~road administration board,))~~ shall be appointed. Not more than one

1 county member of the board shall be from any one county. No more than
2 two of the three county-elected officials may represent counties
3 located in either the eastern or western part of the state as divided
4 north and south by the summit of the Cascade mountains.

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

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

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

30 (6) The public member shall have professional experience in
31 transportation or land use planning, a demonstrated interest in
32 transportation issues, and involvement with community groups or grass
33 roots organizations.

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

36 (8) The nonmotorized transportation member shall be a citizen with
37 a demonstrated interest and involvement with a nonmotorized
38 transportation group.

1 (9) The specialized transportation member shall be a citizen with
2 a demonstrated interest and involvement with a state-wide specialized
3 transportation group.

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

28 ~~((+8))~~ (11) Appointments shall be for terms of four years. Terms
29 of all appointed members shall expire on June 30th of even-numbered
30 years. The initial term of appointed members may be for less than four
31 years. No appointed member may serve more than two consecutive four-
32 year terms.

33 ~~((+9))~~ (12) The board shall elect a chair from among its members
34 for a two-year term.

35 ~~((+10))~~ (13) Expenses of the board shall be paid in accordance
36 with RCW 47.26.140.

37 ~~((+11))~~ (14) For purposes of this section, "public transit system"
38 means a city-owned transit system, county transportation authority,

1 metropolitan municipal corporation, public transportation benefit area,
2 or regional transit authority.

3 **Sec. 2604.** RCW 47.66.030 and 1993 c 393 s 5 are each amended to
4 read as follows:

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

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

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

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

23 **Sec. 2605.** RCW 47.26.140 and 1994 c 179 s 14 are each amended to
24 read as follows:

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

34 **Sec. 2606.** RCW 47.66.040 and 1993 c 393 s 6 are each amended to
35 read as follows:

1 (1) The ((multimodal transportation programs and projects selection
2 committee)) transportation improvement board shall select programs and
3 projects based on a competitive process consistent with the mandates
4 governing each account or source of funds. The competition shall be
5 consistent with the following criteria:

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

7 (b) Local transit development plans; and

8 (c) Local comprehensive land use plans.

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

11 (a) Objectives of the growth management act, the high capacity
12 transportation act, the commute trip reduction act, transportation
13 demand management programs, federal and state air quality requirements,
14 and federal Americans with disabilities act and related state
15 accessibility requirements; and

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

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

23 **Sec. 2607.** RCW 47.26.160 and 1994 c 179 s 15 are each amended to
24 read as follows:

25 The transportation improvement board shall:

26 (1) Adopt rules necessary to implement the provisions of chapter
27 47.66 RCW and this chapter relating to the allocation of funds;

28 (2) Adopt reasonably uniform design standards for city and county
29 arterials.

30 NEW SECTION. **Sec. 2608.** The following acts or parts of acts are
31 each repealed:

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

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

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

1 chief elected official's designee; in the case of a privately owned
2 landfill or incinerator, the legal owner.

3 ~~((+8))~~ (7) "Solid waste" means solid waste as defined under RCW
4 70.95.030.

5 **Sec. 2802.** RCW 70.95D.060 and 1989 c 431 s 70 are each amended to
6 read as follows:

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

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

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

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

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

16 (2) A person whose certificate is revoked under this section shall
17 not be eligible to apply for a certificate for one year from the
18 effective date of the final order ~~((or {of}))~~ of revocation.

19 NEW SECTION. **Sec. 2803.** RCW 70.95D.050 and 1989 c 431 s 69 are
20 each repealed.

21 NEW SECTION. **Sec. 2804.** A new section is added to chapter 70.95D
22 RCW to read as follows:

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

26 **PART 29**

27 **WATER AND WASTEWATER OPERATOR CERTIFICATION**

28 **BOARD OF EXAMINERS**

29 **Sec. 2901.** RCW 70.95B.020 and 1987 c 357 s 1 are each amended to
30 read as follows:

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

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

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

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

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

6 ~~((5))~~ (4) "Wastewater treatment plant" means a facility used to
7 treat any liquid or waterborne waste of domestic origin or a
8 combination of domestic, commercial or industrial origin, and which by
9 its design requires the presence of an operator for its operation. It
10 shall not include any facility used exclusively by a single family
11 residence, septic tanks with subsoil absorption, industrial wastewater
12 treatment plants, or wastewater collection systems.

13 ~~((6))~~ (5) "Operator in responsible charge" means an individual
14 who is designated by the owner as the person on-site in responsible
15 charge of the routine operation of a wastewater treatment plant.

16 ~~((7))~~ (6) "Nationally recognized association of certification
17 authorities" shall mean that organization which serves as an
18 information center for certification activities, recommends minimum
19 standards and guidelines for classification of potable water treatment
20 plants, water distribution systems and wastewater facilities and
21 certification of operators, facilitates reciprocity between state
22 programs and assists authorities in establishing new certification
23 programs and updating existing ones.

24 ~~((8))~~ (7) "Wastewater collection system" means any system of
25 lines, pipes, manholes, pumps, liftstations, or other facilities used
26 for the purpose of collecting and transporting wastewater.

27 ~~((9))~~ (8) "Operating experience" means routine performance of
28 duties, on-site in a wastewater treatment plant, that affects plant
29 performance or effluent quality.

30 ~~((10))~~ (9) "Owner" means in the case of a town or city, the city
31 or town acting through its chief executive officer or the lessee if
32 operated pursuant to a lease or contract; in the case of a county, the
33 chairman of the county legislative authority or the chairman's
34 designee; in the case of a sewer district, board of public utilities,
35 association, municipality or other public body, the president or
36 chairman of the body or the president's or chairman's designee; in the
37 case of a privately owned wastewater treatment plant, the legal owner.

38 ~~((11))~~ (10) "Wastewater certification program coordinator" means
39 an employee of the department (~~who is appointed by the director to~~

1 ~~serve on the board and~~) who administers the wastewater treatment plant
2 operators' certification program.

3 **Sec. 2902.** RCW 70.95B.040 and 1987 c 357 s 3 are each amended to
4 read as follows:

5 The director(~~(, with the approval of the board,)~~) shall adopt and
6 enforce such rules and regulations as may be necessary for the
7 administration of this chapter. The rules and regulations shall
8 include, but not be limited to, provisions for the qualification and
9 certification of operators for different classifications of wastewater
10 treatment plants.

11 **Sec. 2903.** RCW 70.95B.100 and 1973 c 139 s 10 are each amended to
12 read as follows:

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

21 **Sec. 2904.** RCW 70.119.020 and 1991 c 305 s 2 are each amended to
22 read as follows:

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

24 (1) (~~("Board" means the board established pursuant to RCW~~
25 ~~70.95B.070 which shall be known as the water and waste water operator~~
26 ~~certification board of examiners.~~

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

30 ~~((3))~~ (2) "Certified operator" means an individual holding a
31 valid certificate and employed or appointed by any county, water
32 district, municipality, public or private corporation, company,
33 institution, person, or the state of Washington and who is designated
34 by the employing or appointing officials as the person responsible for
35 active daily technical operation.

36 ~~((4))~~ (3) "Department" means the department of health.

1 ~~((+5))~~ (4) "Distribution system" means that portion of a public
2 water system which stores, transmits, pumps and distributes water to
3 consumers.

4 ~~((+6))~~ (5) "Ground water under the direct influence of surface
5 water" means any water beneath the surface of the ground with:

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

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

11 ~~((+7))~~ (6) "Group A water system" means a system with fifteen or
12 more service connections, regardless of the number of people; or a
13 system serving an average of twenty-five or more people per day for
14 sixty or more days within a calendar year, regardless of the number of
15 service connections. Group A water system does not include a system
16 serving fewer than fifteen single-family residences, regardless of the
17 number of people.

18 ~~((+8))~~ (7) "Nationally recognized association of certification
19 authorities" shall mean an organization which serves as an information
20 center for certification activities, recommends minimum standards and
21 guidelines for classification of potable water treatment plants, water
22 distribution systems and waste water facilities and certification of
23 operators, facilitates reciprocity between state programs and assists
24 authorities in establishing new certification programs and updating
25 existing ones.

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

34 ~~((+10))~~ (9) "Purification plant" means that portion of a public
35 water system which treats or improves the physical, chemical or
36 bacteriological quality of the system's water to bring the water into
37 compliance with state board of health standards.

38 ~~((+11))~~ (10) "Secretary" means the secretary of the department of
39 health.

1 (~~(12)~~) (11) "Service" means a connection to a public water system
2 designed to serve a single-family residence, dwelling unit, or
3 equivalent use. If the facility has group home or barracks-type
4 accommodations, three persons will be considered equivalent to one
5 service.

6 (~~(13)~~) (12) "Surface water" means all water open to the
7 atmosphere and subject to surface runoff.

8 **Sec. 2905.** RCW 70.119.050 and 1983 c 292 s 4 are each amended to
9 read as follows:

10 The secretary shall adopt(~~(, with the approval of the board,)~~) such
11 rules and regulations as may be necessary for the administration of
12 this chapter and shall enforce such rules and regulations. The rules
13 and regulations shall include provisions establishing minimum
14 qualifications and procedures for the certification of operators,
15 criteria for determining the kind and nature of continuing educational
16 requirements for renewal of certification under RCW 70.119.100(2), and
17 provisions for classifying water purification plants and distribution
18 systems.

19 Rules and regulations adopted under the provisions of this section
20 shall be adopted in accordance with the provisions of chapter 34.05
21 RCW.

22 **Sec. 2906.** RCW 70.119.110 and 1991 c 305 s 7 are each amended to
23 read as follows:

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

32 NEW SECTION. **Sec. 2907.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 70.95B.070 and 1984 c 287 s 106, 1975-'76 2nd ex.s. c 34 s
35 161, & 1973 c 139 s 7; and

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

1 (8) RCW 81.62.901 and 1987 c 429 s 8.

2 **PART 34**

3 **MARINE OVERSIGHT BOARD**

4 NEW SECTION. **Sec. 3401.** RCW 90.56.450 and 1992 c 73 s 40 & 1991
5 c 200 s 501 are each repealed.

6 **PART 35**

7 **INTERAGENCY COORDINATING COMMITTEE FOR PUGET SOUND**

8 **AMBIENT MONITORING PROGRAM**

9 **Sec. 3501.** RCW 90.70.065 and 1994 c 264 s 98 are each amended to
10 read as follows:

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

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

18 (b) Take measurements relating to specific program elements
19 identified in the plan;

20 (c) Measure the progress of the ambient monitoring programs
21 implemented under the plan;

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

24 (e) Help support research on Puget Sound.

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

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

PART 36
MISCELLANEOUS

1
2

3 NEW SECTION. **Sec. 3601.** Part headings as used in this act do not
4 constitute any part of the law.

5 NEW SECTION. **Sec. 3602.** If any board, commission, committee, or
6 council abolished under this act is supported by fees on a regulated
7 profession, those fees shall be reduced proportionate to the costs
8 saved by the abolition.

9 NEW SECTION. **Sec. 3603.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 3604.** Section 301 of this act shall take effect
14 June 30, 1997.

15 NEW SECTION. **Sec. 3605.** Sections 101, 201, 302, 303, 401 through
16 405, 501, 601, 701, 801, 901, 1001, 1101 through 1103, 1201, 1202, 1301
17 through 1307, 1401, 1501, 1601, 1701, 1801 through 1804, 1901, 1902,
18 2001, 2101, 2102, 2201 through 2204, 2301, 2302, 2401, 2501, 2601
19 through 2608, 2701, 2801 through 2804, 2901 through 2909, 3001, 3101,
20 3201, 3301, 3401, 3501, and 3602 of this act are necessary for the
21 immediate preservation of the public peace, health, or safety, or
22 support of the state government and its existing public institutions,
23 and shall take effect July 1, 1995.

--- END ---