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**SUBSTITUTE HOUSE BILL 1107**

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**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, 18.16.020, 18.145.030,  
3 18.145.050, 18.145.070, 18.145.080, 28B.10.804, 28B.80.575, 38.54.030,  
4 38.52.040, 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1937,  
5 43.19A.020, 43.21B.005, 75.20.103, 75.20.160, 43.20A.750, 43.70.010,  
6 43.70.070, 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121,  
7 47.66.030, 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060,  
8 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110,  
9 75.44.140, and 90.70.065; reenacting and amending RCW 38.52.030,  
10 82.44.180, and 75.30.050; adding a new section to chapter 9.94A RCW;  
11 adding a new section to chapter 39.19 RCW; adding a new section to  
12 chapter 43.63A RCW; adding a new section to chapter 70.95D RCW; adding  
13 a new section to chapter 70.95B RCW; adding a new section to chapter  
14 70.119 RCW; creating new sections; repealing RCW 1.30.010, 1.30.020,  
15 1.30.030, 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030,  
16 2.52.035, 2.52.040, 2.52.050, 18.16.050, 18.145.060, 27.34.300,  
17 27.60.010, 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070,  
18 27.60.090, 27.60.900, 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904,  
19 43.20A.730, 75.20.130, 75.20.140, 43.31.631, 43.52.373, 70.170.030,  
20 70.170.040, 43.150.060, 43.17.260, 43.17.270, 43.17.280, 43.17.290,  
21 43.17.300, 47.66.020, 47.66.050, 47.66.060, 48.22.071, 48.22.072,

1 70.95D.050, 70.95B.070, 70.119.080, 81.62.010, 81.62.020, 81.62.030,  
2 81.62.040, 81.62.050, 81.62.060, 81.62.900, 81.62.901, and 90.56.450;  
3 repealing 1994 c 232 s 27 (uncodified); repealing 1991 c 53 s 1 and  
4 1987 c 480 s 6 (uncodified); providing effective dates; and declaring  
5 an emergency.

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

7 **PART 1**

8 **LAW REVISION COMMISSION**

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10 each repealed:

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

17 **PART 2**

18 **JUDICIAL COUNCIL**

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

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

30 **PART 3**

31 **JUVENILE DISPOSITION STANDARDS COMMISSION**

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

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

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

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

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

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

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

1 (5) The transfer of the powers, duties, functions, and personnel of  
2 the juvenile disposition standards commission shall not affect the  
3 validity of any act performed before the effective date of this  
4 section.

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

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

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

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

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

1 public defender member; and of the Washington association of counties  
2 in respect to the member who is either a county legislative official or  
3 county executive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (9) The commission may (a) serve as a clearinghouse and information  
38 center for the collection, preparation, analysis, and dissemination of  
39 information on state and local sentencing practices; (b) develop and

1 maintain a computerized sentencing information system by individual  
2 superior court judge consisting of offender, offense, history, and  
3 sentence information entered from judgment and sentence forms for all  
4 adult felons; and (c) conduct ongoing research regarding sentencing  
5 guidelines, use of total confinement and alternatives to total  
6 confinement, plea bargaining, and other matters relating to the  
7 improvement of the criminal justice system.

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

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

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

#### 17 PART 4

#### 18 COSMETOLOGY, BARBERING, ESTHETICS, AND MANICURING ADVISORY BOARD

19 **Sec. 401.** RCW 18.16.020 and 1991 c 324 s 1 are each amended to  
20 read as follows:

21 As used in this chapter, the following terms have the meanings  
22 indicated unless the context clearly requires otherwise:

23 (1) (~~("Board" means the cosmetology, barbering, esthetics, and~~  
24 ~~manicuring advisory board.~~

25 ~~(2))~~ "Director" means the director of the department of licensing  
26 or the director's designee.

27 ~~((3))~~ (2) "The practice of cosmetology" means the practice of  
28 cutting, trimming, styling, shampooing, permanent waving, chemical  
29 relaxing or straightening, bleaching, or coloring of the hair of the  
30 face, neck, and scalp and manicuring and esthetics.

31 ~~((4))~~ (3) "Cosmetologist" means a person licensed under this  
32 chapter to engage in the practice of cosmetology and who has completed  
33 sixteen hundred hours of instruction at a school licensed under this  
34 chapter.

35 ~~((5))~~ (4) "The practice of barbering" means the cutting,  
36 trimming, arranging, dressing, curling, waving and shampooing hair of  
37 the face, neck and scalp.

1       (~~(6)~~) (5) "Barber" means a person licensed under this chapter to  
2 engage in the practice of barbering.

3       (~~(7)~~) (6) "Practice of manicuring" means the cleaning, shaping,  
4 or polishing of the nails of the hands or feet, and the application and  
5 removal of artificial nails.

6       (~~(8)~~) (7) "Manicurist" means a person licensed under this chapter  
7 to engage in the practice of manicuring.

8       (~~(9)~~) (8) "Practice of esthetics" means skin care of the face,  
9 neck, and hands involving hot compresses, massage, or the use of  
10 approved electrical appliances or nonabrasive chemical compounds  
11 formulated for professional application only, and the temporary removal  
12 of superfluous hair by means of lotions, creams, or mechanical or  
13 electrical apparatus or appliance on another person.

14       (~~(10)~~) (9) "Esthetician" means a person licensed under this  
15 chapter to engage in the practice of esthetics.

16       (~~(11)~~) (10) "Instructor-trainee" means a person who is currently  
17 licensed in this state as a cosmetologist, barber, manicurist, or  
18 esthetician, and is enrolled in an approved instructor-trainee program  
19 in a school licensed under this chapter.

20       (~~(12)~~) (11) "School" means any establishment offering instruction  
21 in the practice of cosmetology, or barbering, or esthetics, or  
22 manicuring, or instructor-trainee to students and licensed under this  
23 chapter.

24       (~~(13)~~) (12) "Student" means a person sixteen years of age or  
25 older who is enrolled in a school licensed under this chapter and  
26 receives any phase of cosmetology, barbering, esthetics or manicuring  
27 instruction with or without tuition, fee, or cost, and who does not  
28 receive any wage or commission.

29       (~~(14)~~) (13) "Instructor-operator-cosmetology" means a person who  
30 gives instruction in the practice of cosmetology and instructor-  
31 training in a school and who has the same qualifications as a  
32 cosmetologist, has completed at least five hundred hours of instruction  
33 in teaching techniques and lesson planning in a school, and has passed  
34 an examination prepared or selected (~~by the board~~) and administered  
35 by the director. An applicant who holds a degree in education from an  
36 accredited postsecondary institution and who is otherwise qualified  
37 shall upon application be licensed as an instructor-operator with a  
38 cosmetology endorsement.

1       (~~(15)~~) (14) "Instructor-operator-barber" means a person who gives  
2 instruction in the practice of barbering and instructor training in a  
3 school, has the same qualifications as a barber, has completed at least  
4 five hundred hours of instruction in teaching techniques and lesson  
5 planning in a school, and has passed an examination prepared or  
6 selected (~~by the board~~) and administered by the director. An  
7 applicant who holds a degree in education from an accredited  
8 postsecondary institution and who is otherwise qualified shall upon  
9 application be licensed as an instructor-operator with a barber  
10 endorsement.

11       (~~(16)~~) (15) "Instructor-operator-manicure" means a person who  
12 gives instruction in the practice of manicuring and instructor training  
13 in a school, has the same qualifications as a manicurist, has completed  
14 at least five hundred hours of instruction in teaching techniques and  
15 lesson planning in a school, and has passed an examination prepared or  
16 selected (~~by the board~~) and administered by the director. An  
17 applicant who holds a degree in education from an accredited  
18 postsecondary institution and who is otherwise qualified shall upon  
19 application be licensed as an instructor-operator with a manicurist  
20 endorsement.

21       (~~(17)~~) (16) "Instructor-operator-esthetics" means a person who  
22 gives instruction in the practice of esthetics and instructor training  
23 in a school, has the same qualifications as an esthetician, has  
24 completed at least five hundred hours of instruction in teaching  
25 techniques and lesson planning in a school, and has passed an  
26 examination prepared or selected (~~by the board~~) and administered by  
27 the director. An applicant who holds a degree in education from an  
28 accredited postsecondary institution and who is otherwise qualified  
29 shall upon application be licensed as an instructor-operator with an  
30 esthetics endorsement.

31       (~~(18)~~) (17) "Vocational student" is a person who in cooperation  
32 with any senior high, vocational technical institute, community  
33 college, or prep school, attends a cosmetology school and participates  
34 in its student course of instruction and has the same rights and duties  
35 as a student as defined in this chapter. The person must have  
36 academically completed the eleventh grade of high school. Every such  
37 vocational student shall receive credit for all creditable hours of the  
38 approved course of instruction received in the school of cosmetology  
39 upon graduation from high school. Hours shall be credited to a

1 vocational student if the student graduates from an accredited high  
2 school or receives a certificate of educational competence.

3 ~~((19))~~ (18) "Booth renter" means a person who performs  
4 cosmetology, barbering, esthetics, or manicuring services where the use  
5 of the salon/shop facilities is contingent upon compensation to the  
6 owner of the salon/shop facilities and the person receives no  
7 compensation or other consideration from the owner for the services  
8 performed.

9 ~~((20))~~ (19) "Person" means any individual, partnership,  
10 professional service corporation, joint stock association, joint  
11 venture, or any other entity authorized to do business in this state.

12 ~~((21))~~ (20) "Salon/shop" means any building, structure, or motor  
13 home or any part thereof, other than a school, where the commercial  
14 practice of cosmetology, barbering, esthetics, or manicuring is  
15 conducted.

16 ~~((22))~~ (21) "Crossover training" means training approved by the  
17 director as training hours that may be credited to current licensees  
18 for similar training received in another profession licensed under this  
19 chapter.

20 ~~((23))~~ (22) "Approved security" means surety bond, savings  
21 assignment, or irrevocable letter of credit.

22 ~~((24))~~ (23) "Mobile operator" means any person possessing a valid  
23 cosmetology, barbering, manicuring, or esthetician's license that  
24 provides services in a mobile salon/shop.

25 ~~((25))~~ (24) "Personal service operator" means any person  
26 possessing a valid cosmetology, barbering, manicuring, or esthetician's  
27 license that provides services for clients in the client's home,  
28 office, or other location that is convenient for the client.

29 NEW SECTION. **Sec. 402.** RCW 18.16.050 and 1991 c 324 s 3 & 1984 c  
30 208 s 9 are each repealed.

31 **PART 5**

32 **SHORTHAND REPORTERS ADVISORY BOARD**

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

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

- 1 (1) "Department" means the department of licensing.  
2 (2) "Director" means the director of licensing.  
3 (3) "Shorthand reporter" and "court reporter" mean an individual  
4 certified under this chapter.  
5 (~~(4) "Board" means the Washington state shorthand reporter~~  
6 ~~advisory board.~~)

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

9 In addition to any other authority provided by law, the director  
10 may:

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

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

15 (3) Establish the forms and procedures necessary to administer this  
16 chapter;

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

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

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

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

29 (8) Maintain the official departmental record of all applicants and  
30 certificate holders;

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

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

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

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

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

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

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

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

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

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

20 (b) Good moral character;

21 (c) Not engaged in unprofessional conduct; and

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

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

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

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

6 **PART 6**

7 **MARITIME BICENTENNIAL ADVISORY COMMITTEE**

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

10 **PART 7**

11 **CENTENNIAL COMMISSION**

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

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

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

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

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

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

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

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

23 (8) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s  
24 6.

25 **PART 8**

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

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

29 The commission shall be cognizant of the following guidelines in  
30 the performance of its duties:

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

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

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

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

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

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

24 **PART 9**

25 **ADVISORY COMMITTEE ON ACCESS TO EDUCATION**  
26 **FOR STUDENTS WITH DISABILITIES**

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

- 29 (1) RCW 28B.80.550 and 1991 c 228 s 7; and  
30 (2) RCW 28B.80.555 and 1991 c 228 s 8.

31 **PART 10**

32 **ADVISORY COMMITTEE FOR PROGRAM FOR**  
33 **DISLOCATED FOREST PRODUCTS WORKERS**

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

1 The board shall administer a program designed to provide upper  
2 division higher education opportunities to dislocated forest products  
3 workers, their spouses, and others in timber impact areas. In  
4 administering the program, the board shall have the following powers  
5 and duties:

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

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

15 ~~(3)) Monitor the program and report on student progress and  
16 outcome((; and~~

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

19 **PART 11**

20 **STATE FIRE DEFENSE BOARD AND**  
21 **FIRE PROTECTION POLICY BOARD**

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

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

33 The state fire ~~((defense board shall develop and maintain))~~  
34 protection policy board shall review and make recommendations to the  
35 director on the refinement and maintenance of the Washington state fire  
36 services mobilization plan, which shall include the procedures to be  
37 used during fire and other emergencies for coordinating local,

1 regional, and state fire jurisdiction resources. In carrying out this  
2 duty, the fire protection policy board shall consult with and solicit  
3 recommendations from representatives of state and local fire and  
4 emergency management organizations, regional fire defense boards, and  
5 the department of natural resources. The Washington state fire  
6 services mobilization plan shall be consistent with, and made part of,  
7 the Washington state comprehensive emergency management plan. The  
8 director shall review the fire services mobilization plan as submitted  
9 by the state fire defense board and after consultation with the fire  
10 protection policy board, recommend changes that may be necessary, and  
11 approve the fire services mobilization plan for inclusion within the  
12 state comprehensive emergency management plan.

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

## 17 PART 12

### 18 EMERGENCY MANAGEMENT COUNCIL AND RELATED BOARDS

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

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

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

34 (3) The director shall develop and maintain a comprehensive, all-  
35 hazard emergency plan for the state which shall include an analysis of  
36 the natural and man-caused hazards which could affect the state of  
37 Washington, and shall include the procedures to be used during

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

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

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

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

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

4 (8) The director shall appoint a state coordinator of search and  
5 rescue operations to coordinate those state resources, services and  
6 facilities (other than those for which the state director of  
7 aeronautics is directly responsible) requested by political  
8 subdivisions in support of search and rescue operations, and on request  
9 to maintain liaison with and coordinate the resources, services, and  
10 facilities of political subdivisions when more than one political  
11 subdivision is engaged in joint search and rescue operations.

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

30 (10) The director shall appoint a state coordinator for radioactive  
31 and hazardous waste emergency response programs. The coordinator shall  
32 consult with the state radiation control officer in matters relating to  
33 radioactive materials. The duties of the state coordinator for  
34 radioactive and hazardous waste emergency response programs shall  
35 include:

36 (a) Assessing the current needs and capabilities of state and local  
37 radioactive and hazardous waste emergency response teams on an ongoing  
38 basis;

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

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

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

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

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

32 (2) The emergency management council shall advise the governor and  
33 the director on all matters pertaining to state and local emergency  
34 management. The council may appoint such ad hoc committees,  
35 subcommittees, and working groups as are required to develop specific  
36 recommendations for the improvement of emergency management practices,  
37 standards, policies, or procedures. The council shall ensure that the  
38 governor receives an annual assessment of state-wide emergency

1 preparedness including, but not limited to, specific progress on hazard  
2 mitigation and reduction efforts, implementation of seismic safety  
3 improvements, reduction of flood hazards, and coordination of hazardous  
4 materials planning and response activities. The council or a  
5 subcommittee thereof shall periodically convene in special session and  
6 serve during those sessions as the state emergency response commission  
7 required by P.L. 99-499, the emergency planning and community right-to-  
8 know act. When sitting in session as the state emergency response  
9 commission, the council shall confine its deliberations to those items  
10 specified in federal statutes and state administrative rules governing  
11 the coordination of hazardous materials policy. The council shall  
12 review administrative rules governing state and local emergency  
13 management practices and recommend necessary revisions to the director.

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

23 **PART 13**

24 **OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**  
25 **ADVISORY COMMITTEE**

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

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

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

33 **PART 14**

34 **SUPPLY MANAGEMENT ADVISORY BOARD**

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

3       The director of general administration, through the state  
4 purchasing and material control director, shall:

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

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

1 of insurance and bonds shall rest with the risk manager under RCW  
2 43.19.1935: PROVIDED FURTHER, That, except for the authority of the  
3 risk manager to purchase insurance and bonds, the director is not  
4 required to provide purchasing services for institutions of higher  
5 education that choose to exercise independent purchasing authority  
6 under RCW 28B.10.029;

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

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

23 ~~((5))~~ (4) Contract for the testing of material, supplies, and  
24 equipment with public and private agencies as necessary and advisable  
25 to protect the interests of the state;

26 ~~((6))~~ (5) Prescribe the manner of inspecting all deliveries of  
27 supplies, materials, and equipment purchased through the division;

28 ~~((7))~~ (6) Prescribe the manner in which supplies, materials, and  
29 equipment purchased through the division shall be delivered, stored,  
30 and distributed;

31 ~~((8))~~ (7) Provide for the maintenance of a catalogue library,  
32 manufacturers' and wholesalers' lists, and current market information;

33 ~~((9))~~ (8) Provide for a commodity classification system and may,  
34 in addition, provide for the adoption of standard specifications  
35 (~~((after receiving the recommendation of the supply management advisory  
36 board))~~);

37 ~~((10))~~ (9) Provide for the maintenance of inventory records of  
38 supplies, materials, and other property;

1       (~~(11)~~) (10) Prepare rules and regulations governing the  
2 relationship and procedures between the division of purchasing and  
3 state agencies and vendors;

4       (~~(12)~~) (11) Publish procedures and guidelines for compliance by  
5 all state agencies, including those educational institutions to which  
6 this section applies, which implement overall state purchasing and  
7 material control policies;

8       (~~(13)~~) (12) Advise state agencies, including educational  
9 institutions, regarding compliance with established purchasing and  
10 material control policies under existing statutes.

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

13       The director of general administration(~~(, after consultation with~~  
14 ~~the supply management advisory board)~~) shall establish overall state  
15 policy for compliance by all state agencies, including educational  
16 institutions, regarding the following purchasing and material control  
17 functions:

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

20       (2) Determination where consolidations, closures, or additions of  
21 stores operated by state agencies and educational institutions should  
22 be initiated;

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

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

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

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

33       (7) Standardization of records and forms used state-wide for supply  
34 system activities involving purchasing, receiving, inspecting, storing,  
35 requisitioning, and issuing functions (~~under the provisions of RCW~~  
36 ~~43.19.510~~), including a standard notification form for state agencies  
37 to report cost-effective direct purchases, which shall at least  
38 identify the price of the goods as available through the division of

1 purchasing, the price of the goods as available from the alternative  
2 source, the total savings, and the signature of the notifying agency's  
3 director or the director's designee;

4 (8) Screening of supplies, material, and equipment excess to the  
5 requirements of one agency for overall state need before sale as  
6 surplus;

7 (9) Establishment of warehouse operation and storage standards to  
8 achieve uniform, effective, and economical stores operations;

9 (10) Establishment of time limit standards for the issuing of  
10 material in store and for processing requisitions requiring purchase;

11 (11) Formulation of criteria for determining when centralized  
12 rather than decentralized purchasing shall be used to obtain maximum  
13 benefit of volume buying of identical or similar items, including  
14 procurement from federal supply sources;

15 (12) Development of criteria for use of leased, rather than state  
16 owned, warehouse space based on relative cost and accessibility;

17 (13) Institution of standard criteria for purchase and placement of  
18 state furnished materials, carpeting, furniture, fixtures, and nonfixed  
19 equipment, in newly constructed or renovated state buildings;

20 (14) Determination of how transportation costs incurred by the  
21 state for materials, supplies, services, and equipment can be reduced  
22 by improved freight and traffic coordination and control;

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

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

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

33 (18) Development of procedures for mutual and voluntary cooperation  
34 between state agencies, including educational institutions, and  
35 political subdivisions for exchange of purchasing and material control  
36 services;

37 (19) Resolution of all other purchasing and material matters  
38 (~~referred to him by a member of the advisory board~~) which require the

1 establishment of overall state-wide policy for effective and economical  
2 supply management;

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

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

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

35 It is the intention of the legislature that measurable improvements  
36 in the effectiveness and economy of supply management in state  
37 government shall be achieved during the 1975-77 biennium, and each  
38 biennium thereafter. All agencies, departments, offices, divisions,

1 boards, and commissions and educational, correctional, and other types  
2 of institutions are required to cooperate with and support the  
3 development and implementation of improved efficiency and economy in  
4 purchasing and material control. To effectuate this legislative  
5 intention, the director, (~~in consultation with the supply management~~  
6 ~~advisory board, and~~) through the state purchasing and material control  
7 director, shall have the authority to direct and require the submittal  
8 of data from all state organizations concerning purchasing and material  
9 control matters.

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

12 Insofar as practicable, all purchases and sales shall be based on  
13 competitive bids, and a formal sealed bid procedure shall be used as  
14 standard procedure for all purchases and contracts for purchases and  
15 sales executed by the state purchasing and material control director  
16 and under the powers granted by RCW 43.19.190 through 43.19.1939. This  
17 requirement also applies to purchases and contracts for purchases and  
18 sales executed by agencies, including educational institutions, under  
19 delegated authority granted in accordance with provisions of RCW  
20 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is  
21 not necessary for:

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

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

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

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

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

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

36 (6) Purchases by universities for hospital operation or biomedical  
37 teaching or research purposes and by the state purchasing and material  
38 control director, as the agent for state hospitals as defined in RCW  
39 72.23.010, and for health care programs provided in state correctional

1 institutions as defined in RCW 72.65.010(3) and veterans' institutions  
2 as defined in RCW 72.36.010 and 72.36.070, made by participating in  
3 contracts for materials, supplies, and equipment entered into by  
4 nonprofit cooperative hospital group purchasing organizations;

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

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

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

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

28 (1) Advising on or drawing specifications for supplies, equipment,  
29 commodities, or services;

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

31 (3) Drawing requisitions for supplies, equipment, commodities, or  
32 services;

33 (4) Evaluating specifications or bids and suggesting or determining  
34 awards; or

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

37 shall accept or receive, directly or indirectly, a personal financial  
38 benefit, or accept any gift, token, membership, or service, as a result

1 of a purchase entered into by the state, from any person, firm, or  
2 corporation engaged in the sale, lease, or rental of property,  
3 material, supplies, equipment, commodities, or services to the state of  
4 Washington.

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

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

13 (1) The director shall adopt standards specifying the minimum  
14 content of recycled materials in products or product categories. The  
15 standards shall:

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

19 (b) Consider the standards of other states, to encourage  
20 consistency of manufacturing standards;

21 (c) Consider regional product manufacturing capability;

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

23 (e) Consider postconsumer waste content and the recyclability of  
24 the product.

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

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

30 (a) By July 1, 1992:

31 (i) Paper and paper products;

32 (ii) Organic recovered materials; and

33 (iii) Latex paint products;

34 (b) By July 1, 1993:

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

36 (ii) Retread and remanufactured tires;

37 (iii) Lubricating oils;

38 (iv) Automotive batteries; and

1 (v) Building insulation.

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

8 NEW SECTION. **Sec. 1407.** RCW 43.19.1904 and 1979 c 88 s 2, 1975-  
9 '76 2nd ex.s. c 21 s 4, 1967 ex.s. c 104 s 4, & 1965 c 8 s 43.19.1904  
10 are each repealed.

11 **PART 15**

12 **PRESCRIPTION DRUG PROGRAM ADVISORY COMMITTEE**

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

16 **PART 16**

17 **TELECOMMUNICATIONS RELAY SERVICE PROGRAM**  
18 **ADVISORY COMMITTEE**

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

21 **PART 17**

22 **LABORATORY ACCREDITATION ADVISORY COMMITTEE**

23 NEW SECTION. **Sec. 1701.** By July 1, 1995, the director of the  
24 department of ecology shall abolish the laboratory accreditation  
25 advisory committee.

26 **PART 18**

27 **METALS MINING ADVISORY GROUP**

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

PART 19

HYDRAULIC APPEALS BOARD

1  
2  
3       **Sec. 1901.** RCW 43.21B.005 and 1990 c 65 s 1 are each amended to  
4 read as follows:

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

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

26       The chief executive officer may appoint, discharge, and fix the  
27 compensation of such administrative or clerical staff as may be  
28 necessary.

29       The chief executive officer may also contract for required  
30 services.

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

33       In the event that any person or government agency desires to  
34 construct any form of hydraulic project or other work that diverts  
35 water for agricultural irrigation or stock watering purposes, or when  
36 such hydraulic project or other work is associated with streambank  
37 stabilization to protect farm and agricultural land as defined in RCW

1 84.34.020, and when such diversion or streambank stabilization will  
2 use, divert, obstruct, or change the natural flow or bed of any river  
3 or stream or will utilize any waters of the state or materials from the  
4 stream beds, the person or government agency shall, before commencing  
5 construction or work thereon and to ensure the proper protection of  
6 fish life, secure a written approval from the department as to the  
7 adequacy of the means proposed for the protection of fish life. This  
8 approval shall not be unreasonably withheld. Except as provided in RCW  
9 75.20.1001 ((and 75.20.1002)), the department shall grant or deny the  
10 approval within forty-five calendar days of the receipt of a complete  
11 application and notice of compliance with any applicable requirements  
12 of the state environmental policy act, made in the manner prescribed in  
13 this section. The applicant may document receipt of application by  
14 filing in person or by registered mail. A complete application for an  
15 approval shall contain general plans for the overall project, complete  
16 plans and specifications of the proposed construction or work within  
17 ordinary high water line, and complete plans and specifications for the  
18 proper protection of fish life. The forty-five day requirement shall  
19 be suspended if (1) after ten working days of receipt of the  
20 application, the applicant remains unavailable or unable to arrange for  
21 a timely field evaluation of the proposed project; (2) the site is  
22 physically inaccessible for inspection; or (3) the applicant requests  
23 delay.

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

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

36 The permittee must demonstrate substantial progress on construction  
37 of that portion of the project relating to the approval within two  
38 years of the date of issuance. If the department denies approval, the  
39 department shall provide the applicant, in writing, a statement of the

1 specific reasons why and how the proposed project would adversely  
2 affect fish life. Protection of fish life shall be the only ground  
3 upon which approval may be denied or conditioned. (~~Issuance, denial,~~  
4 ~~conditioning, or modification shall be appealable to the hydraulic~~  
5 ~~appeals board established in RCW 43.21B.005 within thirty days of the~~  
6 ~~notice of decision.)) The burden shall be upon the department to show  
7 that the denial or conditioning of an approval is solely aimed at the  
8 protection of fish life.~~

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

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

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

34 In case of an emergency arising from weather or stream flow  
35 conditions or other natural conditions, the department, through its  
36 authorized representatives, shall issue immediately upon request oral  
37 approval for removing any obstructions, repairing existing structures,  
38 restoring stream banks, or to protect property threatened by the stream  
39 or a change in the stream flow without the necessity of obtaining a

1 written approval prior to commencing work. Conditions of an oral  
2 approval shall be reduced to writing within thirty days and complied  
3 with as provided for in this section.

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

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

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

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

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

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

31 (c) Construction of a new bulkhead or rockwall, or replacement or  
32 repair of an existing bulkhead or rockwall waterward of the existing  
33 structure shall not result in the permanent loss of critical food fish  
34 or shellfish habitats; and

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

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

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

8 NEW SECTION. **Sec. 1904.** The following acts or parts of acts are  
9 each repealed:

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

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

## 13 PART 20

### 14 ECONOMIC RECOVERY COORDINATION BOARD

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

17 (1) The department of social and health services shall help  
18 families and workers in timber impact areas make the transition through  
19 economic difficulties and shall provide services to assist workers to  
20 gain marketable skills. The department, as a member of the agency  
21 timber task force ~~((and in consultation with the economic recovery  
22 coordination board,))~~ and, where appropriate, under an interagency  
23 agreement with the department of community, trade, and economic  
24 development, shall provide grants through the office of the secretary  
25 for services to the unemployed in timber impact areas, including  
26 providing direct or referral services, establishing and operating  
27 service delivery programs, and coordinating delivery programs and  
28 delivery of services. These grants may be awarded for family support  
29 centers, reemployment centers, or other local service agencies.

30 (2) The services provided through the grants may include, but need  
31 not be limited to: Credit counseling; social services including  
32 marital counseling; psychotherapy or psychological counseling; mortgage  
33 foreclosures and utilities problems counseling; drug and alcohol abuse  
34 services; medical services; and residential heating and food  
35 acquisition.

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

6 (4)(a) Grants for family support centers are intended to provide  
7 support to families by responding to needs identified by the families  
8 and communities served by the centers. Services provided by family  
9 support centers may include parenting education, child development  
10 assessments, health and nutrition education, counseling, and  
11 information and referral services. Such services may be provided  
12 directly by the center or through referral to other agencies  
13 participating in the interagency team.

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

16 (5) "Timber impact area" means:

17 ((~~a~~)) A county having a population of less than five hundred  
18 thousand, or a city or town located within a county having a population  
19 of less than five hundred thousand, and meeting two of the following  
20 three criteria, as determined by the employment security department,  
21 for the most recent year such data is available: ((~~i~~)) (a) A lumber  
22 and wood products employment location quotient at or above the state  
23 average; ((~~ii~~)) (b) projected or actual direct lumber and wood  
24 products job losses of one hundred positions or more, except counties  
25 having a population greater than two hundred thousand but less than  
26 five hundred thousand must have direct lumber and wood products job  
27 losses of one thousand positions or more; or ((~~iii~~)) (c) an annual  
28 unemployment rate twenty percent or more above the state average((~~i~~ or

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

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

36 **PART 21**  
37 **JOINT OPERATING AGENCY EXECUTIVE COMMITTEE**



1 ordinances, or statutes that promote health or prevent injury, illness,  
2 or death; and

3 ~~((+6))~~ (5) "Secretary" means the secretary of health.

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

6 The department shall evaluate and analyze readily available data  
7 and information to determine the outcome and effectiveness of health  
8 services, utilization of services, and payment methods. This section  
9 should not be construed as allowing the department access to  
10 proprietary information.

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

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

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

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

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

25 As used in this chapter:

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

28 ~~(+2))~~ "Department" means department of health.

29 ~~((+3))~~ (2) "Hospital" means any health care institution which is  
30 required to qualify for a license under RCW 70.41.020(2); or as a  
31 psychiatric hospital under chapter 71.12 RCW.

32 ~~((+4))~~ (3) "Secretary" means secretary of health.

33 ~~((+5))~~ (4) "Charity care" means necessary hospital health care  
34 rendered to indigent persons, to the extent that the persons are unable  
35 to pay for the care or to pay deductibles or co-insurance amounts  
36 required by a third-party payer, as determined by the department.



- 1 (3) RCW 43.17.280 and 1987 c 480 s 3;  
2 (4) RCW 43.17.290 and 1987 c 480 s 4;  
3 (5) RCW 43.17.300 and 1987 c 480 s 5; and  
4 (6) 1991 c 53 s 1 & 1987 c 480 s 6 (uncodified).

5 **PART 26**

6 **TECHNICAL ADVISORY COMMITTEE ON PUPIL TRANSPORTATION**

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

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

23 **PART 27**

24 **TRANSPORTATION IMPROVEMENT BOARD AND**  
25 **MULTIMODAL TRANSPORTATION PROGRAMS**  
26 **AND PROJECTS SELECTION COMMITTEE**

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

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

33 Moneys in the fund may be spent only after appropriation.  
34 Expenditures from the fund may be used only for transportation purposes  
35 and activities and operations of the Washington state patrol not

1 directly related to the policing of public highways and that are not  
2 authorized under Article II, section 40 of the state Constitution.

3 (2) There is hereby created the central Puget Sound public  
4 transportation account within the transportation fund. Moneys  
5 deposited into the account under RCW 82.44.150(2)(b) shall be  
6 appropriated to the ~~((department of))~~ transportation improvement board  
7 and allocated by the ~~((multimodal transportation programs and projects~~  
8 ~~selection committee created in RCW 47.66.020))~~ transportation  
9 improvement board to public transportation projects within the region  
10 from which the funds are derived, solely for:

11 (a) Planning;

12 (b) Development of capital projects;

13 (c) Development of high capacity transportation systems as defined  
14 in RCW 81.104.015;

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

17 (e) 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 (3) There is hereby created the public transportation systems  
21 account within the transportation fund. Moneys deposited into the  
22 account under RCW 82.44.150(2)(c) shall be appropriated to the  
23 ~~((department of))~~ transportation improvement board and allocated by the  
24 ~~((multimodal transportation programs and projects selection committee))~~  
25 transportation improvement board to public transportation projects  
26 submitted by the public transportation systems from which the funds are  
27 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;

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

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

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

3       The department of transportation shall be responsible for  
4 distributing amounts appropriated from the high capacity transportation  
5 account, which shall be allocated by the (~~multimodal transportation~~  
6 ~~programs and projects selection committee~~) department of  
7 transportation based on criteria in subsection (2) of this section.  
8 The department shall assemble and participate in a committee comprised  
9 of transit agencies eligible to receive funds from the high capacity  
10 transportation account for the purpose of reviewing fund applications.

11       (1) State high capacity transportation account funds may provide up  
12 to eighty percent matching assistance for high capacity transportation  
13 planning efforts.

14       (2) Authorizations for state funding for high capacity  
15 transportation planning projects shall be subject to the following  
16 criteria:

17       (a) Conformance with the designated regional transportation  
18 planning organization's regional transportation plan;

19       (b) Local matching funds;

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

21       (d) Conformance with planning requirements prescribed in RCW  
22 81.104.100, and if five hundred thousand dollars or more in state  
23 funding is requested, conformance with the requirements of RCW  
24 81.104.110; and

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

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

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

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

35       (a) One representative appointed by the governor who shall be a state  
36 employee with responsibility for transportation policy, planning, or  
37 funding; (b) (~~the assistant secretary of the department of~~  
38 ~~transportation whose primary responsibilities relate to planning and~~

1 public transportation; ~~(c) the assistant secretary for local programs~~  
2 ~~of))~~ three representatives from the department of transportation; (~~(d)~~  
3 a) (c) three representatives of ((a)) public transit systems; (~~(e))~~  
4 (d) a private sector representative; (~~and (f))~~) (e) a public member;  
5 (f) a member representing the ports; (g) a member representing  
6 nonmotorized transportation; and (h) a member representing special  
7 needs transportation.

8 (2) Of the county members of the board, (~~one~~) two shall be ((a))  
9 county engineers or public works directors~~((i))~~ one (~~shall~~) of whom  
10 may be the executive director of the county road administration board;  
11 one shall be a county planning director or planning manager; one shall  
12 be a county executive, councilmember, or commissioner from a county  
13 with a population of one hundred twenty-five thousand or more; one  
14 shall be a county executive, councilmember, or commissioner of a county  
15 who serves on the board of a public transit system; and one shall be a  
16 county executive, councilmember, or commissioner from a county with a  
17 population of less than one hundred twenty-five thousand. All county  
18 members of the board(~~(, except the executive director of the county~~  
19 ~~road administration board,))~~) shall be appointed. Not more than one  
20 county member of the board shall be from any one county. No more than  
21 two of the three county-elected officials may represent counties  
22 located in either the eastern or western part of the state as divided  
23 north and south by the summit of the Cascade mountains.

24 (3) Of the city members of the board one shall be a chief city  
25 engineer, public works director, or other city employee with  
26 responsibility for public works activities, of a city with a population  
27 of twenty thousand or more; one shall be a chief city engineer, public  
28 works director, or other city employee with responsibility for public  
29 works activities, of a city of less than twenty thousand population;  
30 one shall be a city planning director or planning manager; one shall be  
31 a mayor, commissioner, or city councilmember of a city with a  
32 population of twenty thousand or more; one shall be a mayor,  
33 commissioner, or city councilmember of a city who serves on the board  
34 of a public transit system; and one shall be a mayor, commissioner, or  
35 councilmember of a city of less than twenty thousand population. All  
36 of the city members shall be appointed. Not more than one city member  
37 of the board shall be from any one city. No more than two of the three  
38 city-elected officials may represent cities located in either the

1 eastern or western part of the state as divided north and south by the  
2 summit of the Cascade mountains.

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

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

11 (6) The public member shall have professional experience in  
12 transportation or land use planning, a demonstrated interest in  
13 transportation issues, and involvement with community groups or grass  
14 roots organizations.

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

17 (8) The nonmotorized transportation member shall be a citizen with  
18 a demonstrated interest and involvement with a nonmotorized  
19 transportation group.

20 (9) The specialized transportation member shall be a citizen with  
21 a demonstrated interest and involvement with a state-wide specialized  
22 transportation group.

23 (10) Appointments of county, city, Washington department of  
24 transportation, transit, port, nonmotorized transportation, special  
25 needs transportation, private sector, and public representatives shall  
26 be made by the secretary of the department of transportation.  
27 Appointees shall be chosen from a list of two persons for each position  
28 nominated by the Washington state association of counties for county  
29 members, the association of Washington cities for city members, ((and))  
30 the Washington state transit association for the transit members, and  
31 the Washington public ports association for the port member. The  
32 private sector ((and)), public, nonmotorized transportation, and  
33 special needs members shall be sought through classified advertisements  
34 in selected newspapers collectively serving all urban areas of the  
35 state, and other appropriate means. Persons applying for the private  
36 sector, nonmotorized transportation, special needs transportation, or  
37 the public member position must provide a letter of interest and a  
38 resume to the secretary of the department of transportation. In the  
39 case of a vacancy, the appointment shall be only for the remainder of

1 the unexpired term in which the vacancy has occurred. A vacancy shall  
2 be deemed to have occurred on the board when any member elected to  
3 public office completes that term of office or is removed therefrom for  
4 any reason or when any member employed by a political subdivision  
5 terminates such employment for whatsoever reason or when a private  
6 sector, nonmotorized transportation, special needs transportation, or  
7 public member resigns or is unable or unwilling to serve.

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

13 ~~((+9+))~~ (12) The board shall elect a chair from among its members  
14 for a two-year term.

15 ~~((+10+))~~ (13) Expenses of the board shall be paid in accordance  
16 with RCW 47.26.140.

17 ~~((+11+))~~ (14) For purposes of this section, "public transit system"  
18 means a city-owned transit system, county transportation authority,  
19 metropolitan municipal corporation, public transportation benefit area,  
20 or regional transit authority.

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

23 (1)(a) The ~~((multimodal transportation programs and projects  
24 selection committee))~~ transportation improvement board is authorized  
25 and responsible for the final selection of programs and projects funded  
26 from the central Puget Sound public transportation account; public  
27 transportation systems account; ~~((high capacity transportation  
28 account;))~~ and the intermodal surface transportation and efficiency act  
29 of 1991, surface transportation program, state-wide competitive.

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

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

36 ~~((+b+))~~ ~~Members of the committee shall receive no compensation for  
37 their services on the committee, but shall be reimbursed for travel  
38 expenses incurred while attending meetings of the committee or while~~

1 engaged on other business of the committee when authorized by the  
2 committee in accordance with RCW 43.03.050 and 43.03.060.)

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

5 The transportation improvement board shall appoint an executive  
6 director, who shall serve at its pleasure and whose salary shall be set  
7 by the board, and may employ additional staff as it deems appropriate.  
8 All costs associated with staff, together with travel expenses in  
9 accordance with RCW 43.03.050 and 43.03.060, shall be paid from the  
10 urban arterial trust account, small city account, city hardship  
11 assistance account, transportation fund, and the transportation  
12 improvement account in the motor vehicle fund as determined by the  
13 biennial appropriation.

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

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

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

22 (b) Local transit development plans; and

23 (c) Local comprehensive land use plans.

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

26 (a) Objectives of the growth management act, the high capacity  
27 transportation act, the commute trip reduction act, transportation  
28 demand management programs, federal and state air quality requirements,  
29 and federal Americans with disabilities act and related state  
30 accessibility requirements; and

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

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



1        ~~((+5))~~ (4) "Incinerator" means a facility which has the primary  
2 purpose of burning or which is designed with the primary purpose of  
3 burning solid waste or solid waste derived fuel, but excludes  
4 facilities that have the primary purpose of burning hog fuel.

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

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

16        ~~((+8))~~ (7) "Solid waste" means solid waste as defined under RCW  
17 70.95.030.

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

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

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

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

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

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

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

32        NEW SECTION. **Sec. 2903.** RCW 70.95D.050 and 1989 c 431 s 69 are  
33 each repealed.

34        NEW SECTION. **Sec. 2904.** A new section is added to chapter 70.95D  
35 RCW to read as follows:

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

4 **PART 30**

5 **WATER AND WASTEWATER OPERATOR CERTIFICATION**

6 **BOARD OF EXAMINERS**

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

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

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

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

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

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

17 ~~((5))~~ (4) "Wastewater treatment plant" means a facility used to  
18 treat any liquid or waterborne waste of domestic origin or a  
19 combination of domestic, commercial or industrial origin, and which by  
20 its design requires the presence of an operator for its operation. It  
21 shall not include any facility used exclusively by a single family  
22 residence, septic tanks with subsoil absorption, industrial wastewater  
23 treatment plants, or wastewater collection systems.

24 ~~((6))~~ (5) "Operator in responsible charge" means an individual  
25 who is designated by the owner as the person on-site in responsible  
26 charge of the routine operation of a wastewater treatment plant.

27 ~~((7))~~ (6) "Nationally recognized association of certification  
28 authorities" shall mean that organization which serves as an  
29 information center for certification activities, recommends minimum  
30 standards and guidelines for classification of potable water treatment  
31 plants, water distribution systems and wastewater facilities and  
32 certification of operators, facilitates reciprocity between state  
33 programs and assists authorities in establishing new certification  
34 programs and updating existing ones.

35 ~~((8))~~ (7) "Wastewater collection system" means any system of  
36 lines, pipes, manholes, pumps, liftstations, or other facilities used  
37 for the purpose of collecting and transporting wastewater.

1       (~~(9)~~) (8) "Operating experience" means routine performance of  
2 duties, on-site in a wastewater treatment plant, that affects plant  
3 performance or effluent quality.

4       (~~(10)~~) (9) "Owner" means in the case of a town or city, the city  
5 or town acting through its chief executive officer or the lessee if  
6 operated pursuant to a lease or contract; in the case of a county, the  
7 chairman of the county legislative authority or the chairman's  
8 designee; in the case of a sewer district, board of public utilities,  
9 association, municipality or other public body, the president or  
10 chairman of the body or the president's or chairman's designee; in the  
11 case of a privately owned wastewater treatment plant, the legal owner.

12       (~~(11)~~) (10) "Wastewater certification program coordinator" means  
13 an employee of the department (~~(who is appointed by the director to~~  
14 ~~serve on the board and)~~) who administers the wastewater treatment plant  
15 operators' certification program.

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

18       The director(~~(, with the approval of the board,)~~) shall adopt and  
19 enforce such rules and regulations as may be necessary for the  
20 administration of this chapter. The rules and regulations shall  
21 include, but not be limited to, provisions for the qualification and  
22 certification of operators for different classifications of wastewater  
23 treatment plants.

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

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

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

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

1       (1) (~~("Board" means the board established pursuant to RCW~~  
2 ~~70.95B.070 which shall be known as the water and waste water operator~~  
3 ~~certification board of examiners.~~

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

7       ~~((3))~~ (2) "Certified operator" means an individual holding a  
8 valid certificate and employed or appointed by any county, water  
9 district, municipality, public or private corporation, company,  
10 institution, person, or the state of Washington and who is designated  
11 by the employing or appointing officials as the person responsible for  
12 active daily technical operation.

13       ~~((4))~~ (3) "Department" means the department of health.

14       ~~((5))~~ (4) "Distribution system" means that portion of a public  
15 water system which stores, transmits, pumps and distributes water to  
16 consumers.

17       ~~((6))~~ (5) "Ground water under the direct influence of surface  
18 water" means any water beneath the surface of the ground with:

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

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

24       ~~((7))~~ (6) "Group A water system" means a system with fifteen or  
25 more service connections, regardless of the number of people; or a  
26 system serving an average of twenty-five or more people per day for  
27 sixty or more days within a calendar year, regardless of the number of  
28 service connections. Group A water system does not include a system  
29 serving fewer than fifteen single-family residences, regardless of the  
30 number of people.

31       ~~((8))~~ (7) "Nationally recognized association of certification  
32 authorities" shall mean an organization which serves as an information  
33 center for certification activities, recommends minimum standards and  
34 guidelines for classification of potable water treatment plants, water  
35 distribution systems and waste water facilities and certification of  
36 operators, facilitates reciprocity between state programs and assists  
37 authorities in establishing new certification programs and updating  
38 existing ones.

1       (~~(9)~~) (8) "Public water system" means any system, excluding a  
2 system serving only one single-family residence and a system with four  
3 or fewer connections all of which serve residences on the same farm,  
4 providing piped water for human consumption, including any collection,  
5 treatment, storage, or distribution facilities under control of the  
6 purveyor and used primarily in connection with the system; and  
7 collection or pretreatment storage facilities not under control of the  
8 purveyor but primarily used in connection with the system.

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

13       (~~(11)~~) (10) "Secretary" means the secretary of the department of  
14 health.

15       (~~(12)~~) (11) "Service" means a connection to a public water system  
16 designed to serve a single-family residence, dwelling unit, or  
17 equivalent use. If the facility has group home or barracks-type  
18 accommodations, three persons will be considered equivalent to one  
19 service.

20       (~~(13)~~) (12) "Surface water" means all water open to the  
21 atmosphere and subject to surface runoff.

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

24       The secretary shall adopt(~~(, with the approval of the board,)~~) such  
25 rules and regulations as may be necessary for the administration of  
26 this chapter and shall enforce such rules and regulations. The rules  
27 and regulations shall include provisions establishing minimum  
28 qualifications and procedures for the certification of operators,  
29 criteria for determining the kind and nature of continuing educational  
30 requirements for renewal of certification under RCW 70.119.100(2), and  
31 provisions for classifying water purification plants and distribution  
32 systems.

33       Rules and regulations adopted under the provisions of this section  
34 shall be adopted in accordance with the provisions of chapter 34.05  
35 RCW.

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



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PART 32

SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARDS

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

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

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

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

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

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

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

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

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

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PART 33

ADVISORY BOARD FOR THE PURCHASE OF  
FISHING VESSELS AND LICENSES

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

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

~~((The director shall appoint an advisory board composed of five individuals who are knowledgeable of the commercial fishing industry to advise the director concerning the values of licenses and permits.~~

1 ~~Advisory board members shall be reimbursed for travel expenses under~~  
2 ~~RCW 43.03.050 and 43.03.060.)~~)

3 **PART 34**

4 **RAIL DEVELOPMENT COMMISSION**

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

- 7 (1) RCW 81.62.010 and 1987 c 429 s 1;  
8 (2) RCW 81.62.020 and 1987 c 429 s 2;  
9 (3) RCW 81.62.030 and 1987 c 429 s 3;  
10 (4) RCW 81.62.040 and 1987 c 429 s 4;  
11 (5) RCW 81.62.050 and 1987 c 429 s 5;  
12 (6) RCW 81.62.060 and 1987 c 429 s 6;  
13 (7) RCW 81.62.900 and 1987 c 429 s 7; and  
14 (8) RCW 81.62.901 and 1987 c 429 s 8.

15 **PART 35**

16 **MARINE OVERSIGHT BOARD**

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

19 **PART 36**

20 **INTERAGENCY COORDINATING COMMITTEE FOR PUGET SOUND**

21 **AMBIENT MONITORING PROGRAM**

22 **Sec. 3601.** RCW 90.70.065 and 1994 c 264 s 98 are each amended to  
23 read as follows:

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

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

31 (b) Take measurements relating to specific program elements  
32 identified in the plan;

1 (c) Measure the progress of the ambient monitoring programs  
2 implemented under the plan;

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

5 (e) Help support research on Puget Sound.

6 (2) (~~To ensure proper coordination of the ambient monitoring  
7 program, the authority may establish an interagency coordinating  
8 committee consisting of representatives from the departments of  
9 ecology, fish and wildlife, natural resources, and health, and such  
10 federal, local, tribal, and other organizations as are necessary to  
11 implement the program.~~

12 (3)) Each state agency with responsibilities for implementing the  
13 Puget Sound ambient monitoring program, as specified in the plan, shall  
14 participate in the program.

15 **PART 37**

16 **MISCELLANEOUS**

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

19 NEW SECTION. **Sec. 3702.** If any board, commission, committee, or  
20 council abolished under this act is supported by fees on a regulated  
21 profession, those fees shall be reduced proportionate to the costs  
22 saved by the abolition.

23 NEW SECTION. **Sec. 3703.** If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 3704.** Section 301 of this act shall take effect  
28 June 30, 1997.

29 NEW SECTION. **Sec. 3705.** Sections 101, 201, 302, 303, 401, 402,  
30 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203,  
31 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901 through  
32 1904, 2001, 2002, 2101, 2201, 2202, 2301 through 2304, 2401, 2402,  
33 2501, 2601, 2701 through 2708, 2801, 2901 through 2904, 3001 through

1 3009, 3101, 3201, 3301, 3401, 3501, 3601, and 3702 of this act are  
2 necessary for the immediate preservation of the public peace, health,  
3 or safety, or support of the state government and its existing public  
4 institutions, and shall take effect July 1, 1995.

--- END ---