

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1251

56th Legislature
1999 Regular Session

Passed by the House March 16, 1999
Yeas 97 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 13, 1999
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1251** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1251

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By House Committee on State Government (originally sponsored by Representatives Miloscia, Ericksen, O'Brien, Cooper, D. Schmidt, Bush, Esser, Kessler, Poulsen, McIntire, Lambert, H. Sommers, Wood, Conway, Rockefeller, Fortunato and Lantz; by request of Governor Locke)

Read first time 02/19/1999.

1 AN ACT Relating to the elimination and consolidation of boards,
2 commissions, and programs; amending RCW 18.28.010, 18.28.080,
3 18.28.090, 18.28.100, 18.28.110, 18.28.120, 18.28.130, 18.28.140,
4 18.28.150, 18.28.165, 18.28.190, 18.135.030, 18.138.070, 43.43.705,
5 43.43.785, 43.43.800, 43.63A.245, 43.220.040, 43.220.190, 43.220.210,
6 43.220.240, 75.30.050, 75.30.130, 79.72.020, 79.72.030, 79.72.040, and
7 79.72.050; adding a new section to chapter 43.70 RCW; creating new
8 sections; repealing RCW 18.28.020, 18.28.030, 18.28.040, 18.28.045,
9 18.28.050, 18.28.060, 18.28.070, 18.28.160, 18.28.170, 18.28.230,
10 18.28.240, 18.138.120, 18.175.010, 18.175.020, 18.175.025, 18.175.027,
11 18.175.030, 18.175.040, 18.175.050, 18.175.060, 18.175.070, 18.175.080,
12 28C.20.010, 28C.20.020, 28C.20.030, 41.52.010, 41.52.020, 41.52.030,
13 41.52.040, 41.52.050, 41.52.060, 41.52.070, 42.17.261, 43.31.855,
14 43.31.857, 43.38.010, 43.38.020, 43.38.030, 43.38.040, 43.43.790,
15 43.43.795, 43.63A.260, and 70.95H.020; repealing 1996 c 316 s 2
16 (uncodified); providing an effective date; and declaring an emergency.

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

18

PART 1

19

REGULATION OF DEBT ADJUSTERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (3) Lend money or credit;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **PART 3**

29 **DIETICIANS AND NUTRITIONISTS ADVISORY COMMITTEE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **PART 4**

38 **HEALTH PROFESSIONS ADVISORY COMMITTEE**

- 1 (1) RCW 28C.20.010 (Council created--Work force training and
2 education coordinating board to monitor) and 1991 c 238 s 16;
3 (2) RCW 28C.20.020 (Membership of council) and 1991 c 238 s 17; and
4 (3) RCW 28C.20.030 (Functions consistent with state comprehensive
5 plan for work force training and education) and 1991 c 238 s 18.

6 **PART 7**

7 **PUBLIC PENSION COMMISSION**

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

- 10 (1) RCW 41.52.010 (Created--Composition--Qualifications and
11 appointment of members) and 1980 c 87 s 16, 1969 c 10 s 2, & 1963 ex.s.
12 c 17 s 1;
13 (2) RCW 41.52.020 (Terms--Vacancies) and 1963 ex.s. c 17 s 2;
14 (3) RCW 41.52.030 (Expenses--Officers--Personnel--Quorum) and 1967
15 c 128 s 1 & 1963 ex.s. c 17 s 3;
16 (4) RCW 41.52.040 (Powers and duties) and 1998 c 245 s 43, 1967 c
17 128 s 2, & 1963 ex.s. c 17 s 4;
18 (5) RCW 41.52.050 (Right of access to files and records of public
19 pension systems--Minutes, reports, etc., to be forwarded to commission)
20 and 1967 c 128 s 3;
21 (6) RCW 41.52.060 (Examination of records--Subpoena of witnesses,
22 fees) and 1967 c 128 s 4; and
23 (7) RCW 41.52.070 (Appointment of investment counsel--
24 Qualifications--Duties) and 1998 c 245 s 44 & 1967 c 160 s 1.

25 **PART 8**

26 **PUBLIC INFORMATION ACCESS POLICY TASK FORCE**

27 NEW SECTION. **Sec. 801.** RCW 42.17.261 (Public information access
28 policy task force) and 1994 c 40 s 4 are each repealed.

29 **PART 9**

30 **RURAL DEVELOPMENT COUNCIL**

31 NEW SECTION. **Sec. 901.** The following acts or parts of acts, as
32 now existing or hereafter amended, are each repealed, effective July 1,
33 2000:

1 (1) RCW 43.31.855 (Rural development council) and 1997 c 377 s 1;
2 and

3 (2) RCW 43.31.857 (Rural development council--Financial
4 contributions encouraged) and 1997 c 377 s 2.

5 NEW SECTION. **Sec. 902.** The rural development council is
6 encouraged to explore the establishment of a private nonprofit
7 corporation to perform its duties.

8 **PART 10**

9 **TAX ADVISORY COUNCIL**

10 NEW SECTION. **Sec. 1001.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 43.38.010 (Tax advisory council created--Appointment,
13 travel expenses) and 1983 c 2 s 11;

14 (2) RCW 43.38.020 (Powers and duties) and 1982 1st ex.s. c 41 s 2
15 & 1965 c 8 s 43.38.020;

16 (3) RCW 43.38.030 (Examination of records) and 1965 c 8 s
17 43.38.030; and

18 (4) RCW 43.38.040 (Officers--Meetings--Executive secretary) and
19 1975 1st ex.s. c 278 s 24 & 1965 c 8 s 43.38.040.

20 **PART 11**

21 **ADVISORY COUNCIL ON CRIMINAL JUSTICE SERVICES**

22 **Sec. 1101.** RCW 43.43.705 and 1989 c 334 s 7 are each amended to
23 read as follows:

24 Upon the receipt of identification data from criminal justice
25 agencies within this state, the section shall immediately cause the
26 files to be examined and upon request shall promptly return to the
27 contributor of such data a transcript of the record of previous arrests
28 and dispositions of the persons described in the data submitted.

29 Upon application, the section shall furnish to criminal justice
30 agencies, or to the department of social and health services,
31 hereinafter referred to as the "department", a transcript of the
32 criminal offender record information, dependency record information, or
33 protection proceeding record information available pertaining to any
34 person of whom the section has a record.

1 For the purposes of RCW 43.43.700 through ~~((43.43.800))~~ 43.43.785
2 the following words and phrases shall have the following meanings:

3 "Criminal offender record information" includes, and shall be
4 restricted to identifying data and public record information recorded
5 as the result of an arrest or other initiation of criminal proceedings
6 and the consequent proceedings related thereto. "Criminal offender
7 record information" shall not include intelligence, analytical, or
8 investigative reports and files.

9 "Criminal justice agencies" are those public agencies within or
10 outside the state which perform, as a principal function, activities
11 directly relating to the apprehension, prosecution, adjudication or
12 rehabilitation of criminal offenders.

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

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

23 The section may refuse to furnish any information pertaining to the
24 identification or history of any person or persons of whom it has a
25 record, or other information in its files and records, to any applicant
26 if the chief determines that the applicant has previously misused
27 information furnished to such applicant by the section or the chief
28 believes that the applicant will not use the information requested
29 solely for the purpose of due administration of the criminal laws or
30 for the purposes enumerated in RCW 43.43.760(3). The applicant may
31 appeal such determination ~~((and denial of information to the advisory
32 council created in RCW 43.43.785 and the council may direct that the
33 section furnish such information to the applicant))~~ by notifying the
34 chief in writing within thirty days. The hearing shall be before an
35 administrative law judge appointed under chapter 34.12 RCW and in
36 accordance with procedures for adjudicative proceedings under chapter
37 34.05 RCW.

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

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

5 "Coordinator" means the person designated by the director of
6 community, trade, and economic development (~~((with the advice of the~~
7 ~~council))~~) to administer the activities of the senior environmental
8 corps.

9 "Corps" means the senior environmental corps.

10 (~~("Council" means the senior environmental corps coordinating~~
11 ~~council.)~~)

12 "Department" means the department of community, trade, and economic
13 development.

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

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

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

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

23 NEW SECTION. **Sec. 1202.** RCW 43.63A.260 (Senior environmental
24 corps--Coordinating council--Duties) and 1994 c 264 s 26, 1993 c 280 s
25 66, & 1992 c 63 s 5 are each repealed.

26 **PART 13**

27 **WASHINGTON CONSERVATION CORPS COORDINATING COUNCIL**

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

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

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

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

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

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

7 (~~(5) "Council" means the Washington conservation corps~~
8 ~~coordinating council.~~)

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

11 The agencies listed in RCW 43.220.020 shall (~~convene a~~
12 ~~conservation corps coordinating council to meet as needed to~~)
13 establish consistent work standards and placement and evaluation
14 procedures of corps programs. (~~The coordinating council shall be~~
15 ~~composed of administrative personnel of the agencies. The coordinating~~
16 ~~council shall serve to~~) They shall also reconcile problems that arise
17 in the implementation of the corps programs and develop coordination
18 procedures for emergency responses of corps members.

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

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

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

27 Such contracts may include, but not be limited to, general
28 education development testing, preparation of resumes and job search
29 skills.

30 All contracts or agreements entered into by agencies listed in RCW
31 43.220.020 shall be (~~reviewed by the council for compliance~~)
32 consistent with legislative intent as set forth in this section.

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

35 Staff support to the department of employment security shall be
36 provided by the (~~Washington conservation corps coordinating council as~~

1 established in RCW 43.220.190)) agencies listed in RCW 43.220.020. The
2 employment security department shall be the central administrative
3 authority for data on projects, project requests, applicants and
4 reports to the legislature. The department shall be reimbursed by the
5 Washington conservation corps agencies specified in RCW 43.220.020.
6 Reimbursement shall be for reasonable administrative costs associated
7 with the department's role as the central administrative authority and
8 for extraordinary placement costs incurred for the corps agencies. The
9 (~~Washington conservation corps coordinating council is to~~) agencies
10 listed in RCW 43.220.020 shall develop the most cost-effective
11 administrative system to provide training, payroll, and purchasing
12 services to the conservation corps agencies and present the system to
13 the department for approval. The department shall select the
14 administrative system which best meets the purposes of this chapter,
15 and is cost-efficient.

16 **PART 14**

17 **CLEAN WASHINGTON CENTER POLICY BOARD**

18 NEW SECTION. **Sec. 1401.** RCW 70.95H.020 (Policy board) and 1995 c
19 399 s 193 & 1991 c 319 s 204 are each repealed.

20 **PART 15**

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

22 NEW SECTION. **Sec. 1501.** By July 1, 1999, the director of the
23 department of fish and wildlife shall abolish the Puget Sound trawl
24 emerging fisheries advisory board.

25 **PART 16**

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

27 **COMMERCIAL HERRING FISHERY ADVISORY REVIEW BOARD**

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

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

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

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

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

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

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

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

14 (2) Members shall serve at the discretion of the director and shall
15 be reimbursed for travel expenses as provided in RCW 43.03.050,
16 43.03.060, and 43.03.065.

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

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

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

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

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

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

6 (6) If fewer than one hundred twenty-five persons are eligible for
7 Dungeness crab--Puget Sound fishery licenses, the director may accept
8 applications for new licenses. The director shall determine by random
9 selection the successful applicants for the additional licenses. The
10 number of additional licenses issued shall be sufficient to maintain
11 one hundred twenty-five licenses in the Puget Sound Dungeness crab
12 fishery. The director shall adopt rules governing the application,
13 selection, and issuance procedures for new Dungeness crab--Puget Sound
14 fishery licenses(~~(, based upon recommendations of a board of review~~
15 ~~established under RCW 75.30.050))~~).

16 PART 17

17 SCENIC RIVERS COMMITTEE OF PARTICIPATING AGENCIES

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

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

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

23 (2) (~~"Committee of participating agencies" or "committee" means a~~
24 ~~committee composed of the executive head, or the executive's designee,~~
25 ~~of each of the state departments of ecology, fish and wildlife, natural~~
26 ~~resources, and transportation, the state parks and recreation~~
27 ~~commission, the interagency committee for outdoor recreation, the~~
28 ~~Washington state association of counties, and the association of~~
29 ~~Washington cities. In addition, the governor shall appoint two public~~
30 ~~members of the committee. Public members of the committee shall be~~
31 ~~compensated in accordance with RCW 43.03.220 and shall receive~~
32 ~~reimbursement for their travel expenses as provided in RCW 43.03.050~~
33 ~~and 43.03.060.~~

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

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

5 ~~((4))~~ (3) "River" means a flowing body of water or a section,
6 segment, or portion thereof.

7 ~~((5))~~ (4) "River area" means a river and the land area in its
8 immediate environs as established by the participating agencies not
9 exceeding a width of one-quarter mile landward from the streamway on
10 either side of the river.

11 ~~((6))~~ (5) "Scenic easement" means the negotiated right to control
12 the use of land, including the air space above the land, for the
13 purpose of protecting the scenic view throughout the visual corridor.

14 ~~((7))~~ (6) "Streamway" means that stream-dependent corridor of
15 single or multiple, wet or dry, channel or channels within which the
16 usual seasonal or stormwater run-off peaks are contained, and within
17 which environment the flora, fauna, soil, and topography is dependent
18 on or influenced by the height and velocity of the fluctuating river
19 currents.

20 ~~((8))~~ (7) "System" means all the rivers and river areas in the
21 state designated by the legislature for inclusion as scenic rivers but
22 does not include tributaries of a designated river unless specifically
23 included by the legislature. The inclusion of a river in the system
24 does not mean that other rivers or tributaries in a drainage basin
25 shall be required to be part of the management program developed for
26 the system unless the rivers and tributaries within the drainage basin
27 are specifically designated for inclusion by the legislature.

28 ~~((9))~~ (8) "Visual corridor" means that area which can be seen in
29 a normal summer month by a person of normal vision walking either bank
30 of a river included in the system. The visual corridor shall not
31 exceed the river area.

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

34 (1) The department shall develop and adopt management policies for
35 publicly owned or leased land on the rivers designated by the
36 legislature as being a part of the state's scenic river system and
37 within the associated river areas. The department may adopt
38 regulations identifying river classifications which reflect the

1 characteristics common to various segments of scenic rivers and may
2 adopt management policies consistent with local government's shoreline
3 management master plans appropriate for each such river classification.
4 All such policies shall be (~~subject to review by the committee of~~
5 ~~participating agencies. Once such a policy has been approved by a~~
6 ~~majority vote of the committee members, it shall be~~) adopted by the
7 department in accordance with the provisions of chapter 34.05 RCW, as
8 now or hereafter amended. Any variance with such a policy by any
9 public agency shall be authorized only by the approval of the
10 (~~committee of participating agencies by majority vote,~~) department
11 and shall be made only to alleviate unusual hardships unique to a given
12 segment of the system.

13 (2) Any policies developed pursuant to subsection (1) of this
14 section shall include management plans for protecting ecological,
15 economic, recreational, aesthetic, botanical, scenic, geological,
16 hydrological, fish and wildlife, historical, cultural, archaeological,
17 and scientific features of the rivers designated as being in the
18 system. Such policies shall also include management plans to encourage
19 any nonprofit group, organization, association, person, or corporation
20 to develop and adopt programs for the purpose of increasing fish
21 propagation.

22 (3) The (~~committee of participating agencies shall, by two thirds~~
23 ~~majority vote,~~) department shall identify on a river by river basis
24 any publicly owned or leased lands which could be included in a river
25 area of the system but which are developed in a manner unsuitable for
26 land to be managed as part of the system. The department shall exclude
27 lands so identified from the provisions of any management policies
28 implementing the provisions of this chapter.

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

35 (5) Before making a decision regarding the river area to be
36 included in the system, a variance in policy, or the excluding of land
37 from the provisions of the management policies, the (~~committee~~)
38 department shall hold hearings in accord with chapter 34.05 RCW, with
39 at least one public hearing to be held in the general locale of the

1 river under consideration. The department shall cause to be published
2 in a newspaper of general circulation in the area which includes the
3 river or rivers to be considered, a description, including a map
4 showing such river or rivers, of the material to be considered at the
5 public hearing. Such notice shall appear at least twice in the time
6 period between two and four weeks prior to the public hearing.

7 ~~((6) Meetings of the committee shall be called by the department
8 or by written petition signed by five or more of the committee members.
9 The chairman of the parks and recreation commission or the chairman's
10 designee shall serve as the chairman of any meetings of the committee
11 held to implement the provisions of this chapter.))~~

12 The ~~((committee))~~ department shall seek and receive comments from
13 the public regarding potential additions to the system, shall initiate
14 studies, and may~~((, through the department,))~~ submit to any session of
15 the legislature proposals for additions to the state scenic river
16 system. These proposals shall be accompanied by a detailed report on
17 the factors which, in the ~~((committee's))~~ department's judgment, make
18 an area a worthy addition to the system.

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

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

1 (2) In addition to any other powers granted to carry out the intent
2 of this chapter, the department is authorized(~~(, subject to approval by~~
3 ~~majority vote of the members of the committee,)) to: (a) Purchase,~~
4 within the river area, real property in fee or any lesser right or
5 interest in real property including, but not limited to scenic
6 easements and future development rights, visual corridors, wildlife
7 habitats, unique ecological areas, historical sites, camping and picnic
8 areas, boat launching sites, and/or easements abutting the river for
9 the purpose of preserving or enhancing the river or facilitating the
10 use of the river by the public for fishing, boating and other water
11 related activities; and (b) purchase, outside of a river area, public
12 access to the river area.

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

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

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

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

28 (1) All state government agencies and local governments are hereby
29 directed to pursue policies with regard to their respective activities,
30 functions, powers, and duties which are designed to conserve and
31 enhance the conditions of rivers which have been included in the
32 system, in accordance with the management policies and the rules and
33 regulations adopted by the department for such rivers. Local agencies
34 are directed to pursue such policies with respect to all lands in the
35 river area owned or leased by such local agencies. Nothing in this
36 chapter shall authorize the modification of a shoreline management plan
37 adopted by a local government and approved by the state pursuant to
38 chapter 90.58 RCW without the approval of the department of ecology and

1 local government. The policies adopted pursuant to this chapter shall
2 be integrated, as fully as possible, with those of the shoreline
3 management act of 1971.

4 (2) Nothing in this chapter shall grant to the (~~committee of~~
5 ~~participating agencies or the~~) department the power to restrict the
6 use of private land without either the specific written consent of the
7 owner thereof or the acquisition of rights in real property authorized
8 by RCW 79.72.040.

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

12 **PART 18**

13 **DEPARTMENT OF CORRECTIONS COMMITTEES**

14 NEW SECTION. **Sec. 1801.** By July 1, 1999, the secretary of
15 corrections shall abolish the work release advisory committee, the
16 Pierce county advisory committee, the Moses Lake search committee, the
17 Spokane search committee, the Bremerton advisory committee, the Kitsap
18 county work release facility analysis and site evaluation committee,
19 the Wenatchee search committee, the Snohomish siting committee, and the
20 Airway Heights corrections center correctional industries advisory
21 board.

22 **PART 19**

23 **LAKES HEALTH PLAN COMMITTEE**

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

25 **PART 20**

26 **LOWER COLUMBIA RIVER BISTATE STEERING COMMITTEE**

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

30 **PART 21**

31 **COMMUNITY DIVERSIFICATION PROGRAM ADVISORY COMMITTEE**

