

2 SB 5135 - S AMD

3 By Senators Craswell, McCaslin, Oke and Owem

4 Ruled Out of Order 3/19/91 - S/O

5 On page 2, after line 5, insert the following:

6 "Sec. 2. RCW 18.43.130 and 1985 c 7 s 46 are each amended to read
7 as follows:

8 This chapter shall not be construed to prevent or affect:

9 (1) The practice of any other legally recognized profession or
10 trade; ((or))

11 (2) The practice of a person not a resident and having no
12 established place of business in this state, practicing or offering to
13 practice herein the profession of engineering or land surveying, when
14 such practice does not exceed in the aggregate more than thirty days in
15 any calendar year: PROVIDED, Such person is legally qualified by
16 registration to practice the said profession in his or her own state or
17 country in which the requirements and qualifications for obtaining a
18 certificate of registration are not lower than those specified in this
19 chapter; ((or))

20 (3) The practice of a person not a resident and having no
21 established place of business in this state, or who has recently become
22 a resident thereof, practicing or offering to practice herein for more
23 than thirty days in any calendar year the profession of engineering or
24 land surveying, if he or she shall have filed with the board an
25 application for a certificate of registration and shall have paid the
26 fee required by this chapter: PROVIDED, That such person is legally
27 qualified by registration to practice engineering or land surveying in
28 his or her own state or country in which the requirements and

1 qualifications of obtaining a certificate of registration are not lower
2 than those specified in this chapter. Such practice shall continue
3 only for such time as the board requires for the consideration of the
4 application for registration; ((~~or~~))

5 (4) The work of an employee or a subordinate of a person holding a
6 certificate of registration under this chapter, or an employee of a
7 person practicing lawfully under provisions of this section: PROVIDED,
8 That such work does not include final design or decisions and is done
9 under the direct responsibility, checking, and supervision of a person
10 holding a certificate of registration under this chapter or a person
11 practicing lawfully under the provisions of this section; ((~~or~~))

12 (5) The work of a person rendering engineering or land surveying
13 services to a corporation, as an employee of such corporation, when
14 such services are rendered in carrying on the general business of the
15 corporation and such general business does not consist, either wholly
16 or in part, of the rendering of engineering services to the general
17 public: PROVIDED, That such corporation employs at least one person
18 holding a certificate of registration under this chapter or practicing
19 lawfully under the provisions of this chapter; ((~~or~~))

20 (6) The practice of officers or employees of the government of the
21 United States while engaged within the state in the practice of the
22 profession of engineering or land surveying for said government; ((~~or~~))

23 (7) Nonresident engineers employed for the purpose of making
24 engineering examinations; ((~~or~~))

25 (8) The practice of engineering in this state by a corporation or
26 joint stock association: PROVIDED, That

27 (a) Such corporation shall file with the board an application for
28 certificate of authorization upon a form to be prescribed by the board
29 and containing information required to enable the board to determine

1 whether such corporation is qualified in accordance with the provisions
2 of this chapter to practice engineering in this state;

3 (b) Such corporation shall file with the board a certified copy of
4 a resolution of the board of directors of the corporation which shall
5 designate a person holding a certificate of registration under this
6 chapter as responsible for the practice of engineering by said
7 corporation in this state and shall provide that full authority to make
8 all final engineering decisions on behalf of said corporation with
9 respect to work performed by the corporation in this state shall be
10 granted and delegated by the board of directors to the person so
11 designated in said resolution: PROVIDED, That the filing of such
12 resolution shall not relieve the corporation of any responsibility or
13 liability imposed upon it by law or by contract;

14 (c) Such corporation shall file with the board a designation in
15 writing setting forth the name or names of a person or persons holding
16 certificates of registration under this chapter who shall be in
17 responsible charge of each project and each major branch of the
18 engineering activities in which the corporation shall specialize in
19 this state. In the event there shall be a change in the person or
20 persons in responsible charge of any project or major branch of the
21 engineering activities, such changes shall be designated in writing and
22 filed with the board within thirty days after the effective date of
23 such changes;

24 (d) Upon the filing with the board of the application for
25 certificate for authorization, certified copy of resolution, affidavit
26 and designation of persons specified in ~~((subparagraphs))~~ (a), (b), and
27 (c) of this ~~((section))~~ subsection the board shall issue to such
28 corporation a certificate of authorization to practice engineering in
29 this state upon a determination by the board ~~((+1))~~ that:

1 (i) (A) The bylaws of the corporation contain provisions that all
2 engineering decisions pertaining to any project or engineering
3 activities in this state shall be made by the specified engineer in
4 responsible charge, or other responsible engineers under his or her
5 direction or supervision;

6 ~~((ii))~~ (B) The application for certificate of authorization
7 states the type, or types, of engineering practiced, or to be practiced
8 by such corporation;

9 ~~((iii))~~ (C) A current certified financial statement accurately
10 reflecting the financial condition of the corporation has been filed
11 with the board and is available for public inspection;

12 ~~((iv))~~ (D) The applicant corporation has the ability to provide
13 through qualified engineering personnel, professional services or
14 creative work requiring engineering experience, and that with respect
15 to the engineering services which the corporation undertakes or offers
16 to undertake such personnel have the ability to apply special knowledge
17 of the mathematical, physical, and engineering sciences to such
18 professional services or creative work as consultation, investigation,
19 evaluation, planning, design, and supervision of construction for the
20 purpose of assuring compliance with specifications and design, in
21 connection with any public or private utilities, structures, buildings,
22 machines, equipment, processes, works, or projects;

23 ~~((v))~~ (E) The application for certificate of authorization states
24 the professional records of the designated person or persons who shall
25 be in responsible charge of each project and each major branch of
26 engineering activities in which the corporation shall specialize;

27 ~~((vi))~~ (F) The application for certificate of authorization
28 states the experience of the corporation, if any, in furnishing
29 engineering services during the preceding five year period and states

1 the experience of the corporation, if any, in the furnishing of all
2 feasibility and advisory studies made within the state of Washington;

3 ~~((vii))~~ (G) The applicant corporation meets such other
4 requirements related to professional competence in the furnishing of
5 engineering services as may be established and promulgated by the board
6 in furtherance of the objectives and provisions of this chapter; and

7 ~~((2) Upon a determination by the board))~~ (ii) Based upon an
8 evaluation of the foregoing findings and information that the applicant
9 corporation is possessed of the ability and competence to furnish
10 engineering services in the public interest.

11 The board may in the exercise of its discretion refuse to issue or
12 may suspend and/or revoke a certificate of authorization to a
13 corporation where the board shall find that any of the officers,
14 directors, incorporators, or the stockholders holding a majority of
15 stock of such corporation has committed misconduct or malpractice as
16 defined in RCW 18.43.105 or has been found personally responsible for
17 misconduct or malpractice under the provisions of ~~((subsections))~~ (f)
18 and (g) ~~((hereof))~~ of this subsection.

19 The certificate of authorization shall specify the major branches
20 of engineering of which the corporation has designated a person or
21 persons in responsible charge as provided in ~~((subsection-8))~~ (c) of
22 this ~~((section))~~ subsection.

23 (e) In the event a corporation, organized solely by a group of
24 engineers, each holding a certificate of registration under this
25 chapter, applies for a certificate of authorization, the board may, in
26 its discretion, grant a certificate of authorization to such
27 corporation based on a review of the professional records of such
28 incorporators, in lieu of the required qualifications set forth in this
29 subsection. In the event the ownership of such corporation shall be
30 altered, the corporation shall apply for a revised certificate of

1 authorization, based upon the professional records of the owners, if
2 exclusively engineers or, otherwise, under the qualifications required
3 by ~~((subparagraphs))~~ (a), (b), (c), and (d) ~~((hereof))~~ of this
4 subsection.

5 (f) Any corporation authorized to practice engineering under this
6 chapter, together with its directors and officers for their own
7 individual acts, are responsible to the same degree as an individual
8 registered engineer, and must conduct its business without misconduct
9 or malpractice in the practice of engineering as defined in this
10 chapter.

11 (g) Any corporation which has been duly certified under the
12 provisions of this chapter and has engaged in the practice of
13 engineering shall have its certificate of authorization either
14 suspended or revoked by the board if, after a proper hearing, the board
15 shall find that the corporation has committed misconduct or malpractice
16 as defined in RCW 18.43.105. In such case any individual engineer
17 holding a certificate of registration under this chapter, involved in
18 such malpractice or misconduct, shall have his or her certificate of
19 registration suspended or revoked also.

20 (h) All plans, specifications, designs, and reports when issued in
21 connection with work performed by a corporation under its certificate
22 of authorization shall be prepared by or under the responsible charge
23 of and shall be signed by and shall be stamped with the official seal
24 of a person holding a certificate of registration under this chapter.

25 (i) For each certificate of authorization issued under the
26 provisions of this subsection (8) ~~((of this section))~~ there shall be
27 paid an initial fee determined by the director as provided in RCW
28 43.24.086 and an annual renewal fee determined by the director as
29 provided in RCW 43.24.086~~((-))~~i

1 (9) The practice of engineering and/or land surveying in this state
2 by partnership: PROVIDED, That

3 (a) A majority of the members of the partnership are engineers or
4 architects or land surveyors duly certificated by the state of
5 Washington or by a state, territory, possession, district, or foreign
6 country meeting the reciprocal provisions of RCW 18.43.100: PROVIDED,
7 That at least one of the members is a professional engineer or land
8 surveyor holding a certificate issued by the director under the
9 provisions of RCW 18.43.070; and

10 (b) Except where all members of the partnership are professional
11 engineers or land surveyors or a combination of professional engineers
12 and land surveyors or where all members of the partnership are either
13 professional engineers or land surveyors in combination with an
14 architect or architects all of which are holding certificates of
15 qualification therefor issued under the laws of the state of
16 Washington, the partnership shall file with the board an instrument
17 executed by a partner on behalf of the partnership designating the
18 persons responsible for the practice of engineering by the partnership
19 in this state and in all other respects such person so designated and
20 such partnership shall meet the same qualifications and shall be
21 subject to the same requirements and the same penalties as those
22 pertaining to corporations and to the responsible persons designated by
23 corporations as provided in subsection (8) of this section.

24 For each certificate of authorization issued under the provisions
25 of this subsection (9) (~~of this section~~) there shall be paid an
26 initial fee determined by the director as provided in RCW 43.24.086 and
27 an annual renewal fee determined by the director as provided in RCW
28 43.24.086; or

29 (10) The practice of any certified designer of residential on-site
30 septic tank sewage disposal systems with ultimate design flows of up

1 to three thousand five hundred gallons per day per project site as
2 provided in RCW 43.20.050(2)(b)."

3 "Sec. 3. RCW 43.20.050 and 1989 1st ex.s. c 9 s 210 and 1989 c 207
4 s 1 are each reenacted and amended to read as follows:

5 (1) The state board of health shall provide a forum for the
6 development of health policy in Washington state. It is authorized to
7 recommend to the secretary means for obtaining appropriate citizen and
8 professional involvement in all health policy formulation and other
9 matters related to the powers and duties of the department. It is
10 further empowered to hold hearings and explore ways to improve the
11 health status of the citizenry.

12 (a) At least every five years, the state board shall convene
13 regional forums to gather citizen input on health issues.

14 (b) Every two years, in coordination with the development of the
15 state biennial budget, the state board shall prepare the state health
16 report that outlines the health priorities of the ensuing biennium.
17 The report shall:

18 (i) Consider the citizen input gathered at the health forums;

19 (ii) Be developed with the assistance of local health departments;

20 (iii) Be based on the best available information collected and
21 reviewed according to RCW 43.70.050 and recommendations from the
22 council;

23 (iv) Be developed with the input of state health care agencies. At
24 least the following directors of state agencies shall provide timely
25 recommendations to the state board on suggested health priorities for
26 the ensuing biennium: The secretary of social and health services, the
27 health care authority administrator, the insurance commissioner, the
28 administrator of the basic health plan, the superintendent of public

1 instruction, the director of labor and industries, the director of
2 ecology, and the director of agriculture;

3 (v) Be used by state health care agency administrators in preparing
4 proposed agency budgets and executive request legislation;

5 (vi) Be submitted by the state board to the governor by June 1 of
6 each even-numbered year for adoption by the governor. The governor, no
7 later than September 1 of that year, shall approve, modify, or
8 disapprove the state health report.

9 (c) In fulfilling its responsibilities under this subsection, the
10 state board shall create ad hoc committees or other such committees of
11 limited duration as necessary. Membership should include legislators,
12 providers, consumers, bioethicists, medical economics experts, legal
13 experts, purchasers, and insurers, as necessary.

14 (2) In order to protect public health, the state board of health
15 shall:

16 (a) Adopt rules and regulations necessary to assure safe and
17 reliable public drinking water and to protect the public health. Such
18 rules and regulations shall establish requirements regarding:

19 (i) The design and construction of public water system facilities,
20 including proper sizing of pipes and storage for the number and type of
21 customers;

22 (ii) Drinking water quality standards, monitoring requirements, and
23 laboratory certification requirements;

24 (iii) Public water system management and reporting requirements;

25 (iv) Public water system planning and emergency response
26 requirements;

27 (v) Public water system operation and maintenance requirements; and

28 (vi) Water quality, reliability, and management of existing but
29 inadequate public water systems.

1 (b) Adopt rules and regulations and standards for prevention,
2 control, and abatement of health hazards and nuisances related to the
3 disposal of wastes, solid and liquid, including but not limited to
4 sewage, garbage, refuse, and other environmental contaminants; adopt
5 standards and procedures governing the design, construction, and
6 operation of sewage, garbage, refuse and other solid waste collection,
7 treatment, and disposal facilities; and adopt rules and regulations
8 governing the local government certification of persons, other than
9 professional engineers and land surveyors, authorized to design or
10 install residential on-site septic tank sewage disposal systems with
11 ultimate design flows of up to three thousand five hundred gallons per
12 day per project site. However, such rules, regulations, standards, or
13 procedures may not restrict the authority of the local health officer
14 to permit subsurface soil absorption systems in areas where the
15 vertical separation is less than three feet but greater than eighteen
16 inches;

17 (c) Adopt rules and regulations controlling public health related
18 to environmental conditions including but not limited to heating,
19 lighting, ventilation, sanitary facilities, cleanliness and space in
20 all types of public facilities including but not limited to food
21 service establishments, schools, institutions, recreational facilities
22 and transient accommodations and in places of work;

23 (d) Adopt rules and regulations for the imposition and use of
24 isolation and quarantine;

25 (e) Adopt rules and regulations for the prevention and control of
26 infectious and noninfectious diseases, including food and vector borne
27 illness, and rules and regulations governing the receipt and conveyance
28 of remains of deceased persons, and such other sanitary matters as
29 admit of and may best be controlled by universal rule; and

1 (f) Adopt rules for accessing existing data bases for the purposes
2 of performing health related research.

3 (3) The state board may delegate any of its rule-adopting authority
4 to the secretary and rescind such delegated authority.

5 (4) All local boards of health, health authorities and officials,
6 officers of state institutions, police officers, sheriffs, constables,
7 and all other officers and employees of the state, or any county, city,
8 or township thereof, shall enforce all rules and regulations adopted by
9 the state board of health. In the event of failure or refusal on the
10 part of any member of such boards or any other official or person
11 mentioned in this section to so act, he or she shall be subject to a
12 fine of not less than fifty dollars, upon first conviction, and not
13 less than one hundred dollars upon second conviction.

14 (5) The state board may advise the secretary on health policy
15 issues pertaining to the department of health and the state.

16 (6) The state board or any local health board may not license or
17 certify, or establish further licensing or certification requirements
18 for professional engineers and land surveyors licensed under chapter
19 18.43 RCW."