
HOUSE BILL 2127

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Dunshee and Valle

Read first time 04/08/93. Referred to Committee on Appropriations.

1 AN ACT Relating to boards, commissions, committees, and other
2 subdivisions of state government; amending RCW 43.63A.230, 18.44.010,
3 18.44.080, 18.44.360, 18.44.380, 74.21.020, 74.21.030, 74.21.040,
4 74.21.080, 74.21.090, 74.21.100, 74.21.110, 74.21.120, 74.21.130,
5 74.21.150, 74.21.180, 74.21.200, 70.112.010, 70.112.020, 39.04.220,
6 18.135.030, 41.05.021, 43.185.110, 43.185A.020, 43.185A.050,
7 43.131.354, 18.19.110, 18.19.911, 38.40.030, 38.12.105, 39.19.030,
8 43.131.348, 46.20.520, 18.51.070, 28B.107.020, 18.106.040, 18.106.010,
9 46.61.380, 18.84.020, 18.84.040, 18.84.090, 18.84.110, 75.30.050,
10 75.30.210, 75.30.250, 18.145.030, 28A.415.250, 43.51.300, 43.51.320,
11 43.51.330, 70.94.527, 70.94.541, 70.94.544, 70.94.551, 70.47.040,
12 15.58.030, 15.92.070, 17.21.020, and 43.185.074; creating a new
13 section; and repealing RCW 18.44.208, 18.44.215, 74.21.050, 74.21.060,
14 74.21.070, 74.21.140, 41.05.150, 28B.115.050, 43.105.032, 48.17.135,
15 44.60.010, 44.60.020, 44.60.030, 44.60.040, 44.60.050, 44.60.070,
16 44.60.080, 44.60.090, 44.60.100, 44.60.110, 44.60.120, 44.60.130,
17 18.19.070, 38.12.095, 38.12.115, 38.12.125, 38.12.135, 39.19.040,
18 43.200.050, 43.200.150, 18.106.110, 67.08.001, 67.08.002, 67.08.003,
19 67.08.005, 67.08.007, 67.08.009, 67.08.010, 67.08.015, 67.08.030,
20 67.08.040, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.090,
21 67.08.100, 67.08.110, 67.08.120, 67.08.130, 67.08.140, 67.08.150,

1 67.08.160, 67.08.170, 67.08.180, 67.08.900, 18.84.060, 18.145.060,
2 28B.102.040, 43.51.340, 70.94.537, 15.58.380, 17.21.230, 17.21.240,
3 17.21.250, 17.21.260, 17.21.270, 43.30.150, 18.85.500, 43.185.076,
4 27.60.010, 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070,
5 27.60.900, 72.09.230, and 28B.04.085.

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

7 **EMPLOYEE OWNERSHIP PROGRAM ADVISORY PANEL**

8 **Sec. 1.** RCW 43.63A.230 and 1988 c 186 s 17 are each amended to
9 read as follows:

10 (1) The department of community development shall integrate an
11 employee ownership program within its existing technical assistance
12 programs. The employee ownership program shall provide technical
13 assistance to cooperatives authorized under chapter 23.78 RCW and
14 conduct educational programs on employee ownership and self-management.
15 The department shall include information on the option of employee
16 ownership wherever appropriate in its various programs.

17 ~~(2) ((The department shall maintain a list of firms and individuals
18 with expertise in the field of employee ownership and utilize such
19 firms and individuals, as appropriate, in delivering and coordinating
20 the delivery of technical, managerial, and educational services. In
21 addition, the department shall work with and rely on the services of
22 the department of trade and economic development, the employment
23 security department, and state institutions of higher education to
24 promote employee ownership.~~

25 ~~(3))~~ The department shall report to the governor, the trade and
26 economic development committee of the house of representatives, the
27 commerce and labor committee of the senate, and the ways and means
28 committees of each house by December 1 of 1988, and each year
29 thereafter, on the accomplishments of the employee-ownership program.
30 Such reports shall include the number and types of firms assisted, the
31 number of jobs created by such firms, the types of services, the number
32 of workshops presented, the number of employees trained, and the
33 results of client satisfaction surveys distributed to those using the
34 services of the program.

35 ~~((4))~~ (3) For purposes of this section, an employee stock
36 ownership plan qualifies as a cooperative if at least fifty percent,

1 plus one share, of its voting shares of stock are voted on a one-
2 person-one-vote basis.

3

ESCROW COMMISSION

4 **Sec. 2.** RCW 18.44.010 and 1985 c 7 s 47 are each amended to read
5 as follows:

6 Unless the context otherwise requires terms used in this chapter
7 shall have the following meanings:

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

9 (2) "Director" means the director of licensing, or his duly
10 authorized representative.

11 (3) "Escrow" means any transaction wherein any person or persons,
12 for the purpose of effecting and closing the sale, purchase, exchange,
13 transfer, encumbrance, or lease of real or personal property to another
14 person or persons, delivers any written instrument, money, evidence of
15 title to real or personal property, or other thing of value to a third
16 person to be held by such third person until the happening of a
17 specified event or the performance of a prescribed condition or
18 conditions, when it is then to be delivered by such third person, in
19 compliance with instructions under which he is to act, to a grantee,
20 grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee,
21 bailor, or any agent or employee thereof.

22 (4) "Escrow agent" means any sole proprietorship, firm,
23 association, partnership, or corporation engaged in the business of
24 performing for compensation the duties of the third person referred to
25 in RCW 18.44.010(3) above.

26 (5) "Certificated escrow agent" means any sole proprietorship,
27 firm, association, partnership, or corporation holding a certificate of
28 registration as an escrow agent under the provisions of this chapter.

29 (6) "Person" unless a different meaning appears from the context,
30 includes an individual, a firm, association, partnership or
31 corporation, or the plural thereof, whether resident, nonresident,
32 citizen or not.

33 (7) "Escrow officer" means any natural person handling escrow
34 transactions and licensed as such by the director.

35 (8) (~~"Escrow commission" means the escrow commission of the state~~
36 ~~of Washington created by RCW 18.44.208.~~

1 (9)) "Controlling person" is any person who owns or controls ten
2 percent or more of the beneficial ownership of any escrow agent,
3 regardless of the form of business organization employed and regardless
4 of whether such interest stands in such person's true name or in the
5 name of a nominee.

6 **Sec. 3.** RCW 18.44.080 and 1985 c 340 s 1 are each amended to read
7 as follows:

8 The director shall charge and collect the following fees:

9 (1) For filing an original or a renewal application for
10 registration as an escrow agent, annual fees for the first office or
11 location and for each additional office or location.

12 (2) For filing an application for a change of address, for each
13 certificate of registration and for each escrow officer license being
14 so changed.

15 (3) For filing an application for a duplicate of a certificate of
16 registration or of an escrow officer license lost, stolen, destroyed,
17 or for replacement.

18 (~~(4) For providing administrative support to the escrow~~
19 ~~commission.))~~

20 All fees under this chapter shall be set by the director in
21 accordance with RCW 43.24.086.

22 All fees received by the director under this chapter shall be paid
23 by him into the state treasury to the credit of the general fund.

24 NEW SECTION. **Sec. 4.** RCW 18.44.208 and 1985 c 340 s 3 & 1984 c
25 287 s 36 are each repealed.

26 **Sec. 5.** RCW 18.44.360 and 1988 c 178 s 2 are each amended to read
27 as follows:

28 The director shall, within thirty days after ((the)) a written
29 request ((of the escrow commission)), hold a public hearing to
30 determine whether the fidelity bond and/or the errors and omissions
31 policy specified in RCW 18.44.050 ((as now or hereafter amended)) is
32 reasonably available to a substantial number of certificated escrow
33 agents. If the director determines and the insurance commissioner
34 concurs that such bond and/or policy is not reasonably available, the
35 director shall waive the requirements for such bond and/or policy for
36 a fixed period of time.

1 NEW SECTION. **Sec. 6.** RCW 18.44.215 and 1984 c 287 s 37 & 1977
2 ex.s. c 156 s 29 are each repealed.

3 **Sec. 7.** RCW 18.44.380 and 1987 c 471 s 10 are each amended to read
4 as follows:

5 A request for a waiver of the required errors and omissions policy
6 may be accomplished under the statute by submitting to the director an
7 affidavit that substantially addresses the following:

8 REQUEST FOR WAIVER OF
9 ERRORS AND OMISSIONS POLICY

10 I,, residing at, City of,
11 County of, State of Washington, declare the following:

12 (1) (~~The state escrow commission~~) It has been determined that an
13 errors and omissions policy is not reasonably available to a
14 substantial number of licensed escrow officers; and

15 (2) Purchasing an errors and omissions policy is cost-prohibitive
16 at this time; and

17 (3) I have not engaged in any conduct that resulted in the
18 termination of my escrow certificate; and

19 (4) I have not paid, directly or through an errors and omissions
20 policy, claims in excess of ten thousand dollars, exclusive of costs
21 and attorneys' fees, during the calendar year preceding submission of
22 this affidavit; and

23 (5) I have not paid, directly or through an errors and omissions
24 policy, claims, exclusive of costs and attorneys' fees, totaling in
25 excess of twenty thousand dollars in the three calendar years
26 immediately preceding submission of this affidavit; and

27 (6) I have not been convicted of a crime involving honesty or moral
28 turpitude during the calendar year preceding submission of this
29 application.

30 THEREFORE, in consideration of the above, I,,
31 respectfully request that the director of licensing grant this request
32 for a waiver of the requirement that I purchase and maintain an errors
33 and omissions policy covering my activities as an escrow agent licensed
34 by the state of Washington for the period from, 19. . ., to
35, 19. . .

1 Submitted this day of day of, 19. . .
2
3 (signature)

4 State of Washington,
5 ss.
6 County of King

7 I certify that I know or have satisfactory evidence that
8, signed this instrument and acknowledged it to be
9 free and voluntary act for the uses and purposes
10 mentioned in the instrument.

11 Dated
12 Signature of
13 Notary Public
14 (Seal or stamp) Title
15 My appointment expires

16 **FAMILY INDEPENDENCE PROGRAM EXECUTIVE COMMITTEE**

17 **Sec. 8.** RCW 74.21.020 and 1990 1st ex.s. c 6 s 1 are each amended
18 to read as follows:

19 The legislature hereby establishes as state policy the goal of
20 economic independence for employable adults receiving public
21 assistance, through employment, training, and education. The
22 legislature finds that children living in families with incomes below
23 the needs standard have reduced opportunities for physical and
24 intellectual development. A family's economic future is frequently not
25 improved by the current program.

26 Therefore, in order to break the cycle of poverty and dependence,
27 a family independence program is established. Participating families
28 are to receive benefits under this program at no less than they would
29 otherwise have been entitled to receive.

30 The legislature intends that the family independence program ((is))
31 be operated as a demonstration(, which shall be periodically reviewed
32 and modified by the executive committee to further state policy and to
33 manage the program within resources)).

1 The legislature finds that the state has a vital interest in
2 ensuring that citizens who are in economic need are provided
3 appropriate financial assistance. It is the intent of the legislature
4 to maintain the existing partnership between state and federal
5 government and that this program remain part of the federal welfare
6 entitlement program. The legislature seeks federal authority for a
7 five-year demonstration project and recognizes that waivers and
8 congressional action may be required to achieve our purpose. The
9 legislature does not seek a block grant approach to welfare.

10 The legislature recognizes that any program intended to assist new
11 and current public assistance recipients will be more likely to succeed
12 when the state, private sector, and recipients work together.

13 The legislature also recognizes the value of building on successful
14 programs that utilize the development of networking and mentoring
15 strategies to assist public assistance recipients to gain self-
16 sufficiency. The legislature further encourages public-private
17 cooperation in the areas of job readiness training, education, job
18 training, and work opportunities, including community-based
19 organizations as service providers in these areas through contractual
20 relationships.

21 The legislature finds that the goal of economic independence
22 requires increased efforts to assist parents in exercising their
23 children's right to economic support from absent parents.

24 The legislature recognizes the substantial participation in the
25 workforce of women with preschool children, and the difficulty in
26 reentering employment after long absences.

27 The legislature further recognizes that public assistance
28 recipients can play a major role in setting their own goals.

29 The objectives of this chapter are to assure that: The maximum
30 number of recipients of public assistance become independent and self-
31 sufficient through employment, training, and education; caseloads be
32 correspondingly reduced on a long-term basis; financial incentives be
33 available to recipients participating in job readiness, education,
34 training, and work programs; the number of children growing up in
35 poverty be substantially reduced; and unemployable recipients be
36 afforded a basic level of financial and medical assistance consistent
37 with the state's financial capabilities.

1 **Sec. 9.** RCW 74.21.030 and 1990 1st ex.s. c 6 s 2 are each amended
2 to read as follows:

3 Unless the context requires to the contrary, the definitions in
4 this section apply throughout this chapter.

5 (1) "Benchmark standard" is the basic monthly level of cash
6 benefits, established according to family size, which equals the
7 state's payment standard under the aid to families with dependent
8 children program, plus an amount not less than the full cash equivalent
9 of food stamps for which any family of such size would otherwise be
10 eligible.

11 (2) "Department" means the department of social and health
12 services.

13 (3) "Enrollee" means the head(s) of household of a family eligible
14 to receive financial assistance or other services under the family
15 independence program.

16 (4) (~~("Executive committee" or "committee" means the family
17 independence program executive committee, authorized by and subject to
18 the provisions of this chapter, to make policy recommendations to the
19 legislature and develop procedure, program standards, data collection
20 and information systems for family independence programs, including
21 making budget allocations, setting incentive rates within appropriated
22 funds, setting cost sharing requirements for child care and medical
23 services, and making related financial reports under chapter 43.88 RCW.~~

24 (5)) "Family independence program services" include but are not
25 limited to job readiness programs, job creation, employment, work
26 programs, training, education, family planning services, development of
27 a mentor program, income and medical support, parent education, child
28 care, and training in family responsibility and family management
29 skills, including appropriate financial counseling and training on
30 management of finances and use of credit.

31 (6)) (5) "Food stamps" means the food purchase benefit available
32 through the United States department of agriculture.

33 (7)) (6) "Gross income" means the total income of an enrollee
34 from earnings, cash assistance, and incentive benefit payments.

35 (8)) (7) "Incentive benefit payments" means those additional
36 benefits payable to enrollees due to their participation in education,
37 training, or work programs.

38 (9)) (8) "Job-ready" is the status of an enrollee who is
39 assessed as ready to enter job search activities on the basis of the

1 enrollee's skills, experience, or participation in job and education
2 activities in accordance with RCW 74.21.080.

3 ~~((10))~~ (9) "Job readiness training" means that training necessary
4 to enable enrollees to participate in job search or job training
5 classes. It may include any or all of the following: Budgeting and
6 financial counseling, time management, self-esteem building,
7 expectations of the workplace (including appropriate dress and behavior
8 on the job), goal setting, transportation logistics, and other
9 preemployment skills.

10 ~~((11))~~ (10) "Maximum income levels" are those levels of income
11 and cash benefits, both benchmark and incentive, which the state
12 establishes as the maximum level of total gross cash income for persons
13 to continue to receive cash benefits.

14 ~~((12))~~ (11) "Medical benefits" or "medicaid" are categorically or
15 medically needy medical benefits provided in accordance with Title XIX
16 of the federal social security act. Eligibility and scope of medical
17 benefits under this chapter shall incorporate any hereinafter enacted
18 changes in the medicaid program under Title XIX of the federal social
19 security act.

20 ~~((13))~~ (12) "Noncash benefits" includes benefits such as child
21 care and medicaid where the family receives a service in lieu of a cash
22 payment related to the purposes of the family independence program.

23 ~~((14))~~ (13) "Payment standard" is equal to the standard of need
24 or a lesser amount if rateable reductions or grant maximums are
25 established by the legislature. Standard of need shall be based on
26 periodic studies of actual living costs and generally recognized
27 inflation indices and shall include reasonable allowances for shelter,
28 fuel, food, transportation, clothing, household maintenance, and
29 necessary incidentals. The standard of need may take into account the
30 economies of joint living arrangements, but there shall not be
31 proration of any portion of assistance grants unless the amount of the
32 payment standard is equal to the standard of need.

33 ~~((15))~~ (14) "Subsidized employment" means employment for which
34 the family independence program has provided the employer the financial
35 resources, in whole or in part, to compensate an enrollee for the
36 performance of work.

37 ~~((16))~~ (15) "Unsubsidized employment" means employment for which
38 the family independence program has not provided the employer the

1 financial resources to compensate an enrollee for the performance of
2 work.

3 ~~((17))~~ (16) "Treatment site" means the five sites chosen in
4 accordance with federal standards for data collection by the
5 independent evaluator contracted for under this chapter.

6 **Sec. 10.** RCW 74.21.040 and 1990 1st ex.s. c 6 s 3 are each amended
7 to read as follows:

8 (1) Upon implementation of the family independence program, all
9 applicants for public assistance, except persons eligible for
10 assistance under the general assistance--unemployable program and
11 except for families in which the children residing with caretakers
12 other than the children's parents are the only individuals eligible for
13 benefits, under chapter 74.04 RCW, shall be enrolled in the family
14 independence program and shall be eligible to receive financial and
15 medical benefits under the following criteria:

16 (a) A person who is a "dependent child" as defined in 42 U.S.C.
17 Sec. 606(a) or 42 U.S.C. Sec. 607(a), the caretaker relative(s) with
18 whom the dependent child resides, or a pregnant woman as defined in 42
19 U.S.C. Sec. 606(b); and

20 (b) A person whose resources do not exceed those established by the
21 United States department of health and human services at 45 C.F.R. Sec.
22 233.20(a)(3)(i)(B); and

23 (c) A person whose income does not exceed the benchmark standard
24 plus appropriate incentive benefit payments established in accordance
25 with this chapter. However, subject to subsection (2) of this section
26 and RCW 74.21.180, the department may limit family independence program
27 eligibility to exclude those new applicants whose monthly income would
28 render them ineligible for aid to families with dependent children
29 benefits under the payment level in effect at the time of the
30 application. For the purposes of this subsection, a new applicant is
31 a person who has not been a recipient of aid to families with dependent
32 children or an enrollee for ninety days prior to application.

33 (2) Subject to the availability of funds for family independence
34 program benefits, the department may expand eligibility to authorize
35 family independence program benefits for additional categories of
36 persons, but the department shall ensure that no person who would be
37 eligible for benefits under the program requirements in place in this
38 state as of January 1, 1988, pursuant to Titles IV-A and XIX of the

1 federal social security act shall be denied financial or medical
2 benefits under this chapter.

3 ~~((3) The executive committee is authorized to transfer cases from
4 the family independence program to the aid for families with dependent
5 children program in circumstances where the dependent children residing
6 with caretakers other than the children's parents are the only
7 individuals eligible for benefits under chapter 74.04 RCW.))~~

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

- 10 (1) RCW 74.21.050 and 1990 1st ex.s. c 6 s 4 & 1987 c 434 s 5;
11 (2) RCW 74.21.060 and 1988 c 43 s 3 & 1987 c 434 s 6; and
12 (3) RCW 74.21.070 and 1990 1st ex.s. c 6 s 5 & 1987 c 434 s 7.

13 **Sec. 12.** RCW 74.21.080 and 1987 c 434 s 8 are each amended to read
14 as follows:

15 (1) The ~~((executive committee))~~ department may mandate the
16 participation of enrollees in registration and assessment activities
17 unless persons meet the exemption criteria set forth in subsection
18 (2)(d) (ii) through (vi) of this section;

19 (2) The ~~((executive committee))~~ department may mandate the
20 participation of enrollees in education, training, or work activities,
21 subject to the following:

22 (a) There shall be no mandatory participation of enrollees in
23 education, training, or work activities during the first two years
24 after implementation of this chapter;

25 (b) The ~~((executive committee))~~ department shall collect and
26 maintain records regarding the number of enrollees awaiting placement
27 in job preparation activities; the number of enrollees who are
28 participating in an education, job training, or other job preparation
29 program; the number of enrollees who are job-ready as defined in this
30 chapter; and the number of enrollees who have obtained placement as
31 defined in this chapter. After the first two years, participation in
32 training, education, or work activities may become mandatory in regions
33 in which the family independence program has been implemented in
34 accordance with this chapter, in which more than fifty percent of the
35 job-ready enrollees obtained placements within three months of the time
36 they became assessed as job-ready, and in which incentive benefit
37 payment levels are set as initially required under RCW 74.21.150;

1 (c) If mandatory participation is suspended, it may be suspended by
2 rule on a county or regional basis, but may be retained for a discrete
3 group of enrollees;

4 (d) When participation in work and training requirements becomes
5 mandatory, the following persons are exempt from the mandatory
6 participation requirement:

7 (i) One parent with a child under three years of age in the home
8 unless the family has been receiving public assistance for more than
9 three years, in which case the caretaking parent must participate after
10 the child is six months of age;

11 (ii) New enrollees who are on public assistance for the first time
12 shall not be required to participate in employment, training, or work
13 activities until they have been on public assistance for six months;

14 (iii) Persons under sixteen years of age or over sixty-four years
15 of age;

16 (iv) Persons over sixteen years of age who are in high school;

17 (v) Persons who are incapacitated, temporarily ill, or are needed
18 at home to care for an impaired person;

19 (vi) A person who is in the third trimester of pregnancy; and

20 (vii) A person who has not yet been individually notified in
21 writing of the requirement to participate in registration, assessment,
22 work, or training requirements or the expiration of his or her exempt
23 status.

24 (3) The (~~executive committee~~) department may suspend and
25 reinstate, based upon periodic review, the mandatory requirement as
26 affected by the availability of training and job resources.

27 **Sec. 13.** RCW 74.21.090 and 1987 c 434 s 9 are each amended to read
28 as follows:

29 (1) The department of social and health services and the employment
30 security department shall provide education and training opportunities
31 to enrollees when appropriate, pursuant to the employability plan
32 required in RCW 74.21.190, and shall emphasize efforts which prepare
33 enrollees for long-term unsubsidized employment and economic
34 independence. This shall include opportunities for: (a) Enrollees who
35 seek to pursue basic remedial education, such as completion of general
36 equivalency diploma, adult basic education, and English proficiency
37 training; (b) enrollees who seek vocational or skills training through
38 on-the-job training or enrollment in a skills training or vocational

1 training program, including those programs at a vocational training
2 institute or community college; and (c) enrollees seeking higher
3 education, including community college and four-year college degrees.

4 (2) The state agencies shall assure that those enrollees who seek
5 to pursue work, training, and education activities, and those enrollees
6 who are required in accordance with this chapter to so participate,
7 receive a realistic assessment of work, training, and education
8 opportunities and the opportunity to mutually participate in developing
9 an individual self-sufficiency plan. The self-sufficiency plan shall
10 take into account the local labor market and wage levels, as well as
11 the individual's skills, work history, abilities, limitations,
12 financial needs, desires, and interests, and shall specify the
13 activities and services required for completion. The self-sufficiency
14 plan is subject to approval by the state agencies. An enrollee may
15 seek a modification of the self-sufficiency plan, or an administrative
16 review if mutual agreement cannot be achieved.

17 (3) Within available funds, the department shall provide for
18 payment of support services including child care and family
19 independence program benefits at the benefit incentive level for
20 education and training as set forth in RCW 74.21.150 to support
21 appropriate training and education programs of enrollees. When the
22 department has approved the funding of such payments for individual's
23 appropriate training or education plan, such funding shall continue,
24 subject to an annual review, for the duration of the individual's
25 participation in the approved training or education program. ((The
26 executive committee shall establish by rule criteria for funding of
27 appropriate training and education programs.))

28 (4) When support services are unavailable through existing day-care
29 resources, the department shall make efforts to gain services through
30 private and public agencies.

31 **Sec. 14.** RCW 74.21.100 and 1989 c 175 s 158 are each amended to
32 read as follows:

33 ((The executive committee shall direct)) The department of social
34 and health services and the employment security department ((to)) shall
35 adopt rules providing due process of law protections to applicants for
36 and recipients of family independence program benefits. The
37 requirements shall confer protections no less than those which the
38 federal statutes and regulations confer on participants in the food

1 stamp, aid to families with dependent children, and work incentive
2 programs. The protections shall include, but are not limited to, the
3 following:

4 (1) The departments shall provide adequate advance written notice
5 to applicants or enrollees of any agency action to deny, award, reduce,
6 terminate, increase, or suspend benefits or to change the manner or
7 form of payment or of any agency action requiring the enrollee to take
8 any action. Adequate notice includes a statement of what action the
9 agency intends to take, the reasons for the intended agency action, the
10 specific rules supporting the action, an explanation of the
11 individual's right to file an application for an adjudicative
12 proceeding, how to file an application, and the circumstances under
13 which assistance is continued pending the adjudicative proceeding if an
14 application for one is filed.

15 (2) Advance notice must be mailed to enrollees at least ten days
16 prior to the date on which the proposed action would become effective.

17 (3) An applicant or enrollee aggrieved by an action or decision of
18 the departments, including requiring or denying participation in a
19 work, training, or education activity, has the right to file an
20 application for an adjudicative proceeding under RCW 74.08.080 and
21 chapters 34.05 and 34.12 RCW. The aggrieved person is entitled to all
22 fair hearing rights and to the right of judicial review therefrom as
23 provided in RCW 74.08.080.

24 (4) When an enrollee files an application for an adjudicative
25 proceeding during the advance notice period, the departments shall not
26 implement the challenged action until a written adjudicative order is
27 rendered after a hearing. The advance notice period is the period
28 prior to the effective date of the proposed action or ten days from the
29 date of adequate written notice, whichever is later. Any assistance
30 received pending a hearing or adjudicative order may be considered to
31 be an overpayment if the adjudicative order is against the enrollee.

32 (5) Financial, food stamp, and medical assistance shall be
33 furnished to eligible individuals in a timely manner and shall be
34 continued regularly to all eligible individuals until they are found to
35 be ineligible. Applications should be disposed of as soon as possible
36 in accordance with 7 C.F.R. Sec. 273.2 (g) and (i) and 45 C.F.R. Sec.
37 206.10 and no later than thirty days from the date of application
38 unless good cause applies. Prior to denial or termination of family
39 independence program cash or noncash benefits, each family's

1 eligibility for financial assistance, medical assistance, and food
2 stamp benefits shall be determined.

3 **Sec. 15.** RCW 74.21.110 and 1987 c 434 s 11 are each amended to
4 read as follows:

5 (1) When an enrollee ceases to receive family independence program
6 cash benefits as a result of increased earnings, the enrollee shall be
7 eligible to receive family independence program noncash child care and
8 medical benefits for a period of one year following the cessation of
9 family independence program cash eligibility.

10 (2) ~~((The executive committee may authorize))~~ The department ~~((to))~~
11 may require financial participation based on income of the enrollee in
12 the cost of the family independence program noncash benefits, but such
13 financial participation requirement shall not exceed twenty-five
14 percent of the cost of the noncash benefit or twenty-five percent of
15 the amount by which the family's income exceeds the maximum income
16 level, whichever is less.

17 (3) No person may be required to participate in the cost of medical
18 benefits if the person would have been eligible for medicaid benefits
19 at no additional cost under the medically needy income levels or the
20 program requirements in effect as of January 1, 1988.

21 **Sec. 16.** RCW 74.21.120 and 1987 c 434 s 12 are each amended to
22 read as follows:

23 (1) Enrollees referred to subsidized and unsubsidized employment
24 positions established pursuant to this chapter shall not be considered
25 employees of the ~~((executive committee or the))~~ state solely because of
26 their status as enrollees in the family independence program.
27 Enrollees in subsidized and unsubsidized employment positions
28 established pursuant to this chapter shall be considered employees of
29 the agency or employer sponsoring their employment. Enrollees in such
30 subsidized and unsubsidized positions shall receive and enjoy the
31 following protections and benefits of the sponsoring employer
32 including, but not limited to, worker's compensation, old age and
33 survivors health insurance, protections of a collective bargaining
34 agreement, sick leave, retirement, medical benefits, vacation leave,
35 and hours of work, provided that these protections and benefits shall
36 not be created by this subsection if such protections and benefits do
37 not already exist. Enrollees in such subsidized and unsubsidized

1 positions shall also be covered for purpose of unemployment
2 compensation, notwithstanding RCW 50.44.040(5) to the contrary.

3 (2) Subsidized and unsubsidized positions under this chapter to
4 which enrollees are referred shall not be created as a result of, nor
5 result in, any of the following:

6 (a) Displacement of currently employed workers or authorized
7 positions, for the purpose of employing enrollees, including partial
8 displacement such as reduction in hours of nonovertime work, wages, or
9 other employment benefits;

10 (b) The filling of subsidized and unsubsidized positions that would
11 otherwise be a promotional opportunity;

12 (c) The filling of a subsidized or unsubsidized position before
13 compliance with applicable personnel procedures and collective
14 bargaining agreements, including in the instance of subsidized jobs the
15 written concurrence from any affected union representative
16 organization;

17 (d) The filling of a subsidized or unsubsidized position created by
18 a reduction in work force or change of employers;

19 (e) A strike, lockout, or other bona fide labor dispute, or a
20 violation of any existing collective bargaining agreement between
21 employees and employers;

22 (f) Decertification of any bargaining unit;

23 (g) Creation of a new classification that has the intent or effect
24 of subverting the intent of this section.

25 (3) Enrollees in subsidized and unsubsidized employment shall not
26 continue participation at a place of employment that is involved in a
27 strike, lockout, or other bona fide labor dispute.

28 (4) The employment security department shall establish a dispute-
29 resolution process for resolving disagreements arising from this
30 section or other employment-related sections of this chapter.

31 **Sec. 17.** RCW 74.21.130 and 1987 c 434 s 13 are each amended to
32 read as follows:

33 (~~The executive committee shall direct that~~) No enrollee (~~shall~~)
34 may be referred to subsidized or unsubsidized employment in which the
35 enrollee would be paid at a rate less than the highest of the
36 following:

37 (1) The minimum wage set out in section 6 (a)(1) of the fair labor
38 standards act of 1938, as amended, or as established by state law;

1 (2) The prevailing rate of pay for persons employed in similar
2 occupations by the same employer;

3 (3) The minimum entrance rate for inexperienced workers in the same
4 occupation with the employer or, if the occupation is new to the
5 employer, the prevailing entrance rate for the occupation among other
6 employers in the area or community, or the applicable minimum rate
7 required by an applicable bargaining agreement; or

8 (4) The prevailing rate established in accordance with the Davis-
9 Bacon act, as amended, or the service contract act, as amended, for
10 enrollees working in occupations covered by the applicable acts.

11 NEW SECTION. **Sec. 18.** RCW 74.21.140 and 1988 c 43 s 4 & 1987 c
12 434 s 14 are each repealed.

13 **Sec. 19.** RCW 74.21.150 and 1987 c 434 s 15 are each amended to
14 read as follows:

15 (1) The legislature shall determine the benchmark standard for
16 enrollees. The legislature may adjust the benchmark standard
17 periodically. However, the department shall promptly pass on to
18 enrollees any increases in federal food stamp program benefits. The
19 (~~executive committee~~) department shall designate what portion of the
20 benchmark standard constitutes a cash payment for food stamp benefits
21 and shall ensure that this designation information is regularly
22 provided to recipients. The portion of the benchmark standard and
23 incentive benefit levels that is designated as the cash payment for
24 food stamp benefits shall be excluded as income to the full extent that
25 food stamps are so excluded by current and subsequently enacted state
26 and federal law.

27 (2) Enrollees shall receive cash assistance which, when added to
28 other income, provides total income not less than the benchmark
29 standard set by the legislature. Enrollees participating in work,
30 education, or training programs shall receive incentive benefit
31 payments which, when added to other income, provides gross income not
32 less than the levels which shall be initially set as follows:

33 (a) One hundred five percent of the benchmark standard for
34 enrollees participating in training or education programs;

35 (b) One hundred five percent of the benchmark standard for teenage
36 parents if they stay in school and progress toward graduation and

1 successfully participate in parenting education approved by the office
2 of the superintendent of public instruction or the department;

3 (c) One hundred fifteen percent of the benchmark standard for
4 enrollees working half time, but the department may authorize a higher
5 incentive benefit payment level for enrollees working part time; and

6 (d) One hundred thirty-five percent of the benchmark standard for
7 enrollees working full time.

8 (3) Family independence program cash benefits shall not be
9 available to meet the needs of enrollees for whom participation in the
10 work and training components of the family independence program is
11 mandatory and who refuse without good cause to participate in such
12 programs. However, medical benefits for such sanctioned individuals
13 and payments on behalf of the other members of the family shall be
14 provided. In such cases, payments to the remaining family members may
15 be in the form of protective payee payments unless, after reasonable
16 efforts, the state is unable to locate an appropriate protective payee,
17 in which case the sanctioned individual can be the payee for the
18 remaining family members. A participant under such sanction is
19 eligible for the full benchmark plus appropriate incentive benefit
20 level once he or she participates.

21 (4) The department(~~(, at the direction of the executive~~
22 ~~committee,)~~) may increase or decrease the incentive benefit payment
23 levels based on the availability of funds.

24 **Sec. 20.** RCW 74.21.180 and 1987 c 434 s 18 are each amended to
25 read as follows:

26 The department shall establish rules for the determination of
27 financial need and the treatment of income of enrollees consistent with
28 this section.

29 (1) Income and resources shall be reasonably evaluated and cannot
30 be considered available to an applicant or recipient unless actually
31 available.

32 (2) The following shall be excluded as income in family
33 independence program eligibility and need determinations: The value of
34 medical benefits, child care, higher education benefits, earned income
35 tax credit, income tax refunds, any housing subsidy, energy assistance,
36 the earnings of a child, retroactive family independence program
37 benefits, the child support exempted by 42 U.S.C. Sec. 657(b) or 42
38 U.S.C. Sec. 602(a)(8)(vi), and any benefit or moneys that any provision

1 of federal law in effect on January 1, 1988, excludes from being
2 considered income for eligibility for aid to families with dependent
3 children or food stamps or other exclusions which Congress may
4 hereafter enact.

5 (3) ~~((The executive committee may direct))~~ The department ~~((to))~~
6 may establish methods for evaluating what portion of income is
7 considered gross income for persons whose income is earned over a
8 longer period of time than the period in which it is received and for
9 measuring the gross income of self-employed persons.

10 **Sec. 21.** RCW 74.21.200 and 1987 c 434 s 20 are each amended to
11 read as follows:

12 (1) The family independence program shall not be implemented before
13 February 28, 1988, and shall not be implemented until specifically
14 authorized by the legislature. ~~((However, upon July 26, 1987, the
15 executive committee shall be appointed and shall carry out those
16 functions necessary to plan for the implementation of the family
17 independence program, including securing federal approval.))~~

18 (2) ~~((The governor shall report to the legislature at least once
19 each quarter of 1987 on the progress of the executive committee's
20 efforts to secure federal approval of the family independence program.~~

21 ~~(3))~~(a) The governor shall seek congressional action on any
22 federal legislation necessary to implement this chapter. The governor
23 shall seek legislation that provides that any program under this
24 chapter shall be a demonstration project which remains within the
25 federal aid to families with dependent children system under Title IV
26 of the federal social security act.

27 (b) Any agreements with the federal government necessary to
28 implement the family independence program shall provide that any
29 program under this chapter shall be a demonstration project which
30 remains within the federal aid to families with dependent children
31 system under Title IV of the federal social security act. Such
32 agreements shall provide for waivers from the federal aid to families
33 with dependent children system only to the extent necessary to
34 implement this chapter.

35 ~~((4))~~ (3) If all proposed agreements between the state and
36 federal governments which are necessary to implement the family
37 independence program have been completed before February 1, 1988, a
38 plan outlining such proposed agreements shall be submitted to the

1 legislature no later than February 7, 1988. If all agreements between
2 the state and federal governments necessary to implement the family
3 independence program have not been completed by February 1, 1988, an
4 implementation plan with the proposed agreements shall be submitted to
5 the senate committee on human services and corrections, the house of
6 representatives committee on human services, and the senate and house
7 of representatives committees on ways and means for consideration.
8 Copies of all such proposed agreements and any proposed changes to
9 state statute shall be submitted to the legislature with the plan. The
10 family independence program shall be implemented only after the
11 legislature has approved the implementation plan and authorized the
12 signing and completion of all federal-state agreements.

13 ~~((5))~~ (4) Any agreements with the federal government pursuant to
14 this chapter shall provide that such agreements may be canceled by the
15 state or federal government upon six months' notice or immediately upon
16 mutual agreement. If the agreements are canceled, those enrollees in
17 the family independence program who are eligible for the aid to
18 families with dependent children, medicaid, and the food stamp programs
19 shall be converted to those programs.

20 ~~((6) Subject to the approval of the executive committee,))~~ (5) The
21 department of social and health services and the employment security
22 department shall enter into an interagency agreement for carrying out
23 appropriate administrative functions and purposes as required with
24 respect to the family independence program to be undertaken in this
25 state.

26 **FAMILY PRACTICE EDUCATION ADVISORY BOARD**

27 **Sec. 22.** RCW 70.112.010 and 1975 1st ex.s. c 108 s 1 are each
28 amended to read as follows:

29 (1) "School of medicine" means the University of Washington school
30 of medicine located in Seattle, Washington;

31 (2) "Residency programs" mean community based family practice
32 residency educational programs either in existence or established under
33 this chapter;

34 (3) "Affiliated" means established or developed in cooperation with
35 the school of medicine; and

1 (4) "Family practice unit" means the community facility or
2 classroom used for training of ambulatory health skills within a
3 residency training program(~~(; and~~

4 ~~(5) "Advisory board" means the family practice education advisory~~
5 ~~board created by this chapter~~)).

6 **Sec. 23.** RCW 70.112.020 and 1975 1st ex.s. c 108 s 2 are each
7 amended to read as follows:

8 There is established a state-wide medical education system for the
9 purpose of training resident physicians in family practice. The dean
10 of the school of medicine shall be responsible for implementing the
11 development and expansion of residency programs in cooperation with the
12 medical profession, hospitals, and clinics located throughout the
13 state. The ~~((chairman))~~ chair of the department of family medicine in
14 the school of medicine(~~(, with the consent of the advisory board,~~)
15 shall determine where affiliated residency programs shall exist; giving
16 consideration to communities in the state where the population,
17 hospital facilities, number of physicians, and interest in medical
18 education indicate the potential success of the residency program. The
19 medical education system shall provide financial support for residents
20 in training for those programs which are affiliated with the school of
21 medicine and shall establish positions for appropriate faculty to staff
22 these programs. The number of programs shall be ~~((determined by the~~
23 ~~board and be))~~ in keeping with the needs of the state.

24 **GENERAL CONTRACTOR OVERSIGHT**

25 **Sec. 24.** RCW 39.04.220 and 1991 c 130 s 2 are each amended to read
26 as follows:

27 (1) In addition to currently authorized methods of public works
28 contracting, and in lieu of the requirements of RCW 39.04.010 and
29 39.04.020 through 39.04.060, capital projects funded for over ten
30 million dollars appropriated and authorized by the legislature for the
31 department of corrections in the 1989-91 biennium at the McNeil Island
32 corrections center, the Clallam Bay corrections center, the
33 construction of new correctional facilities under the authority of the
34 secretary of corrections including drug camps; work camps; a new medium
35 security prison and such other correctional facilities as may be
36 authorized by the legislature during the biennium ending June 30, 1993,

1 may be accomplished under contract using the general
2 contractor/construction manager method described in this section. For
3 the purposes of this section, "general contractor/construction manager"
4 means a firm with which the department of general administration has
5 selected and negotiated a maximum allowable construction cost to be
6 guaranteed by the firm, after competitive selection through a formal
7 advertisement, and competitive bids to provide services that may
8 include life-cycle cost design considerations, value engineering,
9 scheduling, cost estimating, constructability, alternative construction
10 options for cost savings, and sequencing of work, and to act as the
11 general contractor during the construction phase. (~~The department of
12 general administration shall establish an independent oversight
13 advisory committee with representatives of interest groups with an
14 interest in this subject area, the department of corrections, and the
15 private sector, to review selection and contracting procedures.~~) The
16 general contractor/construction manager method is limited to contracts
17 signed before July 1, 1996.

18 (2) Contracts for the services of a general contractor/construction
19 manager awarded under the authority of this section shall be awarded
20 through a competitive process requiring the public solicitation of
21 proposals for general contractor/construction manager services.
22 Minority and women enterprise total project goals shall be specified in
23 the bid instructions to the general contractor/construction manager
24 finalists. The director of general administration is authorized to
25 include an incentive clause in any contract awarded under this section
26 for savings of either time or cost or both from that originally
27 negotiated. No incentives granted shall exceed five percent of the
28 maximum allowable construction cost. The director of general
29 administration or his or her designee shall establish a committee to
30 evaluate the proposals considering such factors as ability of
31 professional personnel; past performance in negotiated and complex
32 projects; ability to meet time and budget requirements; location;
33 recent, current, and projected work loads of the firm; and the concept
34 of their proposal. After the committee has selected the most qualified
35 finalists, these finalists shall submit sealed bids for the percent
36 fee, which is the percentage amount to be earned by the general
37 contractor/construction manager as overhead and profit, on the
38 estimated maximum allowable construction cost and the fixed amount for
39 the detailed specified general conditions work. The maximum allowable

1 construction cost may be negotiated between the department of general
2 administration and the selected firm after the scope of the project is
3 adequately determined to establish a guaranteed contract cost for which
4 the general contractor/construction manager will provide a performance
5 and payment bond. The guaranteed contract cost includes the fixed
6 amount for the detailed specified general conditions work, the
7 negotiated maximum allowable construction cost, the percent fee on the
8 negotiated maximum allowable construction cost, and sales tax. If the
9 department of general administration is unable to negotiate a
10 satisfactory maximum allowable construction cost with the firm selected
11 that the department of general administration determines to be fair,
12 reasonable, and within the available funds, negotiations with that firm
13 shall be formally terminated and the department of general
14 administration shall negotiate with the next low bidder and continue
15 until an agreement is reached or the process is terminated. If the
16 maximum allowable construction cost varies more than fifteen percent
17 from the bid estimated maximum allowable construction cost due to
18 requested and approved changes in the scope by the state, the percent
19 fee shall be renegotiated. All subcontract work shall be competitively
20 bid with public bid openings. Specific goals for women and minority
21 enterprises shall be specified in each subcontract bid package that
22 responsive bidders will have to meet or exceed. All subcontractors who
23 bid work over one hundred thousand dollars shall post a bid bond and
24 the awarded subcontractor shall provide a performance and payment bond
25 for their contract amount if required by the general
26 contractor/construction manager. The bidding of subcontract work by
27 the general contractor/construction manager or its subsidiaries is
28 prohibited but it may negotiate with the low-responsive bidder in
29 accordance with RCW 39.04.015 or rebid if authorized by the director of
30 general administration in the event no bids are received, the bids
31 received are over the budget amount, or the subcontractor fails to
32 perform.

33 (3) If the project is completed for less than the agreed upon
34 maximum allowable construction cost, any savings not otherwise
35 negotiated as part of an incentive clause shall accrue to the state.
36 If the project is completed for more than the agreed upon maximum
37 allowable construction cost, excepting increases due to any contract
38 change orders approved by the state, the additional cost shall be the
39 responsibility of the general contractor/construction manager.

1 (4) The powers and authority conferred by this section shall be
2 construed as in addition and supplemental to powers or authority
3 conferred by any other law, and nothing contained herein shall be
4 construed as limiting any other powers or authority of the department
5 of general administration.

6 **HEALTH CARE ASSISTANCE ADVISORY COMMITTEE**

7 **Sec. 25.** RCW 18.135.030 and 1991 c 3 s 273 are each amended to
8 read as follows:

9 The secretary, or the secretary's designee(~~(, with the advice of~~
10 ~~designees of the board of medical examiners, the board of osteopathic~~
11 ~~medicine and surgery, the podiatry board, and the board of nursing,))~~
12 shall adopt rules necessary to administer, implement, and enforce this
13 chapter and establish the minimum requirements necessary for a health
14 care facility or health care practitioner to certify a health care
15 assistant capable of performing the functions authorized in this
16 chapter. The rules shall establish minimum requirements for each and
17 every category of health care assistant. (~~Said rules shall be adopted~~
18 ~~after fair consideration of input from representatives of each~~
19 ~~category.)) These requirements shall ensure that the public health and
20 welfare are protected and shall include, but not be limited to, the
21 following factors:~~

22 (1) The education and occupational qualifications for the health
23 care assistant category;

24 (2) The work experience for the health care assistant category;

25 (3) The instruction and training provided for the health care
26 assistant category; and

27 (4) The types of drugs or diagnostic agents which may be
28 administered by injection by health care assistants working in a
29 hospital or nursing home. The rules established pursuant to this
30 subsection shall not prohibit health care assistants working in a
31 health care facility other than a nursing home or hospital from
32 performing the functions authorized under this chapter.

33 **HEALTH CARE POLICY TECHNICAL ADVISORY COMMITTEE**

34 **Sec. 26.** RCW 41.05.021 and 1990 c 222 s 3 are each amended to read
35 as follows:

1 The Washington state health care authority is created within the
2 executive branch. The authority shall have an administrator appointed
3 by the governor, with the consent of the senate. The administrator
4 shall serve at the pleasure of the governor. The administrator may
5 employ up to seven staff members, who shall be exempt from chapter
6 41.06 RCW, and any additional staff members as are necessary to
7 administer this chapter. The primary duties of the authority shall be
8 to administer state employees' insurance benefits and to study state-
9 purchased health care programs in order to maximize cost containment in
10 these programs while ensuring access to quality health care. The
11 authority's duties include, but are not limited to, the following:

12 (1) To administer a health care benefit program for employees as
13 specifically authorized in RCW 41.05.065 and in accordance with the
14 methods described in RCW 41.05.075, 41.05.140, and other provisions of
15 this chapter;

16 (2) To analyze state-purchased health care programs and to explore
17 options for cost containment and delivery alternatives for those
18 programs that are consistent with the purposes of those programs,
19 including, but not limited to:

20 (a) Creation of economic incentives for the persons for whom the
21 state purchases health care to appropriately utilize and purchase
22 health care services, including the development of flexible benefit
23 plans to offset increases in individual financial responsibility;

24 (b) Utilization of provider arrangements that encourage cost
25 containment and ensure access to quality care, including but not
26 limited to prepaid delivery systems, utilization review, and
27 prospective payment methods;

28 (c) Coordination of state agency efforts to purchase drugs
29 effectively as provided in RCW 70.14.050;

30 (d) Development of recommendations and methods for purchasing
31 medical equipment and supporting services on a volume discount basis;
32 and

33 (e) Development of data systems to obtain utilization data from
34 state-purchased health care programs in order to identify cost centers,
35 utilization patterns, provider and hospital practice patterns, and
36 procedure costs, utilizing the information obtained pursuant to RCW
37 41.05.031;

38 (3) To analyze areas of public and private health care interaction;

1 (4) To provide information and technical and administrative
2 assistance to the board;

3 (5) To review and approve or deny applications from counties,
4 municipalities, other political subdivisions of the state, and school
5 districts to provide state-sponsored insurance or self-insurance
6 programs to their employees in accordance with the provisions of RCW
7 41.04.205 and 28A.400.350, setting the premium contribution for
8 approved groups as outlined in RCW 41.05.050; and

9 ~~(6) ((To appoint a health care policy technical advisory committee
10 as required by RCW 41.05.150; and~~

11 ~~(7)))~~ To promulgate and adopt rules consistent with this chapter as
12 described in RCW 41.05.160.

13 NEW SECTION. **Sec. 27.** RCW 41.05.150 and 1988 c 107 s 14 are each
14 repealed.

15 **HEALTH PROFESSIONAL LOAN REPAYMENT COMMITTEE**

16 NEW SECTION. **Sec. 28.** RCW 28B.115.050 and 1991 c 332 s 18 & 1989
17 1st ex.s. c 9 s 719 are each repealed.

18 **HOUSING ASSISTANCE PROGRAM ADVISORY COMMITTEE**

19 **Sec. 29.** RCW 43.185.110 and 1991 c 204 s 4 are each amended to
20 read as follows:

21 The director shall prepare an annual report and shall send copies
22 to the chair of the house of representatives committee on housing, the
23 chair of the senate committee on commerce and labor, and one copy to
24 the staff of each committee that summarizes the housing trust fund's
25 income, grants and operating expenses, implementation of its program,
26 and any problems arising in the administration thereof. ~~((The director
27 shall promptly appoint a low income housing assistance advisory
28 committee composed of a representative from each of the following
29 groups: Apartment owners, realtors, mortgage lending or servicing
30 institutions, private nonprofit housing assistance programs, tenant
31 associations, and public housing assistance programs. The advisory
32 group shall advise the director on housing needs in this state,
33 including housing needs for persons who are mentally ill or
34 developmentally disabled or youth who are blind or deaf or otherwise~~

1 disabled, operational aspects of the grant and loan program or revenue
2 collection programs established by this chapter, and implementation of
3 the policy and goals of this chapter. Such advice shall be consistent
4 with policies and plans developed by regional support networks
5 according to chapter 71.24 RCW for the mentally ill and the
6 developmental disabilities planning council for the developmentally
7 disabled.))

8 **Sec. 30.** RCW 43.185A.020 and 1991 c 356 s 11 are each amended to
9 read as follows:

10 The affordable housing program is created in the department of
11 community development for the purpose of developing and coordinating
12 public and private resources targeted to meet the affordable housing
13 needs of low-income households in the state of Washington. ((The
14 program shall be developed and administered by the department with
15 advice and input from the low-income [housing] assistance advisory
16 committee established in RCW 43.185.110.))

17 **Sec. 31.** RCW 43.185A.050 and 1991 c 356 s 14 are each amended to
18 read as follows:

19 (1) During each calendar year in which funds are available for use
20 by the department for the affordable housing program, the department
21 shall announce to all known interested parties, and through major media
22 throughout the state, a grant and loan application period of at least
23 ninety days' duration. This announcement shall be made as often as the
24 director deems appropriate for proper utilization of resources. The
25 department shall then promptly grant as many applications as will
26 utilize available funds less appropriate administrative costs of the
27 department, not to exceed five percent of moneys appropriated to the
28 affordable housing program.

29 (2) The department shall develop((, with advice and input from the
30 low-income [housing] assistance advisory committee established in RCW
31 43.185.110,)) criteria to evaluate applications for assistance under
32 this chapter.

33

INFORMATION SERVICES BOARD

1 NEW SECTION. **Sec. 32.** RCW 43.105.032 and 1992 c 20 s 8, 1987 c
2 504 s 4, 1984 c 287 s 86, 1975-'76 2nd ex.s. c 34 s 128, & 1973 1st
3 ex.s c 219 s 5 are each repealed.

4 **Sec. 33.** RCW 43.131.354 and 1992 c 20 s 13 are each amended to
5 read as follows:

6 The following acts or parts of acts, as now existing or hereafter
7 amended, are each repealed, effective June 30, 1997:

8 (1) RCW 41.06.094 and 1987 c 504 s 7;

9 (2) RCW 43.88.560 and 1992 c 20 s 7;

10 (3) RCW 43.105.005 and 1990 c 208 s 1 & 1987 c 504 s 1;

11 (4) RCW 43.105.017 and 1992 c 20 s 6, 1990 c 208 s 2, & 1987 c 504
12 s 2;

13 (5) RCW 43.105.020 and 1990 c 208 s 3, 1987 c 504 s 3, 1973 1st
14 ex.s. c 219 s 3, & 1967 ex.s. c 115 s 2;

15 (~~(6)~~) (~~RCW 43.105.032 and 1992 c 20 s 8, 1987 c 504 s 4, 1984 c 287~~
16 ~~s 86, 1975-'76 2nd ex.s. c 34 s 128, & 1973 1st ex.s. c 219 s 5;~~

17 ~~(7)~~) RCW 43.105.041 and 1990 c 208 s 6, 1987 c 504 s 5, 1983 c 3
18 s 115, & 1973 1st ex.s. c 219 s 6;

19 ~~((8))~~) (7) RCW 43.105.047 and 1992 c 20 s 9 & 1987 c 504 s 6;

20 ~~((9))~~) (8) RCW 43.105.052 and 1992 c 20 s 10, 1990 c 208 s 7, &
21 1987 c 504 s 8;

22 ~~((10))~~) (9) RCW 43.105.055 and 1987 c 504 s 9;

23 ~~((11))~~) (10) RCW 43.105.057 and 1992 c 20 s 11 & 1990 c 208 s 13;

24 ~~((12))~~) (11) RCW 43.105.060 and 1987 c 504 s 10, 1973 1st ex.s. c
25 219 s 9, & 1967 ex.s. c 115 s 6;

26 ~~((13))~~) (12) RCW 43.105.070 and 1969 ex.s. c 212 s 4;

27 ~~((14))~~) (13) RCW 43.105.080 and 1987 c 504 s 11, 1983 c 3 s 116,
28 & 1974 ex.s. c 129 s 1;

29 ~~((15))~~) (14) RCW 43.105.900 and 1973 1st ex.s. c 219 s 10;

30 ~~((16))~~) (15) RCW 43.105.901 and 1987 c 504 s 25;

31 ~~((17))~~) (16) RCW 43.105.902 and 1987 c 504 s 26;

32 ~~((18))~~) (17) RCW 43.105.160 and 1992 c 20 s 1;

33 ~~((19))~~) (18) RCW 43.105.170 and 1992 c 20 s 2;

34 ~~((20))~~) (19) RCW 43.105.180 and 1992 c 20 s 3;

35 ~~((21))~~) (20) RCW 43.105.190 and 1992 c 20 s 4; and

36 ~~((22))~~) (21) RCW 43.105.200 and 1992 c 20 s 5.

37 **INSURANCE ADVISORY EXAMINING BOARD**

1 NEW SECTION. **Sec. 34.** RCW 48.17.135 and 1984 c 287 s 96, 1975-'76
2 2nd ex.s. c 34 s 142, & 1967 150 s 14 are each repealed.

3 **LEGISLATIVE ETHICS**

4 NEW SECTION. **Sec. 35.** The following acts or parts of acts are
5 each repealed:

- 6 (1) RCW 44.60.010 and 1977 ex.s. c 218 s 1 & 1967 ex.s. c 150 s 1;
- 7 (2) RCW 44.60.020 and 1980 c 87 s 43, 1977 ex.s. c 218 s 2, & 1967
8 ex.s. c 150 s 2;
- 9 (3) RCW 44.60.030 and 1967 ex.s. c 150 s 3;
- 10 (4) RCW 44.60.040 and 1977 ex.s. c 218 s 3 & 1967 ex.s. c 150 s 4;
- 11 (5) RCW 44.60.050 and 1984 c 287 s 92, 1979 c 151 s 159, 1977 ex.s.
12 c 218 s 4, 1975-'76 2nd ex.s. c 34 s 135, & 1967 ex.s. c 150 s 5;
- 13 (6) RCW 44.60.070 and 1980 c 165 s 1, 1977 ex.s. c 218 s 5, & 1967
14 ex.s. c 150 s 6;
- 15 (7) RCW 44.60.080 and 1977 ex.s. c 218 s 6 & 1967 ex.s. c 150 s 8;
- 16 (8) RCW 44.60.090 and 1967 ex.s. c 150 s 9;
- 17 (9) RCW 44.60.100 and 1977 ex.s. c 218 s 7;
- 18 (10) RCW 44.60.110 and 1980 c 165 s 2 & 1977 ex.s. c 218 s 8;
- 19 (11) RCW 44.60.120 and 1977 ex.s. c 218 s 9; and
- 20 (12) RCW 44.60.130 and 1977 ex.s. c 218 s 10.

21 **MARRIAGE AND FAMILY THERAPY ADVISORY COMMITTEE**

22 NEW SECTION. **Sec. 36.** RCW 18.19.070 and 1991 c 3 s 22 & 1987 c
23 512 s 7 are each repealed.

24 **Sec. 37.** RCW 18.19.110 and 1991 c 3 s 26 are each amended to read
25 as follows:

26 (1) The department shall issue a certified social worker
27 certificate to any applicant meeting the following requirements:

28 (a) A minimum of a master's degree from an accredited graduate
29 school of social work approved by the secretary;

30 (b) A minimum of two years of post-master's degree social work
31 practice under the supervision of a social worker certified under this
32 chapter or a person deemed acceptable to the secretary, such experience
33 consisting of at least thirty hours per week for two years or at least
34 twenty hours per week for three years; and

1 (c) Successful completion of the examination in RCW 18.19.150,
2 unless the applicant qualified under an exemption pursuant to
3 subsection (2) of this section or RCW 18.19.160.

4 Applicants shall be subject to the grounds for denial or issuance
5 of a conditional certificate in chapter 18.130 RCW.

6 (2) Except as provided in RCW 18.19.160, an applicant is exempt
7 from the examination provisions of this chapter under the following
8 conditions if application for exemption is made within twelve months
9 after July 26, 1987:

10 (a) The applicant shall establish to the satisfaction of the
11 secretary that he or she has been engaged in the practice of social
12 work as defined in this chapter for two of the previous four years; and

13 (b) The applicant has the following academic qualifications: (i)
14 A doctorate or master's degree in social work from an accredited
15 graduate school of social work or comparable and equivalent educational
16 attainment as determined by the secretary (~~in consultation with the~~
17 ~~advisory committee~~); and (ii) two years of postgraduate social work
18 experience under the supervision of a social worker who qualifies for
19 certification under this chapter or under the supervision of any other
20 professional deemed appropriate by the secretary.

21 (3) Certified social work practice is that aspect of counseling
22 that involves the professional application of social work values,
23 principles, and methods by individuals trained in accredited social
24 work graduate programs and requires knowledge of human development and
25 behavior, knowledge of social systems and social resources, an
26 adherence to the social work code of ethics, and knowledge of and
27 sensitivity to ethnic minority populations. It includes, but is not
28 limited to, evaluation, assessment, treatment of psychopathology,
29 consultation, psychotherapy and counseling, prevention and educational
30 services, administration, policy-making, research, and education
31 directed toward client services.

32 **Sec. 38.** RCW 18.19.911 and 1990 c 297 s 14 are each amended to
33 read as follows:

34 The following acts or parts of acts, as now existing or hereafter
35 amended, are each repealed, effective June 30, 1995:

36 (1) Section 1, chapter 512, Laws of 1987 and RCW 18.19.010;

37 (2) Section 2, chapter 512, Laws of 1987 and RCW 18.19.030;

38 (3) Section 3, chapter 512, Laws of 1987 and RCW 18.19.020;

1 (4) Section 4, chapter 512, Laws of 1987 and RCW 18.19.040;
2 (5) Section 5, chapter 512, Laws of 1987 and RCW 18.19.050;
3 (6) Section 6, chapter 512, Laws of 1987 and RCW 18.19.060;
4 (7) (~~Section 7, chapter 512, Laws of 1987 and RCW 18.19.070;~~
5 ~~(8)~~) Section 8, chapter 512, Laws of 1987 and RCW 18.19.080;
6 (~~(9)~~) (8) Section 9, chapter 512, Laws of 1987 and RCW 18.19.090;
7 (~~(10)~~) (9) Section 10, chapter 512, Laws of 1987 and RCW
8 18.19.100;
9 (~~(11)~~) (10) Section 11, chapter 512, Laws of 1987 and RCW
10 18.19.180;
11 (~~(12)~~) (11) Section 12, chapter 512, Laws of 1987 and RCW
12 18.19.110;
13 (~~(13)~~) (12) Section 13, chapter 512, Laws of 1987 and RCW
14 18.19.120;
15 (~~(14)~~) (13) Section 14, chapter 512, Laws of 1987 and RCW
16 18.19.130;
17 (~~(15)~~) (14) Section 15, chapter 512, Laws of 1987 and RCW
18 18.19.170;
19 (~~(16)~~) (15) Section 16, chapter 512, Laws of 1987 and RCW
20 18.19.150;
21 (~~(17)~~) (16) Section 17, chapter 512, Laws of 1987 and RCW
22 18.19.140;
23 (~~(18)~~) (17) Section 18, chapter 512, Laws of 1987 and RCW
24 18.19.190;
25 (~~(19)~~) (18) Section 19, chapter 512, Laws of 1987 and RCW
26 18.19.160; and
27 (~~(20)~~) (19) Section 20, chapter 512, Laws of 1987 and RCW
28 18.19.900.

29

MILITIA MEDICAL BOARD

30 **Sec. 39.** RCW 38.40.030 and 1989 c 19 s 47 are each amended to read
31 as follows:

32 If any member of the organized militia is injured, incapacitated,
33 or otherwise disabled while in active state service or inactive duty as
34 a member of the organized militia, he or she shall receive from the
35 state of Washington just and reasonable relief in the amount to be
36 determined as provided in this section, including necessary medical
37 care. If the member dies from disease contracted or injury received or

1 is killed while in active state service or inactive duty under order of
2 the governor, then the dependents of the deceased shall receive such
3 compensation as may be allowed as provided in this section. If the
4 United States or any agent thereof, in accordance with any federal
5 statute or regulation, furnishes monetary assistance, benefits, or
6 other temporary or permanent relief to militia members or to their
7 dependents for injuries arising out of and occurring in the course of
8 their activities as militia members, but not including Social Security
9 benefits, then the amount of compensation which any militia member or
10 his or her dependents are otherwise entitled to receive from the state
11 of Washington as provided in this section shall be reduced by the
12 amount of monetary assistance, benefits, or other temporary or
13 permanent relief the militia member or his or her dependents have
14 received and will receive from the United States or any agent thereof
15 as a result of his or her injury. (~~All claims arising under this
16 section shall be inquired into by a board of three officers, at least
17 one being a medical officer, to be appointed by the adjutant general.
18 The board has the same power to take evidence, administer oaths, issue
19 subpoenas, compel witnesses to attend and testify and produce books and
20 papers, and punish their failure to do so as is possessed by a general
21 court martial.~~) The amount of compensation or benefits payable shall
22 conform as nearly as possible to the general schedule of payments and
23 awards provided under the workers' compensation law in effect in the
24 state of Washington at the time the disability or death occurred.
25 (~~The findings of the board shall be reviewed by the adjutant general
26 and submitted to the governor for final approval. The reviewing
27 officer or the governor may return the proceedings for revision or for
28 the taking of further testimony. The action of the board when finally
29 approved by the governor is final and conclusive and constitutes the
30 fixed award for the injury or loss and is a debt of the state of
31 Washington.~~)

32

OFFICER PROMOTION BOARD

33 NEW SECTION. **Sec. 40.** The following acts or parts of acts are
34 each repealed:

- 35 (1) RCW 38.12.095 and 1989 c 19 s 16 & 1974 ex.s. c 34 s 1;
- 36 (2) RCW 38.12.115 and 1989 c 19 s 17 & 1974 ex.s. c 34 s 3;
- 37 (3) RCW 38.12.125 and 1989 c 19 s 18 & 1974 ex.s. c 34 s 4; and

1 (4) RCW 38.12.135 and 1974 ex.s. c 34 s 5.

2 **Sec. 41.** RCW 38.12.105 and 1974 ex.s. c 34 s 2 are each amended to
3 read as follows:

4 All promotions of commissioned officers in the organized militia
5 will be made on a best-qualified basis. (~~The officer promotion board~~
6 ~~will select the best qualified officer for each promotion from among~~
7 ~~those officers fully qualified for promotion.~~) To be promoted, the
8 ((selected)) officer must ((also)) meet the requirements of RCW
9 38.12.070. In no event will seniority be the sole guideline for
10 selecting the officer to be promoted. (~~The officer promotion board~~
11 ~~will,~~) In determining the best qualified officer, ((consider)) the
12 overall qualifications of an officer must be considered and not just
13 the qualifications for one position.

14 **MINORITY AND WOMEN'S BUSINESSES ADVISORY COMMITTEE**

15 **Sec. 42.** RCW 39.19.030 and 1989 c 175 s 85 are each amended to
16 read as follows:

17 There is hereby created the office of minority and women's business
18 enterprises. The governor shall appoint a director for the office,
19 subject to confirmation by the senate. The director may employ a
20 deputy director and a confidential secretary, both of which shall be
21 exempt under chapter 41.06 RCW, and such staff as are necessary to
22 carry out the purposes of this chapter.

23 The office shall (~~consult with the minority and women's business~~
24 ~~enterprises advisory committee to~~):

25 (1) Develop, plan, and implement programs to provide an opportunity
26 for participation by qualified minority and women-owned and controlled
27 businesses in public works and the process by which goods and services
28 are procured by state agencies and educational institutions from the
29 private sector;

30 (2) Develop a comprehensive plan insuring that qualified minority
31 and women-owned and controlled businesses are provided an opportunity
32 to participate in public contracts for public works and goods and
33 services;

34 (3) Identify barriers to equal participation by qualified minority
35 and women-owned and controlled businesses in all state agency and
36 educational institution contracts;

1 (4) Establish annual overall goals for participation by qualified
2 minority and women-owned and controlled businesses for each state
3 agency and educational institution to be administered on a contract-by-
4 contract basis or on a class-of-contracts basis;

5 (5) Develop and maintain a central minority and women's business
6 enterprise certification list for all state agencies and educational
7 institutions. No business is entitled to certification under this
8 chapter unless it meets the definition of small business concern as
9 established by the office. All applications for certification under
10 this chapter shall be sworn under oath;

11 (6) Develop, implement, and operate a system of monitoring
12 compliance with this chapter;

13 (7) Adopt rules under chapter 34.05 RCW, the Administrative
14 Procedure Act, governing: (a) Establishment of agency goals; (b)
15 development and maintenance of a central minority and women's business
16 enterprise certification program, including a definition of "small
17 business concern" which shall be consistent with the small business
18 requirements defined under section 3 of the Small Business Act, 15
19 U.S.C. Sec. 632, and its implementing regulations as guidance; (c)
20 procedures for monitoring and enforcing compliance with goals,
21 regulations, contract provisions, and this chapter; and (d) utilization
22 of standard clauses by state agencies and educational institutions, as
23 specified in RCW 39.19.050;

24 (8) Submit an annual report to the governor and the legislature
25 outlining the progress in implementing this chapter;

26 (9) Investigate complaints of violations of this chapter with the
27 assistance of the involved agency or educational institution; and

28 (10) Cooperate and act jointly or by division of labor with the
29 United States or other states, and with political subdivisions of the
30 state of Washington and their respective minority, socially and
31 economically disadvantaged and women business enterprise programs to
32 carry out the purposes of this chapter. However, the power which may
33 be exercised by the office under this subsection permits investigation
34 and imposition of sanctions only if the investigation relates to a
35 possible violation of chapter 39.19 RCW, and not to violation of local
36 ordinances, rules, regulations, however denominated, adopted by
37 political subdivisions of the state.

1 NEW SECTION. **Sec. 43.** RCW 39.19.040 and 1985 c 466 s 45 & 1983 c
2 120 s 4 are each repealed.

3 **Sec. 44.** RCW 43.131.348 and 1987 c 328 s 16 are each amended to
4 read as follows:

5 The following acts or parts of acts, as now existing or hereafter
6 amended, are repealed, effective June 30, 1996:

7 (1) Section 1, chapter 120, Laws of 1983, section 1, chapter 328,
8 Laws of 1987 and RCW 39.19.010;

9 (2) Section 2, chapter 120, Laws of 1983, section 2, chapter 328,
10 Laws of 1987 and RCW 39.19.020;

11 (3) Section 3, chapter 120, Laws of 1983, section 3, chapter 328,
12 Laws of 1987 and RCW 39.19.030;

13 (4) ~~((Section 4, chapter 120, Laws of 1983, section 45, chapter
14 466, Laws of 1985 and RCW 39.19.040;~~

15 ~~(5))~~ Section 5, chapter 120, Laws of 1983 and RCW 39.19.050;

16 ~~((6))~~ (5) Section 6, chapter 120, Laws of 1983 and RCW 39.19.060;

17 ~~((7))~~ (6) Section 7, chapter 120, Laws of 1983, section 4,
18 chapter 328, Laws of 1987 and RCW 39.19.070;

19 ~~((8))~~ (7) Section 8, chapter 120, Laws of 1983, section 5,
20 chapter 328, Laws of 1987 and RCW 39.19.080;

21 ~~((9))~~ (8) Section 9, chapter 120, Laws of 1983, section 6,
22 chapter 328, Laws of 1987 and RCW 39.19.090;

23 ~~((10))~~ (9) Section 7, chapter 328, Laws of 1987 and RCW
24 39.19.120;

25 ~~((11))~~ (10) Section 8, chapter 328, Laws of 1987 and RCW
26 39.19.130;

27 ~~((12))~~ (11) Section 9, chapter 328, Laws of 1987 and RCW
28 39.19.140;

29 ~~((13))~~ (12) Section 10, chapter 328, Laws of 1987 and RCW
30 39.19.150;

31 ~~((14))~~ (13) Section 11, chapter 328, Laws of 1987 and RCW
32 39.19.160;

33 ~~((15))~~ (14) Section 12, chapter 328, Laws of 1987 and RCW
34 39.19.100; and

35 ~~((16))~~ (15) Section 13, chapter 328, Laws of 1987 and RCW
36 39.19.110.

37 **MOTORCYCLE SAFETY EDUCATION ADVISORY BOARD**

1 **Sec. 45.** RCW 46.20.520 and 1987 c 454 s 3 are each amended to read
2 as follows:

3 (1) The director of licensing shall use moneys designated for the
4 motorcycle safety education account of the highway safety fund to
5 implement by July 1, 1983, a voluntary motorcycle operator training and
6 education program. The director may contract with public and private
7 entities to implement this program.

8 (2) ~~((There is created a motorcycle safety education advisory board
9 to assist the director of licensing in the development of a motorcycle
10 operator training education program. The board shall monitor this
11 program following implementation and report to the director of
12 licensing as necessary with recommendations including, but not limited
13 to, administration, application, and substance of the motorcycle
14 operator training and education program.~~

15 ~~The board shall consist of five members appointed by the director
16 of licensing. Three members of the board, one of whom shall be
17 appointed chairperson, shall be active motorcycle riders or members of
18 nonprofit motorcycle organizations which actively support and promote
19 motorcycle safety education. One member shall be a currently employed
20 Washington state patrol motorcycle officer with at least five years
21 experience and at least one year cumulative experience as a motorcycle
22 officer. One member shall be a member of the public. The term of
23 appointment shall be two years. The board shall meet at the call of
24 the director, but not less than two times annually and not less than
25 five times during its term of appointment, and shall receive no
26 compensation for services but shall be reimbursed for travel expenses
27 while engaged in business of the board in accordance with RCW 43.03.050
28 and 43.03.060 as now existing or hereafter amended.~~

29 ~~(3) The board shall submit a proposed motorcycle operator training
30 and education program to the director and to the legislative
31 transportation committee for review and approval on or before January
32 1, 1988.~~

33 ~~(4))~~) The priorities of the program shall be in the following order
34 of priority:

35 (a) Public awareness of motorcycle safety.

36 (b) Motorcycle safety education programs conducted by public and
37 private entities.

38 (c) Classroom and on-cycle training.

39 (d) Improved motorcycle operator testing.

1 **NUCLEAR WASTE ADVISORY COUNCIL**

2 NEW SECTION. **Sec. 46.** The following acts or parts of acts are
3 each repealed:

4 (1) RCW 43.200.050 and 1989 c 322 s 4, 1984 c 161 s 6, & 1983 1st
5 ex.s. c 19 s 5; and

6 (2) RCW 43.200.150 and 1989 c 322 s 6, 1985 c 293 s 4, & 1984 c 161
7 s 14.

8 **NURSING HOME ADVISORY COUNCIL**

9 **Sec. 47.** RCW 18.51.070 and 1979 ex.s. c 211 s 64 are each amended
10 to read as follows:

11 The department, after consultation with the (~~nursing home advisory~~
12 ~~council and the~~) board of health, shall adopt, amend, and promulgate
13 such rules(~~(, regulations,)~~) and standards with respect to all nursing
14 homes to be licensed hereunder as may be designed to further the
15 accomplishment of the purposes of this chapter in promoting safe and
16 adequate medical and nursing care of individuals in nursing homes and
17 the sanitary, hygienic and safe conditions of the nursing home in the
18 interest of public health, safety, and welfare.

19 **PACIFIC RIM SCHOLARSHIP SCREENING COMMITTEE**

20 **Sec. 48.** RCW 28B.107.020 and 1990 c 243 s 3 are each amended to
21 read as follows:

22 The Washington state Pacific Rim language scholarship program is
23 created. The program shall be administered by the higher education
24 coordinating board. In administering the program, the board shall have
25 the following powers and duties:

26 (1) Select students to receive the scholarships (~~(with the~~
27 ~~assistance of a screening committee composed of leaders in government,~~
28 ~~business, and education)~~);

29 (2) Adopt necessary rules and guidelines;

30 (3) Publicize the program; and

31 (4) Solicit and accept grants and donations from public and private
32 sources for the program.

33 **PLUMBERS' ADVISORY BOARD**

1 **Sec. 49.** RCW 18.106.040 and 1977 ex.s. c 149 s 4 are each amended
2 to read as follows:

3 Upon receipt of the application and evidence set forth in RCW
4 18.106.030, the director shall review the same and make a determination
5 as to whether the applicant is eligible to take an examination for the
6 certificate of competency. To be eligible to take the examination each
7 applicant for a journeyman plumber's certificate of competency shall
8 furnish written evidence that he or she has either completed a course
9 of study in the plumbing trade in the armed services of the United
10 States or at a school accredited by the coordinating council on
11 occupational education; or that he has four or more years of experience
12 under the direct supervision of a licensed journeyman plumber. Each
13 applicant for a specialty plumber's certificate of competency shall
14 furnish written evidence that he or she has either completed a course
15 of study in the plumbing trade in the armed services of the United
16 States (~~((or at a school accredited by the commission for vocational
17 education or its designee))), or that he or she has had at least three
18 years practical experience in his specialty. No other requirement for
19 eligibility may be imposed. The director shall establish reasonable
20 rules and regulations for the examinations to be given applicants for
21 certificates of competency. (~~((In establishing said rules, regulations,
22 and criteria, the director shall consult with the state advisory board
23 of plumbers as established in RCW 18.106.110.)))~~) Upon determination
24 that the applicant is eligible to take the examination, the director
25 shall so notify him, indicating the time and place for taking the same.~~

26 **Sec. 50.** RCW 18.106.010 and 1983 c 124 s 1 are each amended to
27 read as follows:

28 Unless a different meaning is plainly required by the context, the
29 following words and phrases as hereinafter used in this chapter shall
30 have the following meaning:

- 31 (1) (~~("Advisory board" means the state advisory board of plumbers;~~
32 ~~(2))~~) "Department" means the department of labor and industries;
33 (~~(3))~~) (2) "Director" means the director of department of labor
34 and industries;
35 (~~(4))~~) (3) "Journeyman plumber" means any person who has been
36 issued a certificate of competency by the department of labor and
37 industries as provided in this chapter;

1 (~~(5)~~) (4) "Specialty plumber" means anyone who has been issued a
2 specialty certificate of competency limited to installation,
3 maintenance, and repair of the plumbing of single family dwellings,
4 duplexes, and apartment buildings which do not exceed three stories;

5 (~~(6)~~) (5) "Plumbing" means that craft involved in installing,
6 altering, repairing and renovating potable water systems and liquid
7 waste systems within a building: PROVIDED, That installation in a
8 water system of water softening or water treatment equipment shall not
9 be within the meaning of plumbing as used in this chapter.

10 NEW SECTION. **Sec. 51.** RCW 18.106.110 and 1975-'76 2nd ex.s. c 34
11 s 56 & 1973 1st ex.s. c 175 s 11 are each repealed.

12 **PROFESSIONAL ATHLETIC COMMISSION**

13 NEW SECTION. **Sec. 52.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 67.08.001 and 1989 c 127 s 5, 1988 c 19 s 1, 1981 c 337 s
16 1, & 1933 c 184 s 1;

17 (2) RCW 67.08.002 and 1989 c 127 s 1;

18 (3) RCW 67.08.003 and 1984 c 287 s 99 & 1977 c 9 s 1;

19 (4) RCW 67.08.005 and 1981 c 337 s 2 & 1933 c 184 s 3;

20 (5) RCW 67.08.007 and 1959 c 305 s 2 & 1933 c 184 s 4;

21 (6) RCW 67.08.009 and 1933 c 184 s 5;

22 (7) RCW 67.08.010 and 1989 c 127 s 13, 1975-'76 2nd ex.s. c 48 s 2,
23 & 1933 c 184 s 7;

24 (8) RCW 67.08.015 and 1989 c 127 s 14 & 1977 c 9 s 2;

25 (9) RCW 67.08.030 and 1989 c 127 s 6 & 1933 c 184 s 9;

26 (10) RCW 67.08.040 and 1975-'76 2nd ex.s. c 48 s 4 & 1933 c 184 s
27 10;

28 (11) RCW 67.08.050 and 1989 c 127 s 7 & 1933 c 184 s 11;

29 (12) RCW 67.08.055 and 1989 c 127 s 15 & 1975-'76 2nd ex.s. c 48 s
30 5;

31 (13) RCW 67.08.060 and 1989 c 127 s 16, 1988 c 19 s 2, 1975-'76 2nd
32 ex.s. c 34 s 154, 1959 c 305 s 4, & 1933 c 184 s 12;

33 (14) RCW 67.08.080 and 1989 c 127 s 8, 1974 ex.s. c 45 s 1, 1959 c
34 305 s 5, & 1933 c 184 s 14;

35 (15) RCW 67.08.090 and 1989 c 127 s 9 & 1933 c 184 s 15;

- 1 (16) RCW 67.08.100 and 1989 c 127 s 10, 1959 c 305 s 6, & 1933 c
2 184 s 16;
- 3 (17) RCW 67.08.110 and 1989 c 127 s 11 & 1933 c 184 s 17;
- 4 (18) RCW 67.08.120 and 1989 c 127 s 12 & 1933 c 184 s 18;
- 5 (19) RCW 67.08.130 and 1933 c 184 s 19;
- 6 (20) RCW 67.08.140 and 1989 c 127 s 17, 1988 c 19 s 3, 1959 c 305
7 s 7, 1951 c 48 s 1, & 1933 c 184 s 22;
- 8 (21) RCW 67.08.150 and 1933 c 184 s 24;
- 9 (22) RCW 67.08.160 and 1989 c 127 s 2;
- 10 (23) RCW 67.08.170 and 1989 c 127 s 3;
- 11 (24) RCW 67.08.180 and 1989 c 127 s 4; and
- 12 (25) RCW 67.08.900 and 1933 c 184 s 25.

13

PUPIL TRANSPORTATION

14 **Sec. 53.** RCW 46.61.380 and 1984 c 7 s 70 are each amended to read
15 as follows:

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

30

RADIOLOGIC TECHNOLOGY ADVISORY COMMITTEE

31 **Sec. 54.** RCW 18.84.020 and 1991 c 222 s 2 are each amended to read
32 as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

35 (1) "Department" means the department of health.

1 (2) "Secretary" means the secretary of health.

2 (3) "Licensed practitioner" means any licensed health care
3 practitioner performing services within the person's authorized scope
4 of practice.

5 (4) "Radiologic technologist" means an individual certified under
6 this chapter, other than a licensed practitioner, who practices
7 radiologic technology as a:

8 (a) Diagnostic radiologic technologist, who is a person who
9 actually handles x-ray equipment in the process of applying radiation
10 on a human being for diagnostic purposes at the direction of a licensed
11 practitioner; or

12 (b) Therapeutic radiologic technologist, who is a person who uses
13 radiation-generating equipment for therapeutic purposes on human
14 subjects at the direction of a licensed practitioner; or

15 (c) Nuclear medicine technologist, who is a person who prepares
16 radiopharmaceuticals and administers them to human beings for
17 diagnostic and therapeutic purposes and who performs in vivo and in
18 vitro detection and measurement of radioactivity for medical purposes
19 at the direction of a licensed practitioner.

20 (5) (~~"Advisory committee" means the Washington state radiologic~~
21 ~~technology advisory committee.~~

22 ~~(6))~~ "Approved school of radiologic technology" means a school of
23 radiologic technology approved by the council on medical education of
24 the American medical association or a school found to maintain the
25 equivalent of such a course of study as determined by the department.
26 Such school may be operated by a medical or educational institution,
27 and for the purpose of providing the requisite clinical experience,
28 shall be affiliated with one or more general hospitals.

29 ~~((7))~~ (6) "Radiologic technology" means the use of ionizing
30 radiation upon a human being for diagnostic or therapeutic purposes.

31 ~~((8))~~ (7) "Radiologist" means a physician certified by the
32 American board of radiology or the American osteopathic board of
33 radiology.

34 ~~((9))~~ (8) "Registered x-ray technician" means a person who is
35 registered with the department, and who applies ionizing radiation at
36 the direction of a licensed practitioner.

37 **Sec. 55.** RCW 18.84.040 and 1991 c 222 s 11 are each amended to
38 read as follows:

1 (1) In addition to any other authority provided by law, the
2 secretary may (~~in consultation with the advisory committee~~):

3 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to
4 implement this chapter;

5 (b) Set all registration, certification, and renewal fees in
6 accordance with RCW 43.70.250;

7 (c) Establish forms and procedures necessary to administer this
8 chapter;

9 (d) Evaluate and designate those schools from which graduation will
10 be accepted as proof of an applicant's eligibility to receive a
11 certificate;

12 (e) Determine whether alternative methods of training are
13 equivalent to formal education, and to establish forms, procedures, and
14 criteria for evaluation of an applicant's alternative training to
15 determine the applicant's eligibility to receive a certificate;

16 (f) Issue a certificate to any applicant who has met the education,
17 training, and conduct requirements for certification; and

18 (g) Issue a registration to an applicant who meets the requirement
19 for a registration.

20 (2) The secretary may hire clerical, administrative, and
21 investigative staff as needed to implement this chapter.

22 (3) The uniform disciplinary act, chapter 18.130 RCW, governs the
23 issuance and denial of registrations and certifications, unregistered
24 and uncertified practice, and the discipline of registrants and
25 certificants under this chapter. The secretary is the disciplining
26 authority under this chapter.

27 NEW SECTION. **Sec. 56.** RCW 18.84.060 and 1991 c 3 s 207 & 1987 c
28 412 s 7 are each repealed.

29 **Sec. 57.** RCW 18.84.090 and 1991 c 3 s 210 are each amended to read
30 as follows:

31 The secretary(~~(, in consultation with the advisory committee,)~~)
32 shall establish by rule the standards and procedures for approval of
33 schools and alternate training, and may contract with individuals or
34 organizations having expertise in the profession or in education to
35 assist in evaluating those applying for approval. The standards and
36 procedures set shall apply equally to schools and training within the
37 United States and those in foreign jurisdictions.

1 **Sec. 58.** RCW 18.84.110 and 1991 c 3 s 212 are each amended to read
2 as follows:

3 The secretary(~~(, in consultation with the advisory committee,)~~)
4 shall establish by rule the requirements and fees for renewal of
5 certificates. Failure to renew invalidates the certificate and all
6 privileges granted by the certificate. In the event a certificate has
7 lapsed for a period longer than three years, the certificant shall
8 demonstrate competence to the satisfaction of the secretary by
9 continuing education or under the other standards determined by the
10 secretary.

11 **SEA CUCUMBER, SEA URCHIN, WHITING REVIEW BOARDS**

12 **Sec. 59.** RCW 75.30.050 and 1990 c 61 s 3 are each amended to read
13 as follows:

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

16 (a) The salmon charter boat fishing industry in cases involving
17 salmon charter boat licenses or angler permits;

18 (b) The commercial salmon fishing industry in cases involving
19 commercial salmon licenses;

20 (c) The commercial crab fishing industry in cases involving Puget
21 Sound crab license endorsements; and

22 (d) The commercial herring fishery in cases involving herring
23 validations(~~(;~~

24 ~~(e) The commercial Puget Sound whiting fishery in cases involving
25 Puget Sound whiting license endorsements;~~

26 ~~(f) The commercial sea urchin fishery in cases involving sea urchin
27 endorsements to shellfish diver licenses; and~~

28 ~~(g) The commercial sea cucumber fishery in cases involving sea
29 cucumber endorsements to shellfish diver licenses))~~.

30 (2) Members shall serve at the discretion of the director and shall
31 be reimbursed for travel expenses as provided in RCW 43.03.050 and
32 43.03.060.

33 **Sec. 60.** RCW 75.30.210 and 1990 c 62 s 2 are each amended to read
34 as follows:

35 (1) After October 1, 1990, it is unlawful to commercially take any
36 species of sea urchin using shellfish diver gear without first

1 obtaining a sea urchin endorsement to accompany a shellfish diver
2 license. A sea urchin endorsement to a shellfish diver license issued
3 under RCW 75.28.130(5) shall be limited to those vessels which:

4 (a) Held a commercial shellfish diver license, excluding clams,
5 during calendar years 1988 and 1989 or had transferred to the vessel
6 such a license;

7 (b) Have not transferred the license to another vessel; and

8 (c) Can establish, by means of dated shellfish receiving documents
9 issued by the department, that twenty thousand pounds of sea urchins
10 were caught and landed under the license during the period of April 1,
11 1986, through March 31, 1988.

12 Endorsements issued under this section are a new licensing
13 condition, and the continuing license provisions of RCW 34.05.422(3)
14 are not applicable.

15 (2) In addition to the requirements of subsection (1) of this
16 section, after December 31, 1991, sea urchin endorsements to shellfish
17 diver licenses issued under RCW 75.28.130(5) may be issued only to
18 vessels:

19 (a) Which held a sea urchin endorsement to a shellfish diver
20 license during the previous year or had transferred to the vessel such
21 a license; and

22 (b) From which twenty thousand pounds of sea urchins were caught
23 and landed in this state during the two-year period ending March 31 of
24 an odd-numbered year, as documented by valid shellfish receiving
25 documents issued by the department.

26 Where failure to obtain the license during the previous year was
27 the result of a license suspension or revocation by the department, the
28 vessel may qualify for a license by establishing that the vessel held
29 such a license during the last year in which it was eligible.

30 (3) The director may reduce or waive any landing requirement
31 established under this section (~~upon the recommendation of a board of~~
32 ~~review established under RCW 75.30.050. The board of review may~~
33 ~~recommend a reduction or waiver of the landing requirement in~~
34 ~~individual cases~~) if in the (~~board's~~) director's judgment,
35 extenuating circumstances prevent achievement of the landing
36 requirement. The director shall adopt rules (~~governing the operation~~
37 ~~of the board of review and~~) defining "extenuating circumstances."

38 (4) Sea urchin endorsements issued under this section are not
39 transferable from one owner to another owner, except from parent to

1 child, or from spouse to spouse during marriage or as a result of
2 marriage dissolution, or upon the death of the owner. This restriction
3 applies to all changes in the vessel owner's name on the license,
4 including (a) changes during the license year, and (b) changes during
5 the license renewal process between years. This restriction does not
6 prevent changes in vessel operator or transfers between vessels when
7 the vessel owner remains unchanged. Upon request of a vessel owner,
8 the director may issue a temporary permit to allow the vessel owner to
9 use the license endorsement on a leased or rented vessel.

10 (5) If less than forty-five vessels are eligible for sea urchin
11 endorsements, the director may accept applications for new
12 endorsements. The director shall determine by random selection the
13 successful applicants for the additional endorsements. The number of
14 additional endorsements issued shall be sufficient to maintain up to
15 forty-five vessels in the sea urchin fishery. The director shall adopt
16 rules governing the application, selection, and issuance procedure for
17 new sea urchin endorsements(~~(, based upon recommendations of a board of~~
18 ~~review established under RCW 75.30.050)).~~

19 **Sec. 61.** RCW 75.30.250 and 1990 c 61 s 2 are each amended to read
20 as follows:

21 (1) After April 30, 1990, it is unlawful to commercially take while
22 using shellfish diver gear any species of sea cucumber without first
23 obtaining a sea cucumber endorsement to accompany a shellfish diver
24 license. A sea cucumber endorsement to a shellfish diver license
25 issued under RCW 75.28.130(5) shall be limited to those vessels which:

26 (a) Held a commercial shellfish diver license (excluding clams),
27 between January 1, 1989, and December 31, 1989, or had transferred to
28 the vessel such a license, and held a permit for harvest of sea
29 cucumbers in 1989;

30 (b) Have not transferred the license to another vessel;

31 (c) Can establish, by means of dated shellfish receiving documents
32 issued by the department, that thirty landings of sea cucumbers were
33 made under the license during the period of January 1, 1988, through
34 December 31, 1989; and

35 (d) Endorsements issued under this section are a new licensing
36 condition, and the continuing license provisions of RCW 34.05.422(3)
37 are not applicable.

1 (2) In addition to the requirements of subsection (1) of this
2 section, after December 31, 1991, sea cucumber endorsements to
3 shellfish diver licenses issued under RCW 75.28.130(5) may be issued
4 only to vessels which:

5 (a) Held a sea cucumber endorsement to a shellfish diver license
6 during the previous two years or had transferred to the vessel such a
7 license; and

8 (b) Can establish, by means of dated shellfish receiving documents
9 issued by the department, that thirty landings of sea cucumbers
10 totaling at least ten thousand pounds were made under the license
11 during the previous two-year period ending December 31 of the odd-
12 numbered year.

13 Where failure to obtain the license during either of the previous
14 two years was the result of a license suspension by the department or
15 the court, the vessel may qualify for a license by establishing that
16 the vessel held such a license and a sea cucumber endorsement during
17 the last year in which it was eligible.

18 (3) The director may reduce or waive any landing or poundage
19 requirement established under this section (~~((upon the recommendation of~~
20 ~~a board of review established under RCW 75.30.050. The board of review~~
21 ~~may recommend a reduction or waiver of any landing or poundage~~
22 ~~requirement in individual cases))~~) if in the ((board's)) director's
23 judgment, extenuating circumstances prevent achievement of the landing
24 or poundage requirement. The director shall adopt rules ((governing
25 the operation of the board of review and)) defining "extenuating
26 circumstances."

27 (4) Sea cucumber endorsements issued under this section are not
28 transferrable from one owner to another owner except from parent to
29 child, from spouse to spouse during marriage or as a result of marriage
30 dissolution, or upon death of the owner. This restriction does not
31 prevent changes in vessel operator or transfers between vessels when
32 the vessel owner remains unchanged.

33 (5) If less than fifty vessels are eligible for sea cucumber
34 endorsements, the director may accept applications for new endorsements
35 from those persons who can demonstrate two years' experience in the
36 Washington state sea cucumber diver fishery. The director shall
37 determine by random selection the successful applicants for the
38 additional endorsements. The number of additional endorsements issued
39 shall be sufficient to maintain up to fifty vessels in the sea cucumber

1 fishery. The director shall adopt rules governing the application,
2 selection, and issuance procedure for new sea cucumber endorsements(~~(7~~
3 ~~based upon recommendations of a board of review established under RCW~~
4 ~~75.30.050))~~).

5 **SHORTHAND REPORTER ADVISORY BOARD**

6 **Sec. 62.** RCW 18.145.030 and 1989 c 382 s 4 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

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

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

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

14 (~~((4) "Board" means the Washington state shorthand reporter~~
15 ~~advisory board.))~~)

16 NEW SECTION. **Sec. 63.** RCW 18.145.060 and 1989 c 382 s 7 are each
17 repealed.

18 **TEACHER ASSISTANCE PROGRAM TASK FORCE**

19 **Sec. 64.** RCW 28A.415.250 and 1991 c 116 s 19 are each amended to
20 read as follows:

21 The superintendent of public instruction shall adopt rules to
22 establish and operate a teacher assistance program. For the purposes
23 of this section, the terms "mentor teachers," "beginning teachers," and
24 "experienced teachers" may include any person possessing any one of the
25 various certificates issued by the superintendent of public instruction
26 under RCW 28A.410.010. The program shall provide for:

27 (1) Assistance by mentor teachers who will provide a source of
28 continuing and sustained support to beginning teachers, or experienced
29 teachers, or both, both in and outside the classroom. A mentor teacher
30 may not be involved in evaluations under RCW 28A.405.100 of a teacher
31 who receives assistance from said mentor teacher under the teacher
32 assistance program established under this section. The mentor teachers
33 shall also periodically inform their principals respecting the contents
34 of training sessions and other program activities;

1 (2) Stipends for mentor teachers and beginning teachers which shall
2 not be deemed compensation for the purposes of salary lid compliance
3 under RCW 28A.58.095: PROVIDED, That stipends shall not be subject to
4 the continuing contract provisions of this title;

5 (3) Workshops for the training of mentor and beginning teachers;

6 (4) The use of substitutes to give mentor teachers, beginning
7 teachers, and experienced teachers opportunities to jointly observe and
8 evaluate teaching situations and to give mentor teachers opportunities
9 to observe and assist beginning and experienced teachers in the
10 classroom;

11 (5) Mentor teachers who are superior teachers based on their
12 evaluations, pursuant to RCW 28A.405.010 through 28A.405.240, and who
13 hold valid continuing certificates;

14 (6) Mentor teachers shall be selected by the district. If a
15 bargaining unit, certified pursuant to RCW 41.59.090 exists within the
16 district, classroom teachers representing the bargaining unit shall
17 participate in the mentor teacher selection process((; and

18 ~~(7) Periodic consultation by the superintendent of public~~
19 ~~instruction or the superintendent's designee with representatives of~~
20 ~~educational organizations and associations, including educational~~
21 ~~service districts and public and private institutions of higher~~
22 ~~education, for the purposes of improving communication and cooperation~~
23 ~~and program review)).~~

24 **FUTURE TEACHER CONDITIONAL SCHOLARSHIP ADVISORY COMMITTEE**

25 NEW SECTION. **Sec. 65.** RCW 28B.102.040 and 1987 c 437 s 4 are each
26 repealed.

27 **WINTER RECREATION ADVISORY COMMITTEE**

28 **Sec. 66.** RCW 43.51.300 and 1990 c 49 s 3 are each amended to read
29 as follows:

30 The fee for the issuance of special winter recreational area
31 parking permits shall be determined by the commission ((after
32 ~~consultation with the winter recreation advisory committee~~)). If the
33 person making application therefor is also the owner of a snowmobile
34 registered pursuant to chapter 46.10 RCW, there shall be no fee for the
35 issuance of an annual permit. All special winter recreational area

1 parking permits shall commence and expire on the dates established by
2 the commission.

3 **Sec. 67.** RCW 43.51.320 and 1982 c 11 s 4 are each amended to read
4 as follows:

5 The commission may(~~(, after consultation with the winter recreation~~
6 ~~advisory committee,)~~) adopt rules and regulations prohibiting or
7 restricting overnight parking at any special state winter recreational
8 parking areas owned or administered by it. Where such special state
9 winter recreational parking areas are administered by the commission
10 pursuant to an agreement with other public agencies, such agreement may
11 provide for prohibition or restriction of overnight parking.

12 **Sec. 68.** RCW 43.51.330 and 1982 c 11 s 5 are each amended to read
13 as follows:

14 The commission may adopt such rules as are necessary to implement
15 and enforce RCW 43.51.290 through 43.51.320 and 46.61.585 (~~(after~~
16 ~~consultation with the winter recreation advisory committee)~~).

17 NEW SECTION. **Sec. 69.** RCW 43.51.340 and 1990 c 49 s 1, 1989 c 175
18 s 107, 1988 c 36 s 16, 1987 c 330 s 1101, 1986 c 47 s 2, 1982 c 11 s 6,
19 & 1975 1st ex.s. c 209 s 8 are each repealed.

20 **COMMUTE TRIP REDUCTION TASK FORCE**

21 **Sec. 70.** RCW 70.94.527 and 1991 c 202 s 12 are each amended to
22 read as follows:

23 (1) Each county with a population over one hundred fifty thousand,
24 and each city or town within those counties containing a major employer
25 shall, by October 1, 1992, adopt by ordinance and implement a commute
26 trip reduction plan for all major employers. The plan shall be
27 developed in cooperation with local transit agencies, regional
28 transportation planning organizations as established in RCW 47.80.020,
29 major employers, and the owners of and employers at major worksites.
30 The plan shall be designed to achieve reductions in the proportion of
31 single-occupant vehicle commute trips and the commute trip vehicle
32 miles traveled per employee by employees of major public and private
33 sector employers in the jurisdiction.

1 (2) All other counties, and cities and towns in those counties, may
2 adopt and implement a commute trip reduction plan.

3 (3) The department of ecology may, after consultation with the
4 state energy office, as part of the state implementation plan for areas
5 that do not attain the national ambient air quality standards for
6 carbon monoxide or ozone, require municipalities other than those
7 identified in subsection (1) of this section to adopt and implement
8 commute trip reduction plans if the department determines that such
9 plans are necessary for attainment of said standards.

10 (4) A commute trip reduction plan shall be consistent with the
11 guidelines established under RCW 70.94.537 and shall include but is not
12 limited to (a) goals for reductions in the proportion of single-
13 occupant vehicle commute trips and the commute trip vehicle miles
14 traveled per employee; (b) designation of commute trip reduction zones;
15 (c) requirements for major public and private sector employers to
16 implement commute trip reduction programs; (d) a commute trip reduction
17 program for employees of the county, city, or town; (e) a review of
18 local parking policies and ordinances as they relate to employers and
19 major worksites and any revisions necessary to comply with commute trip
20 reduction goals and guidelines; (f) an appeals process by which major
21 employers, who as a result of special characteristics of their business
22 or its locations would be unable to meet the requirements of a commute
23 trip reduction plan, may obtain waiver or modification of those
24 requirements; and (g) means for determining base year values of the
25 proportion of single-occupant vehicle commute trips and the commute
26 trip vehicle miles traveled per employee and progress toward meeting
27 commute trip reduction plan goals on an annual basis. Goals which are
28 established shall take into account existing transportation demand
29 management efforts which are made by major employers. Each
30 jurisdiction shall ensure that employers shall receive full credit for
31 the results of transportation demand management efforts and commute
32 trip reduction programs which have been implemented by major employers
33 prior to the base year. The goals for miles traveled per employee for
34 all major employers shall not be less than a fifteen percent reduction
35 from the base year value of the commute trip reduction zone in which
36 their worksite is located by January 1, 1995, twenty-five percent
37 reduction from the base year values by January 1, 1997, and thirty-five
38 percent reduction from the base year values by January 1, 1999.

1 (5) A county, city, or town may, as part of its commute trip
2 reduction plan, require commute trip reduction programs for employers
3 with ten or more full time employees at major worksites in federally
4 designated nonattainment areas for carbon monoxide and ozone. The
5 county, city or town shall develop the programs in cooperation with
6 affected employers and provide technical assistance to the employers in
7 implementing such programs.

8 (6) The commute trip reduction plans adopted by counties, cities,
9 and towns under this chapter shall be consistent with and may be
10 incorporated in applicable state or regional transportation plans and
11 local comprehensive plans and shall be coordinated, and consistent
12 with, the commute trip reduction plans of counties, cities, or towns
13 with which the county, city, or town has, in part, common borders or
14 related regional issues. Such regional issues shall include assuring
15 consistency in the treatment of employers who have worksites subject to
16 the requirements of this chapter in more than one jurisdiction.
17 Counties, cities, or towns adopting commute trip reduction plans may
18 enter into agreements through the interlocal cooperation act or by
19 resolution or ordinance as appropriate with other jurisdictions, local
20 transit agencies, or regional transportation planning organizations to
21 coordinate the development and implementation of such plans. Counties,
22 cities, or towns adopting a commute trip reduction plan shall review it
23 annually and revise it as necessary to be consistent with applicable
24 plans developed under RCW 36.70A.070.

25 ~~(7) ((Each county, city, or town implementing a commute trip~~
26 ~~reduction program shall, within thirty days submit a summary of its~~
27 ~~plan along with certification of adoption to the commute trip reduction~~
28 ~~task force established under RCW 70.94.537.~~

29 ~~(8) Each county, city, or town implementing a commute trip~~
30 ~~reduction program shall submit an annual progress report to the commute~~
31 ~~trip reduction task force established under RCW 70.94.537. The report~~
32 ~~shall be due July 1, 1994, and each July 1 thereafter through July 1,~~
33 ~~2000. The report shall describe progress in attaining the applicable~~
34 ~~commute trip reduction goals for each commute trip reduction zone and~~
35 ~~shall highlight any problems being encountered in achieving the goals.~~
36 ~~The information shall be reported in a form established by the commute~~
37 ~~trip reduction task force.~~

38 ~~(9) Any waivers or modifications of the requirements of a commute~~
39 ~~trip reduction plan granted by a jurisdiction shall be submitted for~~

1 review to the commute trip reduction task force established under RCW
2 70.94.537. The commute trip reduction task force may not deny the
3 granting of a waiver or modification of the requirements of a commute
4 trip reduction plan by a jurisdiction but they may notify the
5 jurisdiction of any comments or objections.

6 (10)) Each county, city, or town implementing a commute trip
7 reduction program shall count commute trips eliminated through work-at-
8 home options or alternate work schedules as one and two-tenths vehicle
9 trips eliminated for the purpose of meeting trip reduction goals.

10 ((11)) (8) Plans implemented under this section shall not apply
11 to commute trips for seasonal agricultural employees.

12 ((12)) (9) Plans implemented under this section shall not apply
13 to construction worksites when the expected duration of the
14 construction project is less than two years.

15 NEW SECTION. **Sec. 71.** RCW 70.94.537 and 1991 c 202 s 15 are each
16 repealed.

17 **Sec. 72.** RCW 70.94.541 and 1991 c 202 s 16 are each amended to
18 read as follows:

19 (1) A technical assistance team shall be established under the
20 direction of the state energy office and include representatives of the
21 departments of transportation and ecology. The team shall provide
22 staff support to the ((commute trip reduction task force in carrying
23 out the requirements of RCW 70.94.537 and to the)) department of
24 general administration in carrying out the requirements of RCW
25 70.94.551.

26 (2) The team shall provide technical assistance to counties,
27 cities, and towns, the department of general administration, other
28 state agencies, and other employers in developing and implementing
29 commute trip reduction plans and programs. The technical assistance
30 shall include: (a) Guidance in determining base and subsequent year
31 values of single-occupant vehicle commuting proportion and commute trip
32 reduction vehicle miles traveled to be used in determining progress in
33 attaining plan goals; (b) developing model plans and programs
34 appropriate to different situations; and (c) providing consistent
35 training and informational materials for the implementation of commute
36 trip reduction programs. Model plans and programs, training and

1 informational materials shall be developed in cooperation with
2 representatives of local governments, transit agencies, and employers.

3 (3) In carrying out this section the state energy office and
4 department of transportation may contract with state-wide associations
5 representing cities, towns, and counties to assist cities, towns, and
6 counties in implementing commute trip reduction plans and programs.

7 **Sec. 73.** RCW 70.94.544 and 1991 c 202 s 17 are each amended to
8 read as follows:

9 A portion of the funds made available for the purposes of this
10 chapter shall be used to fund the (~~commute trip reduction task force~~
11 ~~in carrying out the responsibilities of RCW 70.94.541, and the~~)
12 interagency technical assistance team, including the activities
13 authorized under RCW 70.94.541(2), and to assist counties, cities, and
14 towns implementing commute trip reduction plans. Funds shall be
15 provided to the counties in proportion to the number of major employers
16 and major worksites in each county. The counties shall provide funds
17 to cities and towns within the county which are implementing commute
18 trip reduction plans in proportion to the number of major employers and
19 major worksites within the city or town.

20 **Sec. 74.** RCW 70.94.551 and 1991 c 202 s 19 are each amended to
21 read as follows:

22 (1) The director of general administration, with the concurrence of
23 an interagency task force established for the purposes of this section,
24 shall coordinate a commute trip reduction plan for state agencies which
25 are phase 1 major employers by January 1, 1993. The task force shall
26 include representatives of the state energy office, the departments of
27 transportation and ecology and such other departments as the director
28 of general administration determines to be necessary to be generally
29 representative of state agencies. The state agency plan shall be
30 consistent with the requirements of RCW 70.94.527 and 70.94.531 and
31 shall be developed in consultation with state employees, local and
32 regional governments, local transit agencies, the business community,
33 and other interested groups. The plan shall consider and recommend
34 policies applicable to all state agencies including but not limited to
35 policies regarding parking and parking charges, employee incentives for
36 commuting by other than single-occupant automobiles, flexible and
37 alternative work schedules, alternative worksites, and the use of

1 state-owned vehicles for car and van pools. The plan shall also
2 consider the costs and benefits to state agencies of achieving commute
3 trip reductions and consider mechanisms for funding state agency
4 commute trip reduction programs. (~~The department shall, within thirty~~
5 ~~days, submit a summary of its plan along with certification of adoption~~
6 ~~to the commute trip reduction task force established under RCW~~
7 ~~70.94.537.~~)

8 (2) Not more than three months after the adoption of the commute
9 trip reduction plan, each state agency shall, for each facility which
10 is a major employer, develop a commute trip reduction program. The
11 program shall be designed to meet the goals of the commute trip
12 reduction plan of the county, city, or town or, if there is no local
13 commute trip reduction plan, the state. The program shall be
14 consistent with the policies of the state commute trip reduction plan
15 and RCW 70.94.531. The agency shall submit a description of that
16 program to the local jurisdiction implementing a commute trip reduction
17 plan or, if there is no local commute trip reduction plan, to the
18 department of general administration. The program shall be implemented
19 not more than three months after submission to the department. Annual
20 reports required in RCW 70.94.531(2)(c) shall be submitted to the local
21 jurisdiction implementing a commute trip reduction plan and to the
22 department of general administration. An agency which is not meeting
23 the applicable commute trip reduction goals shall, to the extent
24 possible, modify its program to comply with the recommendations of the
25 local jurisdiction or the department of general administration.

26 (3) State agencies sharing a common location may develop and
27 implement a joint commute trip reduction program or may delegate the
28 development and implementation of the commute trip reduction program to
29 the department of general administration.

30 (4) The department of general administration in consultation with
31 the state technical assistance team shall review the initial commute
32 trip reduction program of each state agency subject to the commute trip
33 reduction plan for state agencies to determine if the program is likely
34 to meet the applicable commute trip reduction goals and notify the
35 agency of any deficiencies. If it is found that the program is not
36 likely to meet the applicable commute trip reduction goals, the team
37 will work with the agency to modify the program as necessary.

38 (5) For each agency subject to the state agency commute trip
39 reduction plan, the department of general administration in

1 consultation with the technical assistance team shall annually review
2 progress toward meeting the applicable commute trip reduction goals.
3 If it appears an agency is not meeting or is not likely to meet the
4 applicable commute trip reduction goals, the team shall work with the
5 agency to make modifications to the commute trip reduction program.

6 ~~((6) The department of general administration shall submit an
7 annual progress report for state agencies subject to the state agency
8 commute trip reduction plan to the commute trip reduction task force
9 established under RCW 70.94.537. The report shall be due April 1,
10 1993, and each April 1 through 2000. The report shall report progress
11 in attaining the applicable commute trip reduction goals for each
12 commute trip reduction zone and shall highlight any problems being
13 encountered in achieving the goals. The information shall be reported
14 in a form established by the commute trip reduction task force.))~~

15 **BASIC HEALTH PLAN ADVISORY COMMITTEE**

16 **Sec. 75.** RCW 70.47.040 and 1987 1st ex.s. c 5 s 6 are each amended
17 to read as follows:

18 (1) The Washington basic health plan is created as an independent
19 agency of the state. The administrative head and appointing authority
20 of the plan shall be the administrator who shall be appointed by the
21 governor, with the consent of the senate, and shall serve at the
22 pleasure of the governor. The salary for this office shall be set by
23 the governor pursuant to RCW 43.03.040. The administrator shall
24 appoint a medical director. The administrator, medical director, and
25 up to five other employees shall be exempt from the civil service law,
26 chapter 41.06 RCW.

27 (2) The administrator shall employ such other staff as are
28 necessary to fulfill the responsibilities and duties of the
29 administrator, such staff to be subject to the civil service law,
30 chapter 41.06 RCW. In addition, the administrator may contract with
31 third parties for services necessary to carry out its activities where
32 this will promote economy, avoid duplication of effort, and make best
33 use of available expertise. Any such contractor or consultant shall be
34 prohibited from releasing, publishing, or otherwise using any
35 information made available to it under its contractual responsibility
36 without specific permission of the plan. The administrator may call
37 upon other agencies of the state to provide available information as

1 necessary to assist the administrator in meeting its responsibilities
2 under this chapter, which information shall be supplied as promptly as
3 circumstances permit.

4 ~~(3) ((The administrator may appoint such technical or advisory~~
5 ~~committees as he or she deems necessary. The administrator shall~~
6 ~~appoint a standing technical advisory committee that is representative~~
7 ~~of health care professionals, health care providers, and those directly~~
8 ~~involved in the purchase, provision, or delivery of health care~~
9 ~~services, as well as consumers and those knowledgeable of the ethical~~
10 ~~issues involved with health care public policy. Individuals appointed~~
11 ~~to any technical or other advisory committee shall serve without~~
12 ~~compensation for their services as members, but may be reimbursed for~~
13 ~~their travel expenses pursuant to RCW 43.03.050 and 43.03.060.~~

14 ~~(4))~~ The administrator may apply for, receive, and accept grants,
15 gifts, and other payments, including property and service, from any
16 governmental or other public or private entity or person, and may make
17 arrangements as to the use of these receipts, including the undertaking
18 of special studies and other projects relating to health care costs and
19 access to health care.

20 ~~((+5))~~ (4) In the design, organization, and administration of the
21 plan under this chapter, the administrator shall consider the report of
22 the Washington health care project commission established under chapter
23 303, Laws of 1986. Nothing in this chapter requires the administrator
24 to follow any specific recommendation contained in that report except
25 as it may also be included in this chapter or other law.

26

PESTICIDE ADVISORY BOARD

27 **Sec. 76.** RCW 15.58.030 and 1992 c 170 s 1 are each amended to read
28 as follows:

29 As used in this chapter the words and phrases defined in this
30 section shall have the meanings indicated unless the context clearly
31 requires otherwise.

32 (1) "Active ingredient" means any ingredient which will prevent,
33 destroy, repel, control, or mitigate pests, or which will act as a
34 plant regulator, defoliant, desiccant, or spray adjuvant.

35 (2) "Antidote" means the most practical immediate treatment in case
36 of poisoning and includes first aid treatment.

1 (3) "Arthropod" means any invertebrate animal that belongs to the
2 phylum arthropoda, which in addition to insects, includes allied
3 classes whose members are wingless and usually have more than six legs;
4 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

5 (4) "Defoliant" means any substance or mixture of substances
6 intended to cause the leaves or foliage to drop from a plant with or
7 without causing abscission.

8 (5) "Department" means the Washington state department of
9 agriculture.

10 (6) "Desiccant" means any substance or mixture of substances
11 intended to artificially accelerate the drying of plant tissues.

12 (7) "Device" means any instrument or contrivance intended to trap,
13 destroy, control, repel, or mitigate pests, or to destroy, control,
14 repel or mitigate fungi, nematodes, or such other pests, as may be
15 designated by the director, but not including equipment used for the
16 application of pesticides when sold separately from the pesticides.

17 (8) "Director" means the director of the department or a duly
18 authorized representative.

19 (9) "Distribute" means to offer for sale, hold for sale, sell,
20 barter, or supply pesticides in this state.

21 (10) "EPA" means the United States environmental protection agency.

22 (11) "EPA restricted use pesticide" means any pesticide with
23 restricted uses as classified for restricted use by the administrator,
24 EPA.

25 (12) "FIFRA" means the federal insecticide, fungicide, and
26 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

27 (13) "Fungi" means all nonchlorophyll-bearing thallophytes (all
28 nonchlorophyll-bearing plants of a lower order than mosses and
29 liverworts); for example, rusts, smuts, mildews, molds, yeasts, and
30 bacteria, except those on or in living persons or other animals.

31 (14) "Fungicide" means any substance or mixture of substances
32 intended to prevent, destroy, repel, or mitigate any fungi.

33 (15) "Herbicide" means any substance or mixture of substances
34 intended to prevent, destroy, repel, or mitigate any weed.

35 (16) "Inert ingredient" means an ingredient which is not an active
36 ingredient.

37 (17) "Ingredient statement" means a statement of the name and
38 percentage of each active ingredient together with the total percentage
39 of the inert ingredients in the pesticide, and when the pesticide

1 contains arsenic in any form, the ingredient statement shall also
2 include percentages of total and water soluble arsenic, each calculated
3 as elemental arsenic. In the case of a spray adjuvant the ingredient
4 statement need contain only the names of the principal functioning
5 agents and the total percentage of the constituents ineffective as
6 spray adjuvants. If more than three functioning agents are present,
7 only the three principal ones need by named.

8 (18) "Insect" means any of the numerous small invertebrate animals
9 whose bodies are more or less obviously segmented, and which for the
10 most part belong to the class insecta, comprising six-legged, usually
11 winged forms, for example, beetles, bugs, bees, flies, and to other
12 allied classes of arthropods whose members are wingless and usually
13 have more than six legs, for example, spiders, mites, ticks,
14 centipedes, and isopod crustaceans.

15 (19) "Insecticide" means any substance or mixture of substances
16 intended to prevent, destroy, repel, or mitigate any insects which may
17 be present in any environment whatsoever.

18 (20) "Label" means the written, printed, or graphic matter on, or
19 attached to, the pesticide, device, or immediate container, and the
20 outside container or wrapper of the retail package.

21 (21) "Labeling" means all labels and other written, printed, or
22 graphic matter:

23 (a) Upon the pesticide, device, or any of its containers or
24 wrappers;

25 (b) Accompanying the pesticide, or referring to it in any other
26 media used to disseminate information to the public; and

27 (c) To which reference is made on the label or in literature
28 accompanying or referring to the pesticide or device except when
29 accurate nonmisleading reference is made to current official
30 publications of the department, United States departments of
31 agriculture; interior; education; health and human services; state
32 agricultural colleges; and other similar federal or state institutions
33 or agencies authorized by law to conduct research in the field of
34 pesticides.

35 (22) "Land" means all land and water areas, including airspace and
36 all plants, animals, structures, buildings, devices and contrivances,
37 appurtenant thereto or situated thereon, fixed or mobile, including any
38 used for transportation.

1 (23) "Master license system" means the mechanism established by
2 chapter 19.02 RCW by which master licenses, endorsed for individual
3 state-issued licenses, are issued and renewed using a master
4 application and a master license expiration date common to each
5 renewable license endorsement.

6 (24) "Nematocide" means any substance or mixture of substances
7 intended to prevent, destroy, repel, or mitigate nematodes.

8 (25) "Nematode" means any invertebrate animal of the phylum
9 nemathelminthes and class nematoda, that is, unsegmented round worms
10 with elongated, fusiform, or saclike bodies covered with cuticle, and
11 inhabiting soil, water, plants or plant parts, may also be called nemas
12 or eelworms.

13 (26) "Person" means any individual, partnership, association,
14 corporation, or organized group of persons whether or not incorporated.

15 (27) "Pest" means, but is not limited to, any insect, rodent,
16 nematode, snail, slug, weed and any form of plant or animal life or
17 virus, except virus on or in a living person or other animal, which is
18 normally considered to be a pest or which the director may declare to
19 be a pest.

20 (28) "Pest control consultant" means any individual who acts as a
21 structural pest control inspector, who sells or offers for sale at
22 other than a licensed pesticide dealer outlet or location where they
23 are employed, or who offers or supplies technical advice, supervision,
24 or aid, or makes recommendations to the user of:

25 (a) Highly toxic pesticides, as determined under RCW 15.58.040;

26 (b) EPA restricted use pesticides or restricted use pesticides
27 which are restricted by rule to distribution by licensed pesticide
28 dealers only; or

29 (c) Any other pesticide except those pesticides which are labeled
30 and intended for home and garden use only.

31 (29) "Pesticide" means, but is not limited to:

32 (a) Any substance or mixture of substances intended to prevent,
33 destroy, control, repel, or mitigate any insect, rodent, snail, slug,
34 fungus, weed, and any other form of plant or animal life or virus,
35 except virus on or in a living person or other animal which is normally
36 considered to be a pest or which the director may declare to be a pest;

37 (b) Any substance or mixture of substances intended to be used as
38 a plant regulator, defoliant or desiccant; and

39 (c) Any spray adjuvant.

1 (30) (~~("Pesticide advisory board" means the pesticide advisory~~
2 ~~board as provided for in the Washington pesticide application act.~~
3 ~~(31))~~) "Pesticide dealer" means any person who distributes any of
4 the following pesticides:
5 (a) Highly toxic pesticides, as determined under RCW 15.58.040;
6 (b) EPA restricted use pesticides or restricted use pesticides
7 which are restricted by rule to distribution by licensed pesticide
8 dealers only; or
9 (c) Any other pesticide except those pesticides which are labeled
10 and intended for home and garden use only.
11 (~~(32))~~) (31) "Pesticide dealer manager" means the owner or other
12 individual supervising pesticide distribution at one outlet holding a
13 pesticide dealer license.
14 (~~(33))~~) (32) "Plant regulator" means any substance or mixture of
15 substances intended through physiological action, to accelerate or
16 retard the rate of growth or maturation, or to otherwise alter the
17 behavior of ornamental or crop plants or their produce, but shall not
18 include substances insofar as they are intended to be used as plant
19 nutrients, trace elements, nutritional chemicals, plant inoculants, or
20 soil amendments.
21 (~~(34))~~) (33) "Registrant" means the person registering any
22 pesticide under the provisions of this chapter.
23 (~~(35))~~) (34) "Restricted use pesticide" means any pesticide or
24 device which, when used as directed or in accordance with a widespread
25 and commonly recognized practice, the director determines, subsequent
26 to a hearing, requires additional restrictions for that use to prevent
27 unreasonable adverse effects on the environment including people,
28 lands, beneficial insects, animals, crops, and wildlife, other than
29 pests.
30 (~~(36))~~) (35) "Rodenticide" means any substance or mixture of
31 substances intended to prevent, destroy, repel, or mitigate rodents, or
32 any other vertebrate animal which the director may declare by rule to
33 be a pest.
34 (~~(37))~~) (36) "Spray adjuvant" means any wetting agent, spreading
35 agent, deposit builder, adhesive, emulsifying agent, deflocculating
36 agent, water modifier, or similar agent with or without toxic
37 properties of its own, intended to be used with any other pesticide as
38 an aid to the application or to the effect of the pesticide, and which

1 is in a package or container separate from that of the pesticide with
2 which it is to be used.

3 ~~((+38+))~~ (37) "Special local needs registration" means a
4 registration issued by the director pursuant to provisions of section
5 24(c) of FIFRA.

6 ~~((+39+))~~ (38) "Structural pest control inspector" means any
7 individual who performs the service of inspecting a building for wood
8 destroying organisms, their damage, or conditions conducive to their
9 infestation.

10 ~~((+40+))~~ (39) "Unreasonable adverse effects on the environment"
11 means any unreasonable risk to people or the environment taking into
12 account the economic, social, and environmental costs and benefits of
13 the use of any pesticide, or as otherwise determined by the director.

14 ~~((+41+))~~ (40) "Weed" means any plant which grows where not wanted.

15 NEW SECTION. **Sec. 77.** RCW 15.58.380 and 1971 ex.s. c 190 s 38 are
16 each repealed.

17 **Sec. 78.** RCW 15.92.070 and 1991 c 341 s 8 are each amended to read
18 as follows:

19 The laboratory is advised by a board appointed by the dean of the
20 Washington State University college of agriculture and home economics.
21 The dean shall cooperate with appropriate officials in Washington,
22 Idaho, and Oregon in selecting board members.

23 (1) The board shall consist of one representative from each of the
24 following interests: A human toxicologist or a health professional
25 knowledgeable in worker exposure to pesticides, the Washington State
26 University vice-provost for research or research administrator,
27 representatives from the state department of agriculture, the
28 department of ecology, the department of health, the department of
29 labor and ~~((industry—[industries]))~~ industries, privately owned
30 Washington pesticide analytical laboratories, federal regional
31 pesticide laboratories, an Idaho and Oregon laboratory, whether state,
32 university, or private, a chemical and fertilizer industry
33 representative, farm organizations, food processors, marketers, farm
34 labor, environmental organizations, and consumers. Each board member
35 shall serve a three-year term. The members of the board shall serve
36 without compensation but shall be reimbursed for travel expenses

1 incurred while engaged in the business of the board as provided in RCW
2 43.03.050 and 43.03.060.

3 (2) The board is in liaison with (~~the pesticide advisory board~~
4 ~~and~~) the pesticide incident reporting and tracking panel and shall
5 review the chemicals investigated by the laboratory according to the
6 following criteria:

7 (a) Chemical uses for which a data base exists on environmental
8 fate and acute toxicology, and that appear safer environmentally than
9 pesticides available on the market;

10 (b) Chemical uses not currently under evaluation by public
11 laboratories in Idaho or Oregon for use on Washington crops;

12 (c) Chemicals that have lost or may lose their registration and
13 that no reasonably viable alternatives for Washington crops are known;
14 and

15 (d) Other chemicals vital to Washington agriculture.

16 (3) The laboratory shall conduct research activities using approved
17 good laboratory practices, namely procedures and recordkeeping required
18 of the national IR-4 minor use pesticide registration program.

19 (4) The laboratory shall coordinate activities with the national
20 IR-4 program.

21 **Sec. 79.** RCW 17.21.020 and 1992 c 176 s 1 are each amended to read
22 as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout this chapter.

25 (1) "Agricultural commodity" means any plant or part of a plant, or
26 animal, or animal product, produced by a person (including farmers,
27 ranchers, vineyardists, plant propagators, Christmas tree growers,
28 aquaculturists, floriculturists, orchardists, foresters, or other
29 comparable persons) primarily for sale, consumption, propagation, or
30 other use by people or animals.

31 (2) "Apparatus" means any type of ground, water, or aerial
32 equipment, device, or contrivance using motorized, mechanical, or
33 pressurized power and used to apply any pesticide on land and anything
34 that may be growing, habitating, or stored on or in such land, but
35 shall not include any pressurized handsized household device used to
36 apply any pesticide, or any equipment, device, or contrivance of which
37 the person who is applying the pesticide is the source of power or
38 energy in making such pesticide application, or any other small

1 equipment, device, or contrivance that is transported in a piece of
2 equipment licensed under this chapter as an apparatus.

3 (3) "Arthropod" means any invertebrate animal that belongs to the
4 phylum arthropoda, which in addition to insects, includes allied
5 classes whose members are wingless and usually have more than six legs;
6 for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

7 (4) "Certified applicator" means any individual who is licensed as
8 a commercial pesticide applicator, commercial pesticide operator,
9 public operator, private-commercial applicator, demonstration and
10 research applicator, or certified private applicator, or any other
11 individual who is certified by the director to use or supervise the use
12 of any pesticide which is classified by the EPA as a restricted use
13 pesticide or by the state as restricted to use by certified applicators
14 only.

15 (5) "Commercial pesticide applicator" means any person who engages
16 in the business of applying pesticides to the land of another.

17 (6) "Commercial pesticide operator" means any employee of a
18 commercial pesticide applicator who uses or supervises the use of any
19 pesticide and who is required to be licensed under provisions of this
20 chapter.

21 (7) "Defoliant" means any substance or mixture of substances
22 intended to cause the leaves or foliage to drop from a plant with or
23 without causing abscission.

24 (8) "Department" means the Washington state department of
25 agriculture.

26 (9) "Desiccant" means any substance or mixture of substances
27 intended to artificially accelerate the drying of plant tissues.

28 (10) "Device" means any instrument or contrivance intended to trap,
29 destroy, control, repel, or mitigate pests, or to destroy, control,
30 repel, or mitigate fungi, nematodes, or such other pests, as may be
31 designated by the director, but not including equipment used for the
32 application of pesticides when sold separately from the pesticides.

33 (11) "Direct supervision" by certified private applicators shall
34 mean that the designated restricted use pesticide shall be applied for
35 purposes of producing any agricultural commodity on land owned or
36 rented by the applicator or the applicator's employer, by a competent
37 person acting under the instructions and control of a certified private
38 applicator who is available if and when needed, even though such
39 certified private applicator is not physically present at the time and

1 place the pesticide is applied. The certified private applicator shall
2 have direct management responsibility and familiarity of the pesticide,
3 manner of application, pest, and land to which the pesticide is being
4 applied. Direct supervision by all other certified applicators means
5 direct on-the-job supervision. Direct supervision of an aerial
6 apparatus means the pilot of the aircraft must be appropriately
7 certified.

8 (12) "Director" means the director of the department or a duly
9 authorized representative.

10 (13) "Engage in business" means any application of pesticides by
11 any person upon lands or crops of another.

12 (14) "EPA" means the United States environmental protection agency.

13 (15) "EPA restricted use pesticide" means any pesticide with
14 restricted uses as classified for restricted use by the administrator,
15 EPA.

16 (16) "FIFRA" means the federal insecticide, fungicide and
17 rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

18 (17) "Fungi" means all nonchlorophyll-bearing thallophytes (all
19 nonchlorophyll-bearing plants of lower order than mosses and
20 liverworts); for example, rusts, smuts, mildews, molds, yeasts, and
21 bacteria, except those on or in a living person or other animals.

22 (18) "Fungicide" means any substance or mixture of substances
23 intended to prevent, destroy, repel, or mitigate any fungi.

24 (19) "Herbicide" means any substance or mixture of substances
25 intended to prevent, destroy, repel, or mitigate any weed.

26 (20) "Immediate service call" means a landscape application to
27 satisfy an emergency customer request for service, or a treatment to
28 control a pest to landscape plants.

29 (21) "Insect" means any of the numerous small invertebrate animals
30 whose bodies are more or less obviously segmented, and which for the
31 most part belong to the class insecta, comprising six-legged, usually
32 winged forms, as, for example, beetles, bugs, bees, flies, and to other
33 allied classes of arthropods whose members are wingless and usually
34 have more than six legs, for example, spiders, mites, ticks,
35 centipedes, and isopod crustaceans.

36 (22) "Insecticide" means any substance or mixture of substances
37 intended to prevent, destroy, repel, or mitigate any insects which may
38 be present in any environment whatsoever.

1 (23) "Land" means all land and water areas, including airspace and
2 all plants, animals, structures, buildings, devices, and contrivances,
3 appurtenant to or situated on, fixed or mobile, including any used for
4 transportation.

5 (24) "Landscape application" means an application by a certified
6 applicator of any EPA registered pesticide to any exterior landscape
7 plants found around residential property, parks, golf courses, or
8 schools. This definition shall not apply to: (a) Certified private
9 applicators; (b) state and local health departments and mosquito
10 control districts when conducting mosquito control operations; and (c)
11 commercial pesticide applicators making structural applications.

12 (25) "Nematocide" means any substance or mixture of substances
13 intended to prevent, destroy, repel, or mitigate nematodes.

14 (26) "Nematode" means any invertebrate animal of the phylum
15 nemathelminthes and class nematoda, that is, unsegmented round worms
16 with elongated, fusiform, or saclike bodies covered with cuticle, and
17 inhabiting soil, water, plants or plant parts, may also be called nemas
18 or eelworms.

19 (27) "Person" means any individual, partnership, association,
20 corporation, or organized group of persons whether or not incorporated.

21 (28) "Pest" means, but is not limited to, any insect, rodent,
22 nematode, snail, slug, weed, and any form of plant or animal life or
23 virus, except virus on or in a living person or other animal, which is
24 normally considered to be a pest, or which the director may declare to
25 be a pest.

26 (29) "Pesticide" means, but is not limited to:

27 (a) Any substance or mixture of substances intended to prevent,
28 destroy, control, repel, or mitigate any insect, rodent, snail, slug,
29 fungus, weed, and any other form of plant or animal life or virus
30 except virus on or in a living person or other animal which is normally
31 considered to be a pest or which the director may declare to be a pest;

32 (b) Any substance or mixture of substances intended to be used as
33 a plant regulator, defoliant or desiccant; and

34 (c) Any spray adjuvant, such as a wetting agent, spreading agent,
35 deposit builder, adhesive, emulsifying agent, deflocculating agent,
36 water modifier, or similar agent with or without toxic properties of
37 its own intended to be used with any other pesticide as an aid to the
38 application or effect thereof, and sold in a package or container
39 separate from that of the pesticide with which it is to be used.

1 (30) (~~("Pesticide advisory board" means the pesticide advisory~~
2 ~~board as provided for in this chapter.~~

3 ~~(31))~~ "Plant regulator" means any substance or mixture of
4 substances intended through physiological action, to accelerate or
5 retard the rate of growth or maturation, or to otherwise alter the
6 behavior of ornamental or crop plants or their produce, but shall not
7 include substances insofar as they are intended to be used as plant
8 nutrients, trace elements, nutritional chemicals, plant inoculants, or
9 soil amendments.

10 (~~(32))~~ (31) "Private applicator" means a certified applicator who
11 uses or is in direct supervision of the use of (a) any EPA restricted
12 use pesticide; or (b) any restricted use pesticide restricted to use
13 only by certified applicators by the director, for the purposes of
14 producing any agricultural commodity and for any associated noncrop
15 application on land owned or rented by the applicator or the
16 applicator's employer or if applied without compensation other than
17 trading of personal services between producers of agricultural
18 commodities on the land of another person.

19 (~~(33))~~ (32) "Private-commercial applicator" means a certified
20 applicator who uses or supervises the use of (a) any EPA restricted use
21 pesticide or (b) any restricted use pesticide restricted to use only by
22 certified applicators for purposes other than the production of any
23 agricultural commodity on lands owned or rented by the applicator or
24 the applicator's employer.

25 (~~(34))~~ (33) "Residential property" includes property less than
26 one acre in size zoned as residential by a city, town, or county, but
27 does not include property zoned as agricultural or agricultural
28 homesites.

29 (~~(35))~~ (34) "Restricted use pesticide" means any pesticide or
30 device which, when used as directed or in accordance with a widespread
31 and commonly recognized practice, the director determines, subsequent
32 to a hearing, requires additional restrictions for that use to prevent
33 unreasonable adverse effects on the environment including people,
34 lands, beneficial insects, animals, crops, and wildlife, other than
35 pests.

36 (~~(36))~~ (35) "Rodenticide" means any substance or mixture of
37 substances intended to prevent, destroy, repel, or mitigate rodents, or
38 any other vertebrate animal which the director may declare by rule to
39 be a pest.

1 ((+37+)) (36) "Snails or slugs" include all harmful mollusks.
2 ((+38+)) (37) "Unreasonable adverse effects on the environment"
3 means any unreasonable risk to people or the environment taking into
4 account the economic, social, and environmental costs and benefits of
5 the use of any pesticide, or as otherwise determined by the director.
6 ((+39+)) (38) "Weed" means any plant which grows where not wanted.

7 NEW SECTION. **Sec. 80.** The following acts or parts of acts are
8 each repealed:

- 9 (1) RCW 17.21.230 and 1989 c 380 s 54, 1988 c 36 s 8, 1974 ex.s. c
10 20 s 1, 1971 ex.s. c 191 s 8, 1967 c 177 s 14, & 1961 c 249 s 23;
11 (2) RCW 17.21.240 and 1989 c 380 s 55 & 1961 c 249 s 24;
12 (3) RCW 17.21.250 and 1989 c 380 s 56 & 1961 c 249 s 25;
13 (4) RCW 17.21.260 and 1989 c 380 s 57 & 1961 c 249 s 26; and
14 (5) RCW 17.21.270 and 1989 c 380 s 58, 1975-'76 2nd ex.s. c 34 s
15 24, & 1961 c 249 s 27.

16 **BOARD OF APPRAISERS**

17 NEW SECTION. **Sec. 81.** RCW 43.30.150 and 1988 c 128 s 10, 1986 c
18 227 s 2, 1975-'76 2nd ex.s. c 34 s 107, & 1965 c 8 s 43.30.150 are each
19 repealed.

20 **BROKER'S TRUST ACCOUNT BOARD**

21 NEW SECTION. **Sec. 82.** The following acts or parts of acts are
22 each repealed:

- 23 (1) RCW 18.85.500 and 1987 c 513 s 8; and
24 (2) RCW 43.185.076 and 1988 c 286 s 3 & 1987 c 513 s 10.

25 **Sec. 83.** RCW 43.185.074 and 1987 c 513 s 11 are each amended to
26 read as follows:

27 The director shall designate grant and loan applications for
28 approval and for funding under the revenue from remittances made
29 pursuant to RCW 18.85.310. (~~These applications shall then be reviewed~~
30 ~~for final approval by the broker's trust account board created by RCW~~
31 ~~18.85.500.~~

32 ~~The director shall submit to the broker's trust account board~~
33 ~~within any fiscal year only such applications which in their aggregate~~

1 ~~total funding requirements do not exceed the revenue to the housing~~
2 ~~trust found from remittances made pursuant to RCW 18.85.310 for the~~
3 ~~previous fiscal year.)~~)

4 **CENTENNIAL COMMISSION**

5 NEW SECTION. **Sec. 84.** The following acts or parts of acts are
6 each repealed:

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

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

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

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

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

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

15 (7) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s
16 6.

17 **CLARK COUNTY LOCAL LAW AND JUSTICE COUNCIL**

18 NEW SECTION. **Sec. 85.** RCW 72.09.230 and 1981 c 136 s 34 are each
19 repealed.

20 **DISPLACED HOMEMAKER ADVISORY COMMITTEE**

21 NEW SECTION. **Sec. 86.** RCW 28B.04.085 and 1987 c 230 s 2 are each
22 repealed.

23 NEW SECTION. **Sec. 87.** HEADINGS. Headings as used in this act
24 constitute no part of the law.

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