

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2590**

Chapter 264, Laws of 1994

(partial veto)

53rd Legislature  
1994 Regular Session

DEPARTMENT OF FISH AND WILDLIFE--OBSOLETE NOMENCLATURE CORRECTED

EFFECTIVE DATE: 6/9/94

Passed by the House February 9, 1994  
Yeas 96 Nays 0

BRIAN EBERSOLE  
**Speaker of the  
House of Representatives**

Passed by the Senate February 26, 1994  
Yeas 47 Nays 0

JOEL PRITCHARD  
**President of the Senate**

Approved April 1, 1994, with the  
exception of sections 7, 16, 58, 59 and  
100, which are vetoed.

MIKE LOWRY  
**Governor of the State of Washington**

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2590** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER  
**Chief Clerk**

FILED

April 1, 1994 - 2:12 p.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 2590

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Passed Legislature - 1994 Regular Session

State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives King, Quall, Jones and Springer; by request of Statute Law Committee

Read first time 01/19/94.      Referred to Committee on Fisheries & Wildlife.

1            AN ACT Relating to obsolete references; amending RCW 9.41.090,  
2 9.41.310, 10.93.020, 15.85.010, 15.85.060, 16.68.190, 17.21.230,  
3 19.02.050, 36.61.040, 36.61.050, 38.52.420, 39.04.150, 43.19.450,  
4 43.21A.170, 43.21J.030, 43.51.340, 43.51.432, 43.51.456, 43.51.675,  
5 43.51.943, 43.52.350, 43.63A.247, 43.63A.260, 43.81.010, 43.82.010,  
6 43.83I.188, 43.98B.030, 43.99.110, 43.220.020, 43.220.090, 43.220.120,  
7 46.09.130, 46.09.170, 46.10.130, 46.10.220, 69.04.935, 69.30.070,  
8 70.104.080, 70.105.020, 72.63.020, 72.63.030, 75.10.220, 75.28.770,  
9 75.54.070, 76.09.040, 76.09.050, 76.09.180, 76.48.040, 77.04.030,  
10 77.12.020, 77.12.031, 77.17.010, 77.17.020, 77.17.030, 79.01.805,  
11 79.01.815, 79.66.080, 79.70.030, 79.70.070, 79.70.080, 79.72.020,  
12 79.81.030, 79.94.390, 79.94.400, 79.96.030, 79.96.040, 79.96.050,  
13 79.96.100, 79.96.110, 79.96.130, 79.96.906, 80.50.030, 84.34.055,  
14 86.26.040, 86.26.050, 87.84.061, 88.12.055, 88.12.305, 90.03.280,  
15 90.03.290, 90.03.360, 90.22.010, 90.22.020, 90.24.030, 90.24.060,  
16 90.38.040, 90.48.170, 90.48.368, 90.48.400, 90.56.100, 90.56.110,  
17 90.62.020, 90.70.045, and 90.70.065; reenacting and amending RCW  
18 41.06.070, 41.26.030, 43.31.621, and 90.03.247; decodifying RCW  
19 43.220.140; and providing an effective date.

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

1       **Sec. 1.** RCW 9.41.090 and 1988 c 36 s 2 are each amended to read as  
2 follows:

3       (1) In addition to the other requirements of this chapter, no  
4 commercial seller shall deliver a pistol to the purchaser thereof  
5 until:

6       (a) The purchaser produces a valid concealed pistol license and the  
7 commercial seller has recorded the purchaser's name, license number,  
8 and issuing agency, such record to be made in triplicate and processed  
9 as provided in subsection (4) of this section; or

10       (b) The seller is notified in writing by the chief of police of the  
11 municipality or the sheriff of the county that the purchaser meets the  
12 requirements of RCW 9.41.040 and that the application to purchase is  
13 granted; or

14       (c) Five consecutive days including Saturday, Sunday and holidays  
15 have elapsed from the time of receipt of the application for the  
16 purchase thereof as provided herein by the chief of police or sheriff  
17 designated in subsection (4) of this section, and, when delivered, said  
18 pistol shall be securely wrapped and shall be unloaded. However, if  
19 the purchaser does not have a valid permanent Washington driver's  
20 license or state identification card or has not been a resident of the  
21 state for the previous consecutive ninety days, the waiting period  
22 under this subsection (1)(c) shall be up to sixty days.

23       (2) In any case under subsection (1)(c) of this section where the  
24 applicant has an outstanding warrant for his or her arrest from any  
25 court of competent jurisdiction for a felony or misdemeanor, the seller  
26 shall hold the delivery of the pistol until the warrant for arrest is  
27 served and satisfied by appropriate court appearance. The local  
28 jurisdiction for purposes of the sale shall confirm the existence of  
29 outstanding warrants within seventy-two hours after notification of the  
30 application to purchase a pistol is received. The local jurisdiction  
31 shall also immediately confirm the satisfaction of the warrant on  
32 request of the seller so that the hold may be released if the warrant  
33 was for a crime other than a crime of violence.

34       (3) In any case where the chief or sheriff of the local  
35 jurisdiction has reasonable grounds based on the following  
36 circumstances: (a) Open criminal charges, (b) pending criminal  
37 proceedings, (c) pending commitment proceedings, (d) an outstanding  
38 warrant for a crime of violence, or (e) an arrest for a crime of  
39 violence if the records of disposition have not yet been reported or

1 entered sufficiently to determine eligibility to purchase a pistol, the  
2 local jurisdiction may hold the sale and delivery of the pistol beyond  
3 five days up to thirty days in order to confirm existing records in  
4 this state or elsewhere. After thirty days, the hold will be lifted  
5 unless an extension of the thirty days is approved by a local district  
6 court or municipal court for good cause shown. An applicant shall be  
7 notified of each hold placed on the sale by local law enforcement and  
8 of any application to the court for additional hold period to confirm  
9 records or confirm the identity of the applicant.

10 (4) At the time of applying for the purchase of a pistol, the  
11 purchaser shall sign in triplicate and deliver to the seller an  
12 application containing his or her full name, address, place of birth,  
13 and the date and hour of the application; the applicant's driver's  
14 license number or state identification card number; and a description  
15 of the weapon including, the make, model, caliber and manufacturer's  
16 number; and a statement that the purchaser is eligible to own a pistol  
17 under RCW 9.41.040. The application shall contain a warning  
18 substantially as follows:

19 CAUTION: Although state and local laws do not differ, federal  
20 law and state law on the possession of firearms differ. If you  
21 are prohibited by federal law from possessing a firearm, you  
22 may be prosecuted in federal court. State permission to  
23 purchase a firearm is not a defense to a federal prosecution.

24 The purchaser shall be given a copy of the department of fish and  
25 wildlife pamphlet on the legal limits of the use of firearms, firearms  
26 safety, and the fact that local laws and ordinances on firearms are  
27 preempted by state law and must be consistent with state law.

28 The seller shall, by the end of the business day, sign and attach  
29 his or her address and deliver the original of the application and such  
30 other documentation as required under subsection (1) of this section to  
31 the chief of police of the municipality or the sheriff of the county of  
32 which the seller is a resident. The seller shall deliver the pistol to  
33 the purchaser following the period of time specified in this section  
34 unless the seller is notified in writing by the chief of police of the  
35 municipality or the sheriff of the county, whichever is applicable,  
36 denying the purchaser's application to purchase and the grounds  
37 thereof. The application shall not be denied unless the purchaser  
38 fails to meet the requirements specified in RCW 9.41.040. The chief of

1 police of the municipality or the county sheriff shall maintain a file  
2 containing the original of the application to purchase a pistol.

3 **Sec. 2.** RCW 9.41.310 and 1988 c 36 s 4 are each amended to read as  
4 follows:

5 After a public hearing, the department of fish and wildlife shall  
6 publish a pamphlet on firearms safety and the legal limits of the use  
7 of firearms. The pamphlet shall include current information on  
8 firearms laws and regulations and state preemption of local firearms  
9 laws. This pamphlet may be used in the department's hunter safety  
10 education program and shall be provided to the department of licensing  
11 for distribution to firearms dealers and persons authorized to issue  
12 concealed pistol licenses. The department of fish and wildlife shall  
13 reimburse the department of licensing for costs associated with  
14 distribution of the pamphlet.

15 **Sec. 3.** RCW 10.93.020 and 1988 c 36 s 5 are each amended to read  
16 as follows:

17 As used in this chapter, the following terms have the meanings  
18 indicated unless the context clearly requires otherwise.

19 (1) "General authority Washington law enforcement agency" means any  
20 agency, department, or division of a municipal corporation, political  
21 subdivision, or other unit of local government of this state, and any  
22 agency, department, or division of state government, having as its  
23 primary function the detection and apprehension of persons committing  
24 infractions or violating the traffic or criminal laws in general, as  
25 distinguished from a limited authority Washington law enforcement  
26 agency, and any other unit of government expressly designated by  
27 statute as a general authority Washington law enforcement agency. The  
28 Washington state patrol is a general authority Washington law  
29 enforcement agency.

30 (2) "Limited authority Washington law enforcement agency" means any  
31 agency, political subdivision, or unit of local government of this  
32 state, and any agency, department, or division of state government,  
33 having as one of its functions the apprehension or detection of persons  
34 committing infractions or violating the traffic or criminal laws  
35 relating to limited subject areas, including but not limited to, the  
36 state departments of natural resources, (~~(fisheries)~~) fish and  
37 wildlife, and social and health services, the state gambling

1 commission, the state lottery commission, the state parks and  
2 recreation commission, the state utilities and transportation  
3 commission, the state liquor control board, and the state department of  
4 corrections.

5 (3) "General authority Washington peace officer" means any full-  
6 time, fully compensated and elected, appointed, or employed officer of  
7 a general authority Washington law enforcement agency who is  
8 commissioned to enforce the criminal laws of the state of Washington  
9 generally.

10 (4) "Limited authority Washington peace officer" means any full-  
11 time, fully compensated officer of a limited authority Washington law  
12 enforcement agency empowered by that agency to detect or apprehend  
13 violators of the laws in some or all of the limited subject areas for  
14 which that agency is responsible. A limited authority Washington peace  
15 officer may be a specially commissioned Washington peace officer if  
16 otherwise qualified for such status under this chapter.

17 (5) "Specially commissioned Washington peace officer", for the  
18 purposes of this chapter, means any officer, whether part-time or full-  
19 time, compensated or not, commissioned by a general authority  
20 Washington law enforcement agency to enforce some or all of the  
21 criminal laws of the state of Washington, who does not qualify under  
22 this chapter as a general authority Washington peace officer for that  
23 commissioning agency, specifically including reserve peace officers,  
24 and specially commissioned full-time, fully compensated peace officers  
25 duly commissioned by the states of Oregon or Idaho or any such peace  
26 officer commissioned by a unit of local government of Oregon or Idaho.  
27 A reserve peace officer is an individual who is an officer of a  
28 Washington law enforcement agency who does not serve such agency on a  
29 full-time basis but who, when called by the agency into active service,  
30 is fully commissioned on the same basis as full-time peace officers to  
31 enforce the criminal laws of the state.

32 (6) "Federal peace officer" means any employee or agent of the  
33 United States government who has the authority to carry firearms and  
34 make warrantless arrests and whose duties involve the enforcement of  
35 criminal laws of the United States.

36 (7) "Agency with primary territorial jurisdiction" means a city or  
37 town police agency which has responsibility for police activity within  
38 its boundaries; or a county police or sheriff's department which has  
39 responsibility with regard to police activity in the unincorporated

1 areas within the county boundaries; or a statutorily authorized port  
2 district police agency or four-year state college or university police  
3 agency which has responsibility for police activity within the  
4 statutorily authorized enforcement boundaries of the port district,  
5 state college, or university.

6 (8) "Primary commissioning agency" means (a) the employing agency  
7 in the case of a general authority Washington peace officer, a limited  
8 authority Washington peace officer, an Indian tribal peace officer, or  
9 a federal peace officer, and (b) the commissioning agency in the case  
10 of a specially commissioned Washington peace officer (i) who is  
11 performing functions within the course and scope of the special  
12 commission and (ii) who is not also a general authority Washington  
13 peace officer, a limited authority Washington peace officer, an Indian  
14 tribal peace officer, or a federal peace officer.

15 (9) "Primary function of an agency" means that function to which  
16 greater than fifty percent of the agency's resources are allocated.

17 (10) "Mutual law enforcement assistance" includes, but is not  
18 limited to, one or more law enforcement agencies aiding or assisting  
19 one or more other such agencies through loans or exchanges of personnel  
20 or of material resources, for law enforcement purposes.

21 **Sec. 4.** RCW 15.85.010 and 1985 c 457 s 1 are each amended to read  
22 as follows:

23 The legislature declares that aquatic farming provides a consistent  
24 source of quality food, offers opportunities of new jobs, increased  
25 farm income stability, and improves balance of trade.

26 The legislature finds that many areas of the state of Washington  
27 are scientifically and biologically suitable for aquaculture  
28 development, and therefore the legislature encourages promotion of  
29 aquacultural activities, programs, and development with the same status  
30 as other agricultural activities, programs, and development within the  
31 state.

32 The legislature finds that aquaculture should be considered a  
33 branch of the agricultural industry of the state for purposes of any  
34 laws that apply to or provide for the advancement, benefit, or  
35 protection of the agriculture industry within the state.

36 The legislature further finds that in order to ensure the maximum  
37 yield and quality of cultured aquatic products, the department of

1 ((fisheries)) fish and wildlife should provide diagnostic services that  
2 are workable and proven remedies to aquaculture disease problems.

3 It is therefore the policy of this state to encourage the  
4 development and expansion of aquaculture within the state. It is also  
5 the policy of this state to protect wildstock fisheries by providing an  
6 effective disease inspection and control program and prohibiting the  
7 release of salmon or steelhead trout by the private sector into the  
8 public waters of the state and the subsequent recapture of such species  
9 as in the practice commonly known as ocean ranching.

10 **Sec. 5.** RCW 15.85.060 and 1988 c 36 s 6 are each amended to read  
11 as follows:

12 The director shall establish identification requirements for  
13 private sector cultured aquatic products to the extent that identifying  
14 the source and quantity of the products is necessary to permit the  
15 department(~~(s of fisheries))~~ of fish and wildlife to administer and  
16 enforce Titles 75 and 77 RCW effectively. The rules shall apply only  
17 to those private sector cultured aquatic products the transportation,  
18 sale, processing, or other possession of which would otherwise be  
19 required to be licensed under Title 75 or 77 RCW if they were not  
20 cultivated by aquatic farmers. The rules shall apply to the  
21 transportation or possession of such products on land other than  
22 aquatic lands and may require that they be: (1) Placed in labeled  
23 containers or accompanied by bills of lading or sale or similar  
24 documents identifying the name and address of the producer of the  
25 products and the quantity of the products governed by the documents; or  
26 (2) both labeled and accompanied by such documents.

27 The director shall consult with the director(~~(s of the~~  
28 ~~departments))~~ of ((fisheries)) fish and wildlife to ensure that such  
29 rules enable the department(~~(s of fisheries))~~ of fish and wildlife to  
30 enforce the programs administered under those titles. If rules adopted  
31 under chapter 69.30 RCW satisfy the identification required under this  
32 section for shellfish, the director shall not establish different  
33 shellfish identification requirements under this section.

34 **Sec. 6.** RCW 16.68.190 and 1988 c 36 s 7 are each amended to read  
35 as follows:



1 Nothing in this chapter shall prohibit the ((state)) department of  
2 fish and wildlife from using the carcasses of dead animals for trap  
3 bait in their regular trapping operations.

4 *\*Sec. 7. RCW 17.21.230 and 1989 c 380 s 54 are each amended to*  
5 *read as follows:*

6 *There is hereby created a pesticide advisory board consisting of*  
7 *three licensed pesticide applicators residing in the state (one shall*  
8 *be licensed to operate ground apparatus, one shall be licensed to*  
9 *operate aerial apparatus, and one shall be licensed for structural pest*  
10 *control), one licensed pest control consultant, one licensed pesticide*  
11 *dealer manager, one entomologist in public service, one toxicologist in*  
12 *public service, one pesticide coordinator from Washington State*  
13 *University, one member from the agricultural chemical industry, one*  
14 *member from the food processing industry, one member representing*  
15 *agricultural labor, one health care practitioner in private practice,*  
16 *one member from the environmental community, and two producers of*  
17 *agricultural crops or products on which pesticides are applied or which*  
18 *may be affected by the application of pesticides. Such members shall*  
19 *be appointed by the governor for terms of four years and may be*  
20 *appointed for successive four year terms at the discretion of the*  
21 *governor. The governor may remove any member of the pesticide advisory*  
22 *board prior to the expiration of his or her term of appointment for*  
23 *cause. The pesticide advisory board shall also include the following*  
24 *nonvoting members: The director of the department of labor and*  
25 *industries or a duly authorized representative, the environmental*  
26 *health specialist from the division of health of the department of*  
27 *social and health services, the supervisor of the chemical division of*  
28 *the department, and the directors, or their appointed representatives,*  
29 *of the departments of fish and wildlife, ((fisheries,)) natural*  
30 *resources, and ecology.*

31 *\*Sec. 7 was vetoed, see message at end of chapter.*

32 **Sec. 8.** RCW 19.02.050 and 1989 1st ex.s. c 9 s 317 are each  
33 amended to read as follows:

34 (1) The legislature hereby directs the full participation by the  
35 following agencies in the implementation of this chapter:

- 36 (a) Department of agriculture;  
37 (b) Secretary of state;

- 1 (c) Department of social and health services;
- 2 (d) Department of revenue;
- 3 (e) Department of (~~(fisheries)~~) fish and wildlife;
- 4 (f) Department of employment security;
- 5 (g) Department of labor and industries;
- 6 (h) Department of community, trade, and economic development;
- 7 (i) Liquor control board;
- 8 (j) Department of health;
- 9 (k) Department of licensing;
- 10 (l) Utilities and transportation commission; and
- 11 (m) Other agencies as determined by the governor.

12 **Sec. 9.** RCW 36.61.040 and 1988 c 36 s 9 are each amended to read  
13 as follows:

14 Notice of the public hearing shall be published in at least two  
15 consecutive issues of a newspaper of general circulation in the  
16 proposed lake management district, the date of the first publication to  
17 be at least fifteen days prior to the date fixed for the public hearing  
18 by the resolution of intention. Notice of the public hearing shall  
19 also be given to the owner or reputed owner of any lot, tract, parcel  
20 of land, or other property within the proposed lake management district  
21 by mailing the notice at least fifteen days before the date fixed for  
22 the public hearing to the owner or reputed owner of the property as  
23 shown on the tax rolls of the county assessor at the address shown  
24 thereon. Notice of the public hearing shall also be mailed to the  
25 departments of (~~(fisheries)~~) fish and wildlife(~~(ecology)~~) and ecology at  
26 least fifteen days before the date fixed for the public hearing.

27 Notices of the public hearing shall: (1) Refer to the resolution  
28 of intention; (2) designate the proposed lake management district by  
29 number; (3) set forth a proposed plan describing: (a) The nature of  
30 the proposed lake improvement or maintenance activities; (b) the amount  
31 of special assessments or rates and charges proposed to be raised by  
32 the lake management district; (c) if special assessments are proposed  
33 to be imposed, whether the special assessments will be imposed annually  
34 for the duration of the lake management district, or the full special  
35 assessments will be payable at one time, with the possibility of  
36 periodic installments being paid and lake management bonds being  
37 issued, or both; (d) if rates and charges are proposed to be imposed,  
38 the annual amount of revenue proposed to be collected and whether

1 revenue bonds payable from the rates and charges are proposed to be  
2 issued; and (e) the proposed duration of the lake management district;  
3 and (4) indicate the date, time, and place of the public hearing  
4 designated in the resolution of intention.

5 In the case of the notice sent to each owner or reputed owner by  
6 mail, the notice shall set forth the estimated amount of the cost of  
7 the lake improvement or maintenance activities to be borne by special  
8 assessment, or annual special assessments, or rates and charges on the  
9 lot, tract, parcel of land, or other property owned by the owner or  
10 reputed owner.

11 If the county legislative authority has designated a committee of  
12 itself or an officer to hear complaints and make recommendations to the  
13 full county legislative authority, as provided in RCW 36.61.060, the  
14 notice shall also describe this additional step before the full county  
15 legislative authority may adopt a resolution creating the lake  
16 management district.

17 **Sec. 10.** RCW 36.61.050 and 1988 c 36 s 10 are each amended to read  
18 as follows:

19 The county legislative authority shall hold a public hearing on the  
20 proposed lake management district at the date, time, and place  
21 designated in the resolution of intention.

22 At this hearing the county legislative authority shall hear  
23 objections from any person affected by the formation of the lake  
24 management district. Representatives of the departments of  
25 (~~fisheries~~) fish and wildlife(~~)~~ and ecology shall be afforded  
26 opportunities to make presentations on and comment on the proposal.  
27 Members of the public shall be afforded an opportunity to comment on  
28 the proposal. The county legislative authority must consider  
29 recommendations provided to it by the departments of (~~fisheries~~)  
30 fish and wildlife(~~)~~ and ecology. The public hearing may be extended  
31 to other times and dates declared at the public hearing. The county  
32 legislative authority may make such changes in the boundaries of the  
33 lake management district or such modification in plans for the proposed  
34 lake improvement or maintenance activities as it deems necessary. The  
35 county legislative authority may not change boundaries of the lake  
36 management district to include property that was not included  
37 previously without first passing an amended resolution of intention and  
38 giving new notice to the owners or reputed owners of property newly

1 included in the proposed lake management district in the manner and  
2 form and within the time provided for the original notice. The county  
3 legislative authority shall not alter the plans for the proposed lake  
4 improvement or maintenance activities to result in an increase in the  
5 amount of money proposed to be raised, and shall not increase the  
6 amount of money proposed to be raised, without first passing an amended  
7 resolution of intention and giving new notice to property owners in the  
8 manner and form and within the time provided for the original notice.

9       **Sec. 11.** RCW 38.52.420 and 1988 c 36 s 11 are each amended to read  
10 as follows:

11       (1) The department of community, trade, and economic development,  
12 in consultation with appropriate federal agencies, the departments of  
13 natural resources, fish and wildlife, (~~(fisheries,~~) and ecology,  
14 representatives of local government, and any other person the director  
15 may deem appropriate, shall develop a model contingency plan,  
16 consistent with other plans required for hazardous materials by federal  
17 and state law, to serve as a draft plan for local governments which may  
18 be incorporated into the state and local emergency management plans.

19       (2) The model contingency plan shall:

20       (a) Include specific recommendations for pollution control  
21 facilities which are deemed to be most appropriate for the control,  
22 collection, storage, treatment, disposal, and recycling of oil and  
23 other spilled material and furthering the prevention and mitigation of  
24 such pollution;

25       (b) Include recommendations for the training of local personnel  
26 consistent with other training proposed, funded, or required by federal  
27 or state laws for hazardous materials;

28       (c) Suggest cooperative training exercises between the public and  
29 private sector consistent with other training proposed, funded, or  
30 required by federal or state laws for hazardous materials;

31       (d) Identify federal and state laws requiring contingency or  
32 management plans applicable or related to prevention of pollution,  
33 emergency response capabilities, and hazardous waste management,  
34 together with a list of funding sources that local governments may use  
35 in development of their specific plans;

36       (e) Promote formal agreements between the department of community,  
37 trade, and economic development and local entities for effective spill  
38 response; and

1 (f) Develop policies and procedures for the augmentation of  
2 emergency services and agency spill response personnel through the use  
3 of volunteers: PROVIDED, That no contingency plan may require the use  
4 of volunteers by a responding responsible party without that party's  
5 consent.

6 **Sec. 12.** RCW 39.04.150 and 1993 c 379 s 112 are each amended to  
7 read as follows:

8 (1) As used in this section, "agency" means the department of  
9 general administration, (~~the department of fisheries,~~) the department  
10 of fish and wildlife, and the state parks and recreation commission.

11 (2) In addition to any other power or authority that an agency may  
12 have, each agency, alone or in concert, may establish a small works  
13 roster consisting of all qualified contractors who have requested to be  
14 included on the roster.

15 (3) The small works roster may make distinctions between  
16 contractors based on the geographic areas served and the nature of the  
17 work the contractor is qualified to perform. At least once every year,  
18 the agency shall advertise in a newspaper of general circulation the  
19 existence of the small works roster and shall add to the roster those  
20 contractors who request to be included on the roster.

21 (4) Construction, repair, or alteration projects estimated to cost  
22 less than fifty thousand dollars, or less than one hundred thousand  
23 dollars for projects managed by the department of general  
24 administration for community colleges and technical colleges, as  
25 defined under chapter 28B.50 RCW, are exempt from the requirement that  
26 the contracts be awarded after advertisement and competitive bid as  
27 defined by RCW 39.04.010. In lieu of advertisement and competitive  
28 bid, the agency shall solicit at least five quotations, confirmed in  
29 writing, from contractors chosen by random number generated by computer  
30 from the contractors on the small works roster for the category of job  
31 type involved and shall award the work to the party with the lowest  
32 quotation or reject all quotations. If the agency is unable to solicit  
33 quotations from five qualified contractors on the small works roster  
34 for a particular project, then the project shall be advertised and  
35 competitively bid. The agency shall solicit quotations randomly from  
36 contractors on the small works roster in a manner which will equitably  
37 distribute the opportunity for these contracts among contractors on the  
38 roster: PROVIDED, That whenever possible, the agency shall invite at

1 least one proposal from a minority contractor who shall otherwise  
2 qualify to perform such work. Immediately after an award is made, the  
3 bid quotations obtained shall be recorded, open to public inspection,  
4 and available by telephone request.

5 (5) The breaking down of any public work or improvement into units  
6 or accomplishing any public work or improvement by phases for the  
7 purpose of avoiding the minimum dollar amount for bidding is contrary  
8 to public policy and is prohibited.

9 (6) The director of general administration shall adopt by rule a  
10 procedure to prequalify contractors for inclusion on the small works  
11 roster. Each agency shall follow the procedure adopted by the director  
12 of general administration. No agency shall be required to make  
13 available for public inspection or copying under chapter 42.17 RCW  
14 financial information required to be provided by the prequalification  
15 procedure.

16 (7) An agency may adopt by rule procedures to implement this  
17 section which shall not be inconsistent with the procedures adopted by  
18 the director of the department of general administration pursuant to  
19 subsection (6) of this section.

20 **Sec. 13.** RCW 41.06.070 and 1993 sp.s. c 2 s 15 and 1993 c 379 s  
21 306 are each reenacted and amended to read as follows:

22 (1) The provisions of this chapter do not apply to:

23 (a) The members of the legislature or to any employee of, or  
24 position in, the legislative branch of the state government including  
25 members, officers, and employees of the legislative council,  
26 legislative budget committee, statute law committee, and any interim  
27 committee of the legislature;

28 (b) The justices of the supreme court, judges of the court of  
29 appeals, judges of the superior courts or of the inferior courts, or to  
30 any employee of, or position in the judicial branch of state  
31 government;

32 (c) Officers, academic personnel, and employees of technical  
33 colleges;

34 (d) The officers of the Washington state patrol;

35 (e) Elective officers of the state;

36 (f) The chief executive officer of each agency;

37 (g) In the departments of employment security((7)) and social and  
38 health services, the director and the director's confidential

1 secretary; in all other departments, the executive head of which is an  
2 individual appointed by the governor, the director, his or her  
3 confidential secretary, and his or her statutory assistant directors;

4 (h) In the case of a multimember board, commission, or committee,  
5 whether the members thereof are elected, appointed by the governor or  
6 other authority, serve ex officio, or are otherwise chosen:

7 (i) All members of such boards, commissions, or committees;

8 (ii) If the members of the board, commission, or committee serve on  
9 a part-time basis and there is a statutory executive officer: The  
10 secretary of the board, commission, or committee; the chief executive  
11 officer of the board, commission, or committee; and the confidential  
12 secretary of the chief executive officer of the board, commission, or  
13 committee;

14 (iii) If the members of the board, commission, or committee serve  
15 on a full-time basis: The chief executive officer or administrative  
16 officer as designated by the board, commission, or committee; and a  
17 confidential secretary to the chair of the board, commission, or  
18 committee;

19 (iv) If all members of the board, commission, or committee serve ex  
20 officio: The chief executive officer; and the confidential secretary  
21 of such chief executive officer;

22 (i) The confidential secretaries and administrative assistants in  
23 the immediate offices of the elective officers of the state;

24 (j) Assistant attorneys general;

25 (k) Commissioned and enlisted personnel in the military service of  
26 the state;

27 (l) Inmate, student, part-time, or temporary employees, and part-  
28 time professional consultants, as defined by the Washington personnel  
29 resources board;

30 (m) The public printer or to any employees of or positions in the  
31 state printing plant;

32 (n) Officers and employees of the Washington state fruit  
33 commission;

34 (o) Officers and employees of the Washington state apple  
35 advertising commission;

36 (p) Officers and employees of the Washington state dairy products  
37 commission;

38 (q) Officers and employees of the Washington tree fruit research  
39 commission;

1 (r) Officers and employees of the Washington state beef commission;

2 (s) Officers and employees of any commission formed under chapter  
3 15.66 RCW;

4 (t) Officers and employees of the state wheat commission formed  
5 under chapter 15.63 RCW;

6 (u) Officers and employees of agricultural commissions formed under  
7 chapter 15.65 RCW;

8 (v) Officers and employees of the nonprofit corporation formed  
9 under chapter 67.40 RCW;

10 (w) Liquor vendors appointed by the Washington state liquor control  
11 board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules adopted  
12 by the Washington personnel resources board pursuant to RCW 41.06.150  
13 regarding the basis for, and procedures to be followed for, the  
14 dismissal, suspension, or demotion of an employee, and appeals  
15 therefrom shall be fully applicable to liquor vendors except those part  
16 time agency vendors employed by the liquor control board when, in  
17 addition to the sale of liquor for the state, they sell goods, wares,  
18 merchandise, or services as a self-sustaining private retail business;

19 (x) Executive assistants for personnel administration and labor  
20 relations in all state agencies employing such executive assistants  
21 including but not limited to all departments, offices, commissions,  
22 committees, boards, or other bodies subject to the provisions of this  
23 chapter and this subsection shall prevail over any provision of law  
24 inconsistent herewith unless specific exception is made in such law;

25 (y) In each agency with fifty or more employees: Deputy agency  
26 heads, assistant directors or division directors, and not more than  
27 three principal policy assistants who report directly to the agency  
28 head or deputy agency heads;

29 (z) All employees of the marine employees' commission;

30 (aa) Up to a total of five senior staff positions of the western  
31 library network under chapter 27.26 RCW responsible for formulating  
32 policy or for directing program management of a major administrative  
33 unit. This subsection shall expire on June 30, 1997.

34 (2) The following classifications, positions, and employees of  
35 institutions of higher education and related boards are hereby exempted  
36 from coverage of this chapter:

37 (a) Members of the governing board of each institution of higher  
38 education and related boards, all presidents, vice-presidents and their  
39 confidential secretaries, administrative and personal assistants;



1 deans, directors, and chairs; academic personnel; and executive heads  
2 of major administrative or academic divisions employed by institutions  
3 of higher education; principal assistants to executive heads of major  
4 administrative or academic divisions; other managerial or professional  
5 employees in an institution or related board having substantial  
6 responsibility for directing or controlling program operations and  
7 accountable for allocation of resources and program results, or for the  
8 formulation of institutional policy, or for carrying out personnel  
9 administration or labor relations functions, legislative relations,  
10 public information, development, senior computer systems and network  
11 programming, or internal audits and investigations; and any employee of  
12 a community college district whose place of work is one which is  
13 physically located outside the state of Washington and who is employed  
14 pursuant to RCW 28B.50.092 and assigned to an educational program  
15 operating outside of the state of Washington;

16 (b) Student, part-time, or temporary employees, and part-time  
17 professional consultants, as defined by the Washington personnel  
18 resources board, employed by institutions of higher education and  
19 related boards;

20 (c) The governing board of each institution, and related boards,  
21 may also exempt from this chapter classifications involving research  
22 activities, counseling of students, extension or continuing education  
23 activities, graphic arts or publications activities requiring  
24 prescribed academic preparation or special training as determined by  
25 the board: PROVIDED, That no nonacademic employee engaged in office,  
26 clerical, maintenance, or food and trade services may be exempted by  
27 the board under this provision;

28 (d) Printing craft employees in the department of printing at the  
29 University of Washington.

30 (3) In addition to the exemptions specifically provided by this  
31 chapter, the Washington personnel resources board may provide for  
32 further exemptions pursuant to the following procedures. The governor  
33 or other appropriate elected official may submit requests for exemption  
34 to the Washington personnel resources board stating the reasons for  
35 requesting such exemptions. The Washington personnel resources board  
36 shall hold a public hearing, after proper notice, on requests submitted  
37 pursuant to this subsection. If the board determines that the position  
38 for which exemption is requested is one involving substantial  
39 responsibility for the formulation of basic agency or executive policy

1 or one involving directing and controlling program operations of an  
2 agency or a major administrative division thereof, the Washington  
3 personnel resources board shall grant the request and such  
4 determination shall be final as to any decision made before July 1,  
5 1993. The total number of additional exemptions permitted under this  
6 subsection shall not exceed one percent of the number of employees in  
7 the classified service not including employees of institutions of  
8 higher education and related boards for those agencies not directly  
9 under the authority of any elected public official other than the  
10 governor, and shall not exceed a total of twenty-five for all agencies  
11 under the authority of elected public officials other than the  
12 governor. The Washington personnel resources board shall report to  
13 each regular session of the legislature during an odd-numbered year all  
14 exemptions granted under subsections (1) (x) and (y) and (2) of this  
15 section, together with the reasons for such exemptions.

16 The salary and fringe benefits of all positions presently or  
17 hereafter exempted except for the chief executive officer of each  
18 agency, full-time members of boards and commissions, administrative  
19 assistants and confidential secretaries in the immediate office of an  
20 elected state official, and the personnel listed in subsections (1) (j)  
21 through (v) and (2) of this section, shall be determined by the  
22 Washington personnel resources board.

23 Any person holding a classified position subject to the provisions  
24 of this chapter shall, when and if such position is subsequently  
25 exempted from the application of this chapter, be afforded the  
26 following rights: If such person previously held permanent status in  
27 another classified position, such person shall have a right of  
28 reversion to the highest class of position previously held, or to a  
29 position of similar nature and salary.

30 Any classified employee having civil service status in a classified  
31 position who accepts an appointment in an exempt position shall have  
32 the right of reversion to the highest class of position previously  
33 held, or to a position of similar nature and salary.

34 A person occupying an exempt position who is terminated from the  
35 position for gross misconduct or malfeasance does not have the right of  
36 reversion to a classified position as provided for in this section.

37 **Sec. 14.** RCW 41.26.030 and 1993 c 502 s 1 and 1993 c 322 s 1 are  
38 each reenacted and amended to read as follows:

1 As used in this chapter, unless a different meaning is plainly  
2 required by the context:

3 (1) "Retirement system" means the "Washington law enforcement  
4 officers' and fire fighters' retirement system" provided herein.

5 (2)(a) "Employer" for plan I members, means the legislative  
6 authority of any city, town, county, or district or the elected  
7 officials of any municipal corporation that employs any law enforcement  
8 officer and/or fire fighter, any authorized association of such  
9 municipalities, and, except for the purposes of RCW 41.26.150, any  
10 labor guild, association, or organization, which represents the fire  
11 fighters or law enforcement officers of at least seven cities of over  
12 20,000 population and the membership of each local lodge or division of  
13 which is composed of at least sixty percent law enforcement officers or  
14 fire fighters as defined in this chapter.

15 (b) "Employer" for plan II members, means the following entities to  
16 the extent that the entity employs any law enforcement officer and/or  
17 fire fighter:

18 (i) The legislative authority of any city, town, county, or  
19 district;

20 (ii) The elected officials of any municipal corporation; or

21 (iii) The governing body of any other general authority law  
22 enforcement agency.

23 (3) "Law enforcement officer" beginning January 1, 1994, means any  
24 person who is commissioned and employed by an employer on a full time,  
25 fully compensated basis to enforce the criminal laws of the state of  
26 Washington generally, with the following qualifications:

27 (a) No person who is serving in a position that is basically  
28 clerical or secretarial in nature, and who is not commissioned shall be  
29 considered a law enforcement officer;

30 (b) Only those deputy sheriffs, including those serving under a  
31 different title pursuant to county charter, who have successfully  
32 completed a civil service examination for deputy sheriff or the  
33 equivalent position, where a different title is used, and those persons  
34 serving in unclassified positions authorized by RCW 41.14.070 except a  
35 private secretary will be considered law enforcement officers;

36 (c) Only such full time commissioned law enforcement personnel as  
37 have been appointed to offices, positions, or ranks in the police  
38 department which have been specifically created or otherwise expressly  
39 provided for and designated by city charter provision or by ordinance

1 enacted by the legislative body of the city shall be considered city  
2 police officers;

3 (d) The term "law enforcement officer" also includes the executive  
4 secretary of a labor guild, association or organization (which is an  
5 employer under RCW 41.26.030(2) as now or hereafter amended) if that  
6 individual has five years previous membership in the retirement system  
7 established in chapter 41.20 RCW. The provisions of this subsection  
8 (3)(d) shall not apply to plan II members; and

9 (e) The term "law enforcement officer" also includes a person  
10 employed on or after January 1, 1993, as a public safety officer or  
11 director of public safety, so long as the job duties substantially  
12 involve only either police or fire duties, or both, and no other duties  
13 in a city or town with a population of less than ten thousand. The  
14 provisions of this subsection (3)(e) shall not apply to any public  
15 safety officer or director of public safety who is receiving a  
16 retirement allowance under this chapter as of May 12, 1993.

17 (4) "Fire fighter" means:

18 (a) Any person who is serving on a full time, fully compensated  
19 basis as a member of a fire department of an employer and who is  
20 serving in a position which requires passing a civil service  
21 examination for fire fighter, and who is actively employed as such;

22 (b) Anyone who is actively employed as a full time fire fighter  
23 where the fire department does not have a civil service examination;

24 (c) Supervisory fire fighter personnel;

25 (d) Any full time executive secretary of an association of fire  
26 protection districts authorized under RCW 52.12.031. The provisions of  
27 this subsection (4)(d) shall not apply to plan II members;

28 (e) The executive secretary of a labor guild, association or  
29 organization (which is an employer under RCW 41.26.030(2) as now or  
30 hereafter amended), if such individual has five years previous  
31 membership in a retirement system established in chapter 41.16 or 41.18  
32 RCW. The provisions of this subsection (4)(e) shall not apply to plan  
33 II members;

34 (f) Any person who is serving on a full time, fully compensated  
35 basis for an employer, as a fire dispatcher, in a department in which,  
36 on March 1, 1970, a dispatcher was required to have passed a civil  
37 service examination for fire fighter; and

38 (g) Any person who on March 1, 1970, was employed on a full time,  
39 fully compensated basis by an employer, and who on May 21, 1971, was

1 making retirement contributions under the provisions of chapter 41.16  
2 or 41.18 RCW.

3 (5) "Department" means the department of retirement systems created  
4 in chapter 41.50 RCW.

5 (6) "Surviving spouse" means the surviving widow or widower of a  
6 member. "Surviving spouse" shall not include the divorced spouse of a  
7 member except as provided in RCW 41.26.162.

8 (7)(a) "Child" or "children" means an unmarried person who is under  
9 the age of eighteen or mentally or physically handicapped as determined  
10 by the department, except a handicapped person in the full time care of  
11 a state institution, who is:

12 (i) A natural born child;

13 (ii) A stepchild where that relationship was in existence prior to  
14 the date benefits are payable under this chapter;

15 (iii) A posthumous child;

16 (iv) A child legally adopted or made a legal ward of a member prior  
17 to the date benefits are payable under this chapter; or

18 (v) An illegitimate child legitimized prior to the date any  
19 benefits are payable under this chapter.

20 (b) A person shall also be deemed to be a child up to and including  
21 the age of twenty years and eleven months while attending any high  
22 school, college, or vocational or other educational institution  
23 accredited, licensed, or approved by the state, in which it is located,  
24 including the summer vacation months and all other normal and regular  
25 vacation periods at the particular educational institution after which  
26 the child returns to school.

27 (8) "Member" means any fire fighter, law enforcement officer, or  
28 other person as would apply under subsections (3) or (4) of this  
29 section whose membership is transferred to the Washington law  
30 enforcement officers' and fire fighters' retirement system on or after  
31 March 1, 1970, and every law enforcement officer and fire fighter who  
32 is employed in that capacity on or after such date.

33 (9) "Retirement fund" means the "Washington law enforcement  
34 officers' and fire fighters' retirement system fund" as provided for  
35 herein.

36 (10) "Employee" means any law enforcement officer or fire fighter  
37 as defined in subsections (3) and (4) of this section.

1 (11)(a) "Beneficiary" for plan I members, means any person in  
2 receipt of a retirement allowance, disability allowance, death benefit,  
3 or any other benefit described herein.

4 (b) "Beneficiary" for plan II members, means any person in receipt  
5 of a retirement allowance or other benefit provided by this chapter  
6 resulting from service rendered to an employer by another person.

7 (12)(a) "Final average salary" for plan I members, means (i) for a  
8 member holding the same position or rank for a minimum of twelve months  
9 preceding the date of retirement, the basic salary attached to such  
10 same position or rank at time of retirement; (ii) for any other member,  
11 including a civil service member who has not served a minimum of twelve  
12 months in the same position or rank preceding the date of retirement,  
13 the average of the greatest basic salaries payable to such member  
14 during any consecutive twenty-four month period within such member's  
15 last ten years of service for which service credit is allowed, computed  
16 by dividing the total basic salaries payable to such member during the  
17 selected twenty-four month period by twenty-four; (iii) in the case of  
18 disability of any member, the basic salary payable to such member at  
19 the time of disability retirement; (iv) in the case of a member who  
20 hereafter vests pursuant to RCW 41.26.090, the basic salary payable to  
21 such member at the time of vesting.

22 (b) "Final average salary" for plan II members, means the monthly  
23 average of the member's basic salary for the highest consecutive sixty  
24 service credit months of service prior to such member's retirement,  
25 termination, or death. Periods constituting authorized unpaid leaves  
26 of absence may not be used in the calculation of final average salary.

27 (13)(a) "Basic salary" for plan I members, means the basic monthly  
28 rate of salary or wages, including longevity pay but not including  
29 overtime earnings or special salary or wages, upon which pension or  
30 retirement benefits will be computed and upon which employer  
31 contributions and salary deductions will be based.

32 (b) "Basic salary" for plan II members, means salaries or wages  
33 earned by a member during a payroll period for personal services,  
34 including overtime payments, and shall include wages and salaries  
35 deferred under provisions established pursuant to sections 403(b),  
36 414(h), and 457 of the United States Internal Revenue Code, but shall  
37 exclude lump sum payments for deferred annual sick leave, unused  
38 accumulated vacation, unused accumulated annual leave, or any form of  
39 severance pay. In any year in which a member serves in the legislature

1 the member shall have the option of having such member's basic salary  
2 be the greater of:

3 (i) The basic salary the member would have received had such member  
4 not served in the legislature; or

5 (ii) Such member's actual basic salary received for nonlegislative  
6 public employment and legislative service combined. Any additional  
7 contributions to the retirement system required because basic salary  
8 under (b)(i) of this subsection is greater than basic salary under  
9 (b)(ii) of this subsection shall be paid by the member for both member  
10 and employer contributions.

11 (14)(a) "Service" for plan I members, means all periods of  
12 employment for an employer as a fire fighter or law enforcement  
13 officer, for which compensation is paid, together with periods of  
14 suspension not exceeding thirty days in duration. For the purposes of  
15 this chapter service shall also include service in the armed forces of  
16 the United States as provided in RCW 41.26.190. Credit shall be  
17 allowed for all service credit months of service rendered by a member  
18 from and after the member's initial commencement of employment as a  
19 fire fighter or law enforcement officer, during which the member worked  
20 for seventy or more hours, or was on disability leave or disability  
21 retirement. Only service credit months of service shall be counted in  
22 the computation of any retirement allowance or other benefit provided  
23 for in this chapter.

24 (i) For members retiring after May 21, 1971 who were employed under  
25 the coverage of a prior pension act before March 1, 1970, "service"  
26 shall also include (A) such military service not exceeding five years  
27 as was creditable to the member as of March 1, 1970, under the member's  
28 particular prior pension act, and (B) such other periods of service as  
29 were then creditable to a particular member under the provisions of RCW  
30 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit  
31 be allowed for any service rendered prior to March 1, 1970, where the  
32 member at the time of rendition of such service was employed in a  
33 position covered by a prior pension act, unless such service, at the  
34 time credit is claimed therefor, is also creditable under the  
35 provisions of such prior act.

36 (ii) A member who is employed by two employers at the same time  
37 shall only be credited with service to one such employer for any month  
38 during which the member rendered such dual service.

1 (b) "Service" for plan II members, means periods of employment by  
2 a member for one or more employers for which basic salary is earned for  
3 ninety or more hours per calendar month which shall constitute a  
4 service credit month. Periods of employment by a member for one or  
5 more employers for which basic salary is earned for at least seventy  
6 hours but less than ninety hours per calendar month shall constitute  
7 one-half service credit month. Periods of employment by a member for  
8 one or more employers for which basic salary is earned for less than  
9 seventy hours shall constitute a one-quarter service credit month.

10 Members of the retirement system who are elected or appointed to a  
11 state elective position may elect to continue to be members of this  
12 retirement system.

13 Service credit years of service shall be determined by dividing the  
14 total number of service credit months of service by twelve. Any  
15 fraction of a service credit year of service as so determined shall be  
16 taken into account in the computation of such retirement allowance or  
17 benefits.

18 If a member receives basic salary from two or more employers during  
19 any calendar month, the individual shall receive one service credit  
20 month's service credit during any calendar month in which multiple  
21 service for ninety or more hours is rendered; or one-half service  
22 credit month's service credit during any calendar month in which  
23 multiple service for at least seventy hours but less than ninety hours  
24 is rendered; or one-quarter service credit month during any calendar  
25 month in which multiple service for less than seventy hours is ren-  
26 dered.

27 (15) "Accumulated contributions" means the employee's contributions  
28 made by a member plus accrued interest credited thereon.

29 (16) "Actuarial reserve" means a method of financing a pension or  
30 retirement plan wherein reserves are accumulated as the liabilities for  
31 benefit payments are incurred in order that sufficient funds will be  
32 available on the date of retirement of each member to pay the member's  
33 future benefits during the period of retirement.

34 (17) "Actuarial valuation" means a mathematical determination of  
35 the financial condition of a retirement plan. It includes the  
36 computation of the present monetary value of benefits payable to  
37 present members, and the present monetary value of future employer and  
38 employee contributions, giving effect to mortality among active and



1 retired members and also to the rates of disability, retirement,  
2 withdrawal from service, salary and interest earned on investments.

3 (18) "Disability board" for plan I members means either the county  
4 disability board or the city disability board established in RCW  
5 41.26.110.

6 (19) "Disability leave" means the period of six months or any  
7 portion thereof during which a member is on leave at an allowance equal  
8 to the member's full salary prior to the commencement of disability  
9 retirement. The definition contained in this subsection shall apply  
10 only to plan I members.

11 (20) "Disability retirement" for plan I members, means the period  
12 following termination of a member's disability leave, during which the  
13 member is in receipt of a disability retirement allowance.

14 (21) "Position" means the employment held at any particular time,  
15 which may or may not be the same as civil service rank.

16 (22) "Medical services" for plan I members, shall include the  
17 following as minimum services to be provided. Reasonable charges for  
18 these services shall be paid in accordance with RCW 41.26.150.

19 (a) Hospital expenses: These are the charges made by a hospital,  
20 in its own behalf, for

21 (i) Board and room not to exceed semiprivate room rate unless  
22 private room is required by the attending physician due to the  
23 condition of the patient.

24 (ii) Necessary hospital services, other than board and room,  
25 furnished by the hospital.

26 (b) Other medical expenses: The following charges are considered  
27 "other medical expenses", provided that they have not been considered  
28 as "hospital expenses".

29 (i) The fees of the following:

30 (A) A physician or surgeon licensed under the provisions of chapter  
31 18.71 RCW;

32 (B) An osteopath licensed under the provisions of chapter 18.57  
33 RCW;

34 (C) A chiropractor licensed under the provisions of chapter 18.25  
35 RCW.

36 (ii) The charges of a registered graduate nurse other than a nurse  
37 who ordinarily resides in the member's home, or is a member of the  
38 family of either the member or the member's spouse.

39 (iii) The charges for the following medical services and supplies:

1 (A) Drugs and medicines upon a physician's prescription;  
2 (B) Diagnostic x-ray and laboratory examinations;  
3 (C) X-ray, radium, and radioactive isotopes therapy;  
4 (D) Anesthesia and oxygen;  
5 (E) Rental of iron lung and other durable medical and surgical  
6 equipment;  
7 (F) Artificial limbs and eyes, and casts, splints, and trusses;  
8 (G) Professional ambulance service when used to transport the  
9 member to or from a hospital when injured by an accident or stricken by  
10 a disease;  
11 (H) Dental charges incurred by a member who sustains an accidental  
12 injury to his or her teeth and who commences treatment by a legally  
13 licensed dentist within ninety days after the accident;  
14 (I) Nursing home confinement or hospital extended care facility;  
15 (J) Physical therapy by a registered physical therapist;  
16 (K) Blood transfusions, including the cost of blood and blood  
17 plasma not replaced by voluntary donors;  
18 (L) An optometrist licensed under the provisions of chapter 18.53  
19 RCW.

20 (23) "Regular interest" means such rate as the director may  
21 determine.

22 (24) "Retiree" for persons who establish membership in the  
23 retirement system on or after October 1, 1977, means any member in  
24 receipt of a retirement allowance or other benefit provided by this  
25 chapter resulting from service rendered to an employer by such member.

26 (25) "Director" means the director of the department.

27 (26) "State actuary" or "actuary" means the person appointed  
28 pursuant to RCW 44.44.010(2).

29 (27) "State elective position" means any position held by any  
30 person elected or appointed to state-wide office or elected or  
31 appointed as a member of the legislature.

32 (28) "Plan I" means the law enforcement officers' and fire  
33 fighters' retirement system, plan I providing the benefits and funding  
34 provisions covering persons who first became members of the system  
35 prior to October 1, 1977.

36 (29) "Plan II" means the law enforcement officers' and fire  
37 fighters' retirement system, plan II providing the benefits and funding  
38 provisions covering persons who first became members of the system on  
39 and after October 1, 1977.

1 (30) "Service credit year" means an accumulation of months of  
2 service credit which is equal to one when divided by twelve.

3 (31) "Service credit month" means a full service credit month or an  
4 accumulation of partial service credit months that are equal to one.

5 (32) "General authority law enforcement agency" means any agency,  
6 department, or division of a municipal corporation, political  
7 subdivision, or other unit of local government of this state, and any  
8 agency, department, or division of state government, having as its  
9 primary function the detection and apprehension of persons committing  
10 infractions or violating the traffic or criminal laws in general, but  
11 not including the Washington state patrol. Such an agency, department,  
12 or division is distinguished from a limited authority law enforcement  
13 agency having as one of its functions the apprehension or detection of  
14 persons committing infractions or violating the traffic or criminal  
15 laws relating to limited subject areas, including but not limited to,  
16 the state departments of natural resources, (~~(fisheries,~~) fish and  
17 wildlife, and social and health services, the state gambling  
18 commission, the state lottery commission, the state parks and  
19 recreation commission, the state utilities and transportation  
20 commission, the state liquor control board, and the state department of  
21 corrections.

22 **Sec. 15.** RCW 43.19.450 and 1988 c 36 s 14 are each amended to read  
23 as follows:

24 The director of general administration shall appoint and deputize  
25 an assistant director to be known as the supervisor of engineering and  
26 architecture who shall have charge and supervision of the division of  
27 engineering and architecture. With the approval of the director, the  
28 supervisor may appoint and employ such assistants and personnel as may  
29 be necessary to carry out the work of the division.

30 No person shall be eligible for appointment as supervisor of  
31 engineering and architecture unless he or she is licensed to practice  
32 the profession of engineering or the profession of architecture in the  
33 state of Washington and for the last five years prior to his or her  
34 appointment has been licensed to practice the profession of engineering  
35 or the profession of architecture.

36 As used in this section, "state facilities" includes all state  
37 buildings, related structures, and appurtenances constructed for any  
38 elected state officials, institutions, departments, boards,

1 commissions, colleges, community colleges, except the state  
2 universities, The Evergreen State College and regional universities.  
3 "State facilities" does not include facilities owned by or used for  
4 operational purposes and constructed for the department of  
5 transportation, (~~department of fisheries,~~) department of fish and  
6 wildlife, department of natural resources, or state parks and  
7 recreation commission.

8 The director of general administration, through the division of  
9 engineering and architecture shall:

10 (1) Prepare cost estimates and technical information to accompany  
11 the capital budget and prepare or contract for plans and specifications  
12 for new construction and major repairs and alterations to state  
13 facilities.

14 (2) Contract for professional architectural, engineering, and  
15 related services for the design of new state facilities and major  
16 repair or alterations to existing state facilities.

17 (3) Provide contract administration for new construction and the  
18 repair and alteration of existing state facilities.

19 (4) In accordance with the public works laws, contract on behalf of  
20 the state for the new construction and major repair or alteration of  
21 state facilities.

22 The director may delegate any and all of the functions under  
23 subsections (1) through (4) of this section to any agency upon such  
24 terms and conditions as considered advisable.

25 The director may delegate the authority granted to the department  
26 under RCW 39.04.150 to any agency upon such terms as considered  
27 advisable.

28 *\*Sec. 16. RCW 43.21A.170 and 1989 1st ex.s. c 9 s 217 are each*  
29 *amended to read as follows:*

30 *There is hereby created an ecological commission. The commission*  
31 *shall consist of seven members to be appointed by the governor from the*  
32 *electors of the state who shall have a general knowledge of and*  
33 *interest in environmental matters. No persons shall be eligible for*  
34 *appointment who hold any other state, county or municipal elective or*  
35 *appointive office.*

36 *(a) One public member shall be a representative of organized labor.*

37 *(b) One public member shall be a representative of the business*  
38 *community.*

1 (c) One public member shall be a representative of the agricultural  
2 community.

3 (d) Four persons representing the public at large.

4 The members of the initial commission shall be appointed within  
5 thirty days after July 1, 1970. Of the members of the initial  
6 commission, two shall be appointed for terms ending June 30, 1974, two  
7 shall be appointed for terms ending on June 30, 1973, two shall be  
8 appointed for terms ending on June 30, 1972, and one shall be appointed  
9 for a term ending June 30, 1971. Thereafter, each member of the  
10 commission shall be appointed for a term of four years. Vacancies  
11 shall be filled within ninety days for the remainder of the unexpired  
12 term by appointment of the governor in the same manner as the original  
13 appointments. Each member of the commission shall continue in office  
14 until his or her successor is appointed. No member shall be appointed  
15 for more than two consecutive terms. The chairman of the commission  
16 shall be appointed from the members by the governor.

17 The governor may remove any commission member for cause giving him  
18 or her a copy of the charges against him or her, and an opportunity of  
19 being publicly heard in person, or by counsel in his or her own  
20 defense. There shall be no right of review in any court whatsoever.  
21 The director or administrator, or a designated representative, of each  
22 of the following state agencies:

23 (1) The department of agriculture;

24 (2) The department of community, trade, and economic development;

25 (3) The department of (~~fisheries~~;

26 ~~(4) The department of~~) fish and wildlife;

27 ~~((+5))~~ (4) The department of health;

28 ~~((+6))~~ (5) The department of natural resources; and

29 ~~((+7))~~ (6) The state parks and recreation commission shall be  
30 given notice of and may attend all meetings of the commission and shall  
31 be given full opportunity to examine and be heard on all proposed  
32 orders, regulations or recommendations.

33 \*Sec. 16 was vetoed, see message at end of chapter.

34 **Sec. 17.** RCW 43.21J.030 and 1993 c 516 s 5 are each amended to  
35 read as follows:

36 (1) There is created the environmental enhancement and job creation  
37 task force within the office of the governor. The purpose of the task  
38 force is to provide a coordinated and comprehensive approach to

1 implementation of chapter 516, Laws of 1993. The task force shall  
2 consist of the commissioner of public lands, the director of the  
3 department of fish and wildlife, (~~the director of the department of~~  
4 ~~fisheries,~~) the director of the department of ecology, the director of  
5 the parks and recreation commission, the timber team coordinator, the  
6 executive director of the work force training and education  
7 coordinating board, and the executive director of the Puget Sound water  
8 quality authority, or their designees. The task force may seek the  
9 advice of the following agencies and organizations: The department of  
10 community, trade, and economic development, (~~the department of trade~~  
11 ~~and economic development,~~) the conservation commission, the employment  
12 security department, the interagency committee for outdoor recreation,  
13 appropriate federal agencies, appropriate special districts, the  
14 Washington state association of counties, the association of Washington  
15 cities, labor organizations, business organizations, timber-dependent  
16 communities, environmental organizations, and Indian tribes. The  
17 governor shall appoint the task force chair. Members of the task force  
18 shall serve without additional pay. Participation in the work of the  
19 committee by agency members shall be considered in performance of their  
20 employment. The governor shall designate staff and administrative  
21 support to the task force and shall solicit the participation of agency  
22 personnel to assist the task force.

23 (2) The task force shall have the following responsibilities:

24 (a) Soliciting and evaluating, in accordance with the criteria set  
25 forth in RCW 43.21J.040, requests for funds from the environmental and  
26 forest restoration account and making distributions from the account.  
27 The task force shall award funds for projects and training programs it  
28 approves and may allocate the funds to state agencies for disbursement  
29 and contract administration;

30 (b) Coordinating a process to assist state agencies and local  
31 governments to implement effective environmental and forest restoration  
32 projects funded under this chapter;

33 (c) Considering unemployment profile data provided by the  
34 employment security department;

35 (d) No later than December 31, 1993, providing recommendations to  
36 the appropriate standing committees of the legislature for improving  
37 the administration of grants for projects or training programs funded  
38 under this chapter that prevent habitat and environmental degradation  
39 or provide for its restoration;

1 (e) Submitting to the appropriate standing committees of the  
2 legislature a biennial report summarizing the jobs and the  
3 environmental benefits created by the projects funded under this  
4 chapter.

5 (3) Beginning July 1, 1994, the task force shall have the following  
6 responsibilities:

7 (a) To solicit and evaluate proposals from state and local  
8 agencies, private nonprofit organizations, and tribes for environmental  
9 and forest restoration projects;

10 (b) To rank the proposals based on criteria developed by the task  
11 force in accordance with RCW 43.21J.040; and

12 (c) To determine funding allocations for projects to be funded from  
13 the account created in RCW 43.21J.020 and for projects or programs as  
14 designated in the omnibus operating and capital appropriations acts.

15 **Sec. 18.** RCW 43.31.621 and 1993 c 316 s 2 and 1993 c 280 s 49 are  
16 each reenacted and amended to read as follows:

17 (1) There is established the agency timber task force. The task  
18 force shall be chaired by the timber recovery coordinator. It shall be  
19 the responsibility of the coordinator that all directives of chapter  
20 314, Laws of 1991 are carried out expeditiously by the agencies  
21 represented in the task force. The task force shall consist of the  
22 directors, or representatives of the directors, of the following  
23 agencies: The department of community, trade, and economic  
24 development, employment security department, department of social and  
25 health services, state board for community and technical colleges,  
26 state work force training and education coordinating board, or its  
27 replacement entity, department of natural resources, department of  
28 transportation, state energy office, department of fish and wildlife,  
29 University of Washington center for international trade in forest  
30 products, and department of ecology. The task force may consult and  
31 enlist the assistance of the following: The higher education  
32 coordinating board, University of Washington college of forest  
33 resources, Washington State University school of forestry, Northwest  
34 policy center, state superintendent of public instruction, the  
35 Evergreen partnership, Washington association of counties, and rural  
36 development council.

37 (2) This section shall expire June 30, 1995.

1       **Sec. 19.** RCW 43.51.340 and 1990 c 49 s 1 are each amended to read  
2 as follows:

3       (1) There is created a winter recreation advisory committee to  
4 advise the parks and recreation commission in the administration of  
5 this chapter and to assist and advise the commission in the development  
6 of winter recreation facilities and programs.

7       (2) The committee shall consist of:

8       (a) Six representatives of the nonsnowmobiling winter recreation  
9 public appointed by the commission, including a resident of each of the  
10 six geographical areas of this state where nonsnowmobiling winter  
11 recreation activity occurs, as defined by the commission.

12       (b) Three representatives of the snowmobiling public appointed by  
13 the commission.

14       (c) One representative of the department of natural resources, one  
15 representative of the department of fish and wildlife, and one  
16 representative of the Washington state association of counties, each of  
17 whom shall be appointed by the director of the particular department or  
18 association.

19       (3) The terms of the members appointed under subsection (2) (a) and  
20 (b) of this section shall begin on October 1st of the year of  
21 appointment and shall be for three years or until a successor is  
22 appointed, except in the case of appointments to fill vacancies for the  
23 remainder of the unexpired term: PROVIDED, That the first of these  
24 members shall be appointed for terms as follows: Three members shall  
25 be appointed for one year, three members shall be appointed for two  
26 years, and three members shall be appointed for three years.

27       (4) Members of the committee shall be reimbursed from the winter  
28 recreational program account created by RCW 43.51.310 for travel  
29 expenses as provided in RCW 43.03.050 and 43.03.060.

30       (5) The committee shall meet at times and places it determines not  
31 less than twice each year and additionally as required by the committee  
32 chairman or by majority vote of the committee. The chairman of the  
33 committee shall be chosen under procedures adopted by the committee.  
34 The committee shall adopt any other procedures necessary to govern its  
35 proceedings.

36       (6) The director of parks and recreation or the director's designee  
37 shall serve as secretary to the committee and shall be a nonvoting  
38 member.



1 (7) The winter recreation advisory committee and its powers and  
2 duties shall terminate on June 30, 2001.

3 **Sec. 20.** RCW 43.51.432 and 1993 c 267 s 2 are each amended to read  
4 as follows:

5 The state parks and recreation commission may establish a system of  
6 underwater parks to provide for diverse recreational diving  
7 opportunities and to conserve and protect unique marine resources of  
8 the state of Washington. In establishing and maintaining an underwater  
9 park system, the commission may:

- 10 (1) Plan, construct, and maintain underwater parks;
- 11 (2) Acquire property and enter management agreements with other  
12 units of state government for the management of lands, tidelands, and  
13 bedlands as underwater parks;
- 14 (3) Construct artificial reefs and other underwater features to  
15 enhance marine life and recreational uses of an underwater park;
- 16 (4) Accept gifts and donations for the benefit of underwater parks;
- 17 (5) Facilitate private efforts to construct artificial reefs and  
18 underwater parks;
- 19 (6) Work with the federal government, local governments and other  
20 appropriate agencies of state government, including but not limited to:  
21 The department of natural resources, (~~the department of fisheries,~~)  
22 the department of fish and wildlife and the natural heritage council to  
23 carry out the purposes of RCW 43.51.430 through 43.51.438; and
- 24 (7) Contract with other state agencies or local governments for the  
25 management of an underwater park unit.

26 **Sec. 21.** RCW 43.51.456 and 1993 c 182 s 9 are each amended to read  
27 as follows:

- 28 (1) There is created a water trail advisory committee to advise the  
29 parks and recreation commission in the administration of RCW 43.51.440  
30 through 43.51.454 and to assist and advise the commission in the  
31 development of water trail facilities and programs.
- 32 (2) The advisory committee shall consist of twelve members, who  
33 shall be appointed as follows:
- 34 (a) Five public members representing recreational water trail  
35 users, to be appointed by the commission;
- 36 (b) Two public members representing commercial sectors with an  
37 interest in the water trail system, to be appointed by the commission;

1 (c) One representative each from the department of natural  
2 resources, the department of fish and wildlife, the Washington state  
3 association of counties, and the association of Washington cities, to  
4 be appointed by the director of the agency or association. The  
5 director of the Washington state parks and recreation commission or the  
6 director's designee shall serve as secretary to the committee and shall  
7 be a nonvoting member.

8 (3) Except as provided in this section, the terms of the public  
9 members appointed by the commission shall begin on January 1st of the  
10 year of appointment and shall be for three years or until a successor  
11 is appointed, except in the case of appointments to fill vacancies for  
12 the remainder of an unexpired term. In making the initial appointments  
13 to the advisory committee, the commission shall appoint two public  
14 members to serve one year, two public members to serve for two years,  
15 and three public members to serve for three years. Public members of  
16 the advisory committee may be reimbursed from the water trail program  
17 account for travel expenses as provided in RCW 43.03.050 and 43.03.060.

18 (4) The committee shall select a chair and adopt rules necessary to  
19 govern its proceedings. The committee shall meet at the times and  
20 places it determines, not less than twice a year, and additionally as  
21 required by the committee chair or by majority vote of the committee.

22 **Sec. 22.** RCW 43.51.675 and 1988 c 75 s 17 are each amended to read  
23 as follows:

24 Nothing in RCW 43.51.650 through 43.51.685 and 43.51.695 through  
25 43.51.765 shall be construed to interfere with the powers, duties and  
26 authority of the department of (~~fisheries~~) fish and wildlife to  
27 regulate the conservation or taking of food fish and shellfish. Nor  
28 shall anything in RCW 43.51.650 through 43.51.685 and 43.51.695 through  
29 43.51.765 be construed to interfere with the powers, duties and  
30 authority of the (~~state~~) department of fish and wildlife to regulate,  
31 manage, conserve, and provide for the harvest of wildlife within such  
32 area: PROVIDED, HOWEVER, That no hunting shall be permitted in any  
33 state park.

34 **Sec. 23.** RCW 43.51.943 and 1988 c 36 s 17 are each amended to read  
35 as follows:

36 The state department of natural resources and the state parks and  
37 recreation commission have joined together in excellent cooperation in

1 the conducting of this study along with the citizen advisory  
2 subcommittee and have joined together in cooperation with the ((state))  
3 department of fish and wildlife to accomplish other projects of  
4 multidisciplinary concern, and because it may be in the best interests  
5 of the state to continue such cooperation, the state parks and  
6 recreation commission, the department of natural resources, and the  
7 department of fish and wildlife are hereby directed to consider both  
8 short and long term objectives, the expertise of each agency's staff,  
9 and alternatives such as reasonably may be expected to safeguard the  
10 conservation area's values as described in RCW 43.51.940 giving due  
11 regard to efficiency and economy of management: PROVIDED, That the  
12 interests conveyed to or by the state agencies identified in this  
13 section shall be managed by the department of natural resources until  
14 such time as the state parks and recreation commission or other public  
15 agency is managing public recreation areas and facilities located in  
16 such close proximity to the conservation area described in RCW  
17 43.51.942 so as to make combined management of those areas and  
18 facilities and transfer of management of the conservation area more  
19 efficient and economical than continued management by the department of  
20 natural resources. At that time the department of natural resources is  
21 directed to negotiate with the appropriate public agency for the  
22 transfer of those management responsibilities for the interests  
23 obtained within the conservation area under RCW 43.51.940 through  
24 43.51.945: PROVIDED FURTHER, That the state agencies identified in  
25 this section may, by mutual agreement, undertake management of portions  
26 of the conservation area as they may from time to time determine in  
27 accordance with those rules and regulations established for natural  
28 area preserves under chapter 79.70 RCW, for natural and conservation  
29 areas under present WAC 352-16-020(3) and (6), and under chapter 77.12  
30 RCW.

31 **Sec. 24.** RCW 43.52.350 and 1988 c 36 s 18 are each amended to read  
32 as follows:

33 An operating agency shall, at the time of the construction of any  
34 dam or obstruction, construct and shall thereafter maintain and operate  
35 such fishways, fish protective facilities and hatcheries as the  
36 director of fish and wildlife ((and the director of fisheries may  
37 jointly)) finds necessary to permit anadromous fish to pass any dam or  
38 other obstruction operated by the operating agency or to replace

1 fisheries damaged or destroyed by such dam or obstruction and an  
2 operating agency is further authorized to enter into contracts with the  
3 department of fish and wildlife (~~(and the department of fisheries)~~) to  
4 provide for the construction and/or operation of such fishways,  
5 facilities and hatcheries.

6 **Sec. 25.** RCW 43.63A.247 and 1993 c 280 s 65 are each amended to  
7 read as follows:

8 The senior environmental corps is created within the department of  
9 community, trade, and economic development. The departments of  
10 agriculture, community, trade, and economic development, employment  
11 security, ecology, (~~(fisheries)~~) fish and wildlife, health, and natural  
12 resources, (~~(and wildlife,~~) the parks and recreation commission, and  
13 the Puget Sound water quality authority shall participate in the  
14 administration and implementation of the corps and shall appoint  
15 representatives to the council.

16 **Sec. 26.** RCW 43.63A.260 and 1993 c 280 s 66 are each amended to  
17 read as follows:

18 The department shall convene a senior environmental corps  
19 coordinating council to meet as needed to establish and assess  
20 policies, define standards for projects, evaluate and select projects,  
21 develop recruitment, training, and placement procedures, receive and  
22 review project status and completion reports, and provide for  
23 recognition of volunteer activity. The council shall include  
24 representatives appointed by the departments of agriculture, community,  
25 trade, and economic development, ecology, (~~(fisheries)~~) fish and  
26 wildlife, health, and natural resources, (~~(and wildlife,~~) the parks  
27 and recreation commission, and the Puget Sound water quality authority.  
28 The council shall develop bylaws, policies and procedures to govern its  
29 activities.

30 The council shall advise the director on distribution of available  
31 funding for corps activities.

32 **Sec. 27.** RCW 43.81.010 and 1988 c 36 s 19 are each amended to read  
33 as follows:

34 The legislature recognizes that significant benefits accrue to the  
35 state and that certain types of state operations are more efficient  
36 when personnel services are available on an extended basis. Such

1 operations include certain types of facilities managed by agencies such  
2 as the departments of natural resources, corrections, (~~fisheries,~~)  
3 fish and wildlife, social and health services, transportation, and  
4 veterans affairs, and the parks and recreation commission.

5 The means of assuring that such personnel are available on an  
6 extended basis is through the establishment of on-site state-owned or  
7 leased living facilities. The legislature also recognizes the  
8 restrictions and hardship placed upon those personnel who are required  
9 to reside in such state-owned or leased living facilities in order to  
10 provide extended personnel services.

11 The legislature further recognizes that there are instances where  
12 it is to the benefit of the state to have state-owned or leased living  
13 facilities occupied even though such occupancy is not required by the  
14 agency as a condition of employment.

15 **Sec. 28.** RCW 43.82.010 and 1990 c 47 s 1 are each amended to read  
16 as follows:

17 (1) The director of the department of general administration, on  
18 behalf of the agency involved, shall purchase, lease, rent, or  
19 otherwise acquire all real estate, improved or unimproved, as may be  
20 required by elected state officials, institutions, departments,  
21 commissions, boards, and other state agencies, or federal agencies  
22 where joint state and federal activities are undertaken and may grant  
23 easements and transfer, exchange, sell, lease, or sublease all or part  
24 of any surplus real estate for those state agencies which do not  
25 otherwise have the specific authority to dispose of real estate. This  
26 section does not transfer financial liability for the acquired property  
27 to the department of general administration.

28 (2) Except for real estate occupied by federal agencies, the  
29 director shall determine the location, size, and design of any real  
30 estate or improvements thereon acquired or held pursuant to subsection  
31 (1) of this section.

32 (3) The director is authorized to purchase, lease, rent, or  
33 otherwise acquire improved or unimproved real estate as owner or lessee  
34 and to lease or sublet all or a part of such real estate to state or  
35 federal agencies. The director shall charge each using agency its  
36 proportionate rental which shall include an amount sufficient to pay  
37 all costs, including, but not limited to, those for utilities,  
38 janitorial and accounting services, and sufficient to provide for

1 contingencies; which shall not exceed five percent of the average  
2 annual rental, to meet unforeseen expenses incident to management of  
3 the real estate.

4 (4) If the director determines that it is necessary or advisable to  
5 undertake any work, construction, alteration, repair, or improvement on  
6 any real estate acquired pursuant to subsections (1) or (3) of this  
7 section, the director shall cause plans and specifications thereof and  
8 an estimate of the cost of such work to be made and filed in his or her  
9 office and the state agency benefiting thereby is hereby authorized to  
10 pay for such work out of any available funds: PROVIDED, That the cost  
11 of executing such work shall not exceed the sum of twenty-five thousand  
12 dollars. Work, construction, alteration, repair, or improvement in  
13 excess of twenty-five thousand dollars, other than that done by the  
14 owner of the property if other than the state, shall be performed in  
15 accordance with the public works law of this state.

16 (5) In order to obtain maximum utilization of space, the director  
17 shall make space utilization studies, and shall establish standards for  
18 use of space by state agencies.

19 (6) The director may construct new buildings on, or improve  
20 existing facilities, and furnish and equip, all real estate under his  
21 or her management.

22 (7) All conveyances and contracts to purchase, lease, rent,  
23 transfer, exchange, or sell real estate and to grant and accept  
24 easements shall be approved as to form by the attorney general, signed  
25 by the director or the director's designee, and recorded with the  
26 county auditor of the county in which the property is located.

27 (8) The director may delegate any or all of the functions specified  
28 in this section to any agency upon such terms and conditions as the  
29 director deems advisable.

30 (9) This section does not apply to the acquisition of real estate  
31 by:

32 (a) The state college and universities for research or experimental  
33 purposes;

34 (b) The state liquor control board for liquor stores and  
35 warehouses; and

36 (c) The department of natural resources, (~~the department of~~  
37 ~~fisheries,~~) the department of fish and wildlife, the department of  
38 transportation, and the state parks and recreation commission for

1 purposes other than the leasing of offices, warehouses, and real estate  
2 for similar purposes.

3 (10) Notwithstanding any provision in this chapter to the contrary,  
4 the department of general administration may negotiate ground leases  
5 for public lands on which property is to be acquired under a financing  
6 contract pursuant to chapter 39.94 RCW under terms approved by the  
7 state finance committee.

8 **Sec. 29.** RCW 43.83I.188 and 1983 1st ex.s. c 59 s 3 are each  
9 amended to read as follows:

10 The proceeds from the sale of the bonds deposited under RCW  
11 43.83I.186 in the fisheries capital projects account of the general  
12 fund shall be administered by the department of ((fisheries)) fish and  
13 wildlife, subject to legislative appropriation.

14 **Sec. 30.** RCW 43.98B.030 and 1992 c 153 s 5 are each amended to  
15 read as follows:

16 (1) Moneys appropriated for this chapter from the state wildlife  
17 and recreation lands management account shall be expended in the  
18 following manner:

19 (a) Not less than thirty percent for basic stewardship;

20 (b) Not less than twenty percent for improved or developed  
21 resources;

22 (c) Not less than fifteen percent for human use management; and

23 (d) Not more than fifteen percent for administration.

24 (e) The remaining twenty to thirty-five percent shall be considered  
25 unallocated.

26 (2) In the event that moneys appropriated for this chapter to the  
27 state wildlife and recreation lands management account under the  
28 initial allocation prove insufficient to meet basic stewardship needs,  
29 the unallocated amount shall be used to fund basic stewardship needs.

30 (3) Each eligible agency is not required to meet this specific  
31 percentage distribution. However, funding across agencies should meet  
32 these percentages during each biennium.

33 (4) It is intended that moneys disbursed from this account not  
34 replace existing operation and maintenance funding levels from other  
35 state sources.

1 (5) Agencies eligible to receive funds from this account are the  
2 departments of (~~(fisheries,)~~) fish and wildlife and natural resources,  
3 (~~(and wildlife,)~~) and the state parks and recreation commission.

4 (6) Moneys appropriated for this chapter from the state wildlife  
5 and recreation lands management account shall be distributed in the  
6 following manner:

7 (a) Not less than twenty-five percent to the state parks and  
8 recreation commission.

9 (b) Not less than twenty-five percent to the department of natural  
10 resources.

11 (c) Not less than twenty-five percent to the department of fish and  
12 wildlife.

13 (d) The remaining funds shall be allocated to eligible agencies  
14 based upon an evaluation of remaining unfunded needs.

15 (7) The office of financial management shall review eligible state  
16 agency requests and make recommendations on the allocation of funds  
17 provided under this chapter as part of the governor's operating budget  
18 request to the legislature.

19 **Sec. 31.** RCW 43.99.110 and 1988 c 36 s 21 are each amended to read  
20 as follows:

21 There is created the interagency committee for outdoor recreation  
22 consisting of the commissioner of public lands, the director of parks  
23 and recreation, and the director of fish and wildlife, (~~(the director~~  
24 ~~of fisheries,)~~) or their designees, and, by appointment of the governor  
25 with the advice and consent of the senate, five members from the public  
26 at large who have a demonstrated interest in and a general knowledge of  
27 outdoor recreation in the state. The terms of members appointed from  
28 the public at large shall commence on January 1st of the year of  
29 appointment and shall be for three years or until a successor is  
30 appointed, except in the case of appointments to fill vacancies which  
31 shall be for the remainder of the unexpired term; provided the first  
32 such members shall be appointed for terms as follows: One member for  
33 one year, two members for two years, and two members for three years.  
34 The governor shall appoint one of the members from the public at large  
35 to serve as chairman of the committee for the duration of the member's  
36 term. Members employed by the state shall serve without additional pay  
37 and participation in the work of the committee shall be deemed  
38 performance of their employment. Members from the public at large



1 shall be compensated in accordance with RCW 43.03.240 and shall be  
2 entitled to reimbursement individually for travel expenses incurred in  
3 performance of their duties as members of the committee in accordance  
4 with RCW 43.03.050 and 43.03.060.

5 **Sec. 32.** RCW 43.220.020 and 1988 c 36 s 23 are each amended to  
6 read as follows:

7 The Washington conservation corps is hereby created, to be  
8 implemented by the following state departments: The employment  
9 security department, the department of ecology, the department of fish  
10 and wildlife, the department of natural resources, (~~the department of~~  
11 ~~fisheries,~~) the department of agriculture, and the state parks and  
12 recreation commission.

13 **Sec. 33.** RCW 43.220.090 and 1983 1st ex.s. c 40 s 9 are each  
14 amended to read as follows:

15 (1) There is established a conservation corps within the department  
16 of ecology.

17 (2) Specific work project areas of the ecology conservation corps  
18 may include the following:

19 (a) Litter pickup as a supplement to the role of the litter patrol  
20 established by the waste reduction, recycling, and model litter control  
21 (~~and recycling~~) act, chapter 70.93 RCW;

22 (b) Stream rehabilitation, including trash removal, in-stream  
23 debris removal, and clearance of log jams and silt accumulation, to the  
24 extent that such projects do not conflict with similar tasks undertaken  
25 by the department of (~~fisheries~~) fish and wildlife;

26 (c) Minimum flow field work and stream gauging;

27 (d) Identification of indiscriminate solid waste dump sites;

28 (e) Laboratory and office assistance;

29 (f) General maintenance and custodial work at sewage treatment  
30 plants;

31 (g) Irrigation district assistance, including ditch cleaning and  
32 supervised work in surveying and engineering;

33 (h) Streambank erosion control; and

34 (i) Other projects as the director may determine. If a project  
35 requires certain levels of academic training, the director may assign  
36 corps members to categories of work projects according to educational

1 background. If appropriate facilities are available, the director may  
2 authorize carrying out projects which involve overnight stays.

3 **Sec. 34.** RCW 43.220.120 and 1988 c 36 s 24 are each amended to  
4 read as follows:

5 (1) There is established a conservation corps within the department  
6 of fish and wildlife.

7 (2) Specific work project areas of the game conservation corps may  
8 include the following:

9 (a) Habitat development;

10 (b) Land clearing;

11 (c) Construction projects;

12 (d) Noxious weed control;

13 (e) Brush cutting;

14 (f) Reader board construction;

15 (g) Painting;

16 (h) Cleaning and repair of rearing ponds;

17 (i) Fishtrap construction;

18 (j) Brush clearance;

19 (k) Spawning channel restoration;

20 (l) Log removal;

21 (m) Nest box maintenance and cleaning;

22 (n) Fence building;

23 (o) Winter game feeding and herding; ((and))

24 (p) Stream rehabilitation;

25 (q) Fish hatchery operation and maintenance;

26 (r) Fish tagging; and

27 (s) Such other projects as the director of fish and wildlife may  
28 determine. If appropriate facilities are available, the director of  
29 fish and wildlife may authorize carrying out projects which involve  
30 overnight stays.

31 **Sec. 35.** RCW 46.09.130 and 1989 c 297 s 3 are each amended to read  
32 as follows:

33 No person may operate a nonhighway vehicle in such a way as to  
34 endanger human life. No person shall operate a nonhighway vehicle in  
35 such a way as to run down or harass any wildlife or animal, nor carry,  
36 transport, or convey any loaded weapon in or upon, nor hunt from, any  
37 nonhighway vehicle except by permit issued by the director of fish and

1 wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful  
2 to carry, transport, or convey a loaded pistol in or upon a nonhighway  
3 vehicle if the person complies with the terms and conditions of chapter  
4 9.41 RCW.

5 Violation of this section is a gross misdemeanor.

6 **Sec. 36.** RCW 46.09.170 and 1990 c 42 s 115 are each amended to  
7 read as follows:

8 (1) From time to time, but at least once each year, the state  
9 treasurer shall refund from the motor vehicle fund one percent of the  
10 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,  
11 based on the tax rate in effect January 1, 1990, less proper deductions  
12 for refunds and costs of collection as provided in RCW 46.68.090. The  
13 treasurer shall place these funds in the general fund as follows:

14 (a) Forty percent shall be credited to the ORV and nonhighway  
15 vehicle account and administered by the department of natural resources  
16 solely for planning, maintenance, and management of ORV recreation  
17 facilities, nonhighway roads, and nonhighway road recreation  
18 facilities. The funds under this subsection shall be expended in  
19 accordance with the following limitations:

20 (i) Not more than five percent may be expended for information  
21 programs under this chapter;

22 (ii) Not less than ten percent and not more than fifty percent may  
23 be expended for ORV recreation facilities;

24 (iii) Not more than twenty-five percent may be expended for  
25 maintenance of nonhighway roads;

26 (iv) Not more than fifty percent may be expended for nonhighway  
27 road recreation facilities;

28 (v) Ten percent shall be transferred to the interagency committee  
29 for outdoor recreation for grants to law enforcement agencies in those  
30 counties where the department of natural resources maintains ORV  
31 facilities. This amount is in addition to those distributions made by  
32 the interagency committee for outdoor recreation under (d)(i) of this  
33 subsection;

34 (b) Three and one-half percent shall be credited to the ORV and  
35 nonhighway vehicle account and administered by the department of fish  
36 and wildlife solely for the acquisition, planning, development,  
37 maintenance, and management of nonhighway roads and recreation  
38 facilities;

1 (c) Two percent shall be credited to the ORV and nonhighway vehicle  
2 account and administered by the parks and recreation commission solely  
3 for the maintenance and management of ORV use areas and facilities; and

4 (d) Fifty-four and one-half percent, together with the funds  
5 received by the interagency committee for outdoor recreation under RCW  
6 46.09.110, shall be credited to the outdoor recreation account to be  
7 administered by the committee for planning, acquisition, development,  
8 maintenance, and management of ORV recreation facilities and nonhighway  
9 road recreation facilities; ORV user education and information; and ORV  
10 law enforcement programs. The funds under this subsection shall be  
11 expended in accordance with the following limitations:

12 (i) Not more than twenty percent may be expended for ORV education,  
13 information, and law enforcement programs under this chapter;

14 (ii) Not less than an amount equal to the funds received by the  
15 interagency committee for outdoor recreation under RCW 46.09.110 and  
16 not more than sixty percent may be expended for ORV recreation  
17 facilities;

18 (iii) Not more than twenty percent may be expended for nonhighway  
19 road recreation facilities.

20 (2) On a yearly basis an agency may not, except as provided in RCW  
21 46.09.110, expend more than ten percent of the funds it receives under  
22 this chapter for general administration expenses incurred in carrying  
23 out this chapter.

24 **Sec. 37.** RCW 46.10.130 and 1989 c 297 s 4 are each amended to read  
25 as follows:

26 No person shall operate a snowmobile in such a way as to endanger  
27 human life. No person shall operate a snowmobile in such a way as to  
28 run down or harass deer, elk, or any wildlife, or any domestic animal,  
29 nor shall ((he)) any person carry any loaded weapon upon, nor hunt  
30 from, any snowmobile except by permit issued by the director of fish  
31 and wildlife under RCW 77.32.237. Any person violating the provisions  
32 of this section shall be guilty of a gross misdemeanor.

33 **Sec. 38.** RCW 46.10.220 and 1989 c 175 s 110 are each amended to  
34 read as follows:

35 (1) There is created in the Washington state parks and recreation  
36 commission a snowmobile advisory committee to advise the commission  
37 regarding the administration of this chapter.

1 (2) The purpose of the committee is to assist and advise the  
2 commission in the planned development of snowmobile facilities and  
3 programs.

4 (3) The committee shall consist of:

5 (a) Six interested snowmobilers, appointed by the commission; each  
6 such member shall be a resident of one of the six geographical areas  
7 throughout this state where snowmobile activity occurs, as defined by  
8 the commission;

9 (b) Three representatives of the nonsnowmobiling public, appointed  
10 by the commission; and

11 (c) One representative of the department of natural resources, one  
12 representative of the department of fish and wildlife, and one  
13 representative of the Washington state association of counties; each of  
14 whom shall be appointed by the director of such department or  
15 association.

16 (4) Terms of the members appointed under subsection (3)(a) and (b)  
17 of this section shall commence on October 1st of the year of  
18 appointment and shall be for three years or until a successor is  
19 appointed, except in the case of appointments to fill vacancies which  
20 shall be for the remainder of the unexpired term: PROVIDED, That the  
21 first such members shall be appointed for terms as follows: Three  
22 members shall be appointed for one year, three members shall be  
23 appointed for two years, and three members shall be appointed for three  
24 years.

25 (5) Members of the committee shall be reimbursed for travel  
26 expenses as provided in RCW 43.03.050 and 43.03.060. Expenditures  
27 under this subsection shall be from the snowmobile account created by  
28 RCW 46.10.075.

29 (6) The committee may meet at times and places fixed by the  
30 committee. The committee shall meet not less than twice each year and  
31 additionally as required by the committee chairman or by majority vote  
32 of the committee. One of the meetings shall be coincident with a  
33 meeting of the commission at which the committee shall provide a report  
34 to the commission. The chairman of the committee shall be chosen under  
35 procedures adopted by the committee from those members appointed under  
36 subsection (3)(a) and (b) of this section.

37 (7) The Washington state parks and recreation commission shall  
38 serve as recording secretary to the committee. A representative of the  
39 department of licensing shall serve as an ex officio member of the

1 committee and shall be notified of all meetings of the committee. The  
2 recording secretary and the ex officio member shall be nonvoting  
3 members.

4 (8) The committee shall adopt procedures to govern its proceedings.

5 **Sec. 39.** RCW 69.04.935 and 1993 c 282 s 5 are each amended to read  
6 as follows:

7 To promote honesty and fair dealing for consumers, the director, in  
8 consultation with the director of the department of ((fisheries)) fish  
9 and wildlife, shall adopt rules:

10 (1) Fixing and establishing a reasonable definition and standard of  
11 identity for salmon for purposes of identifying and selling salmon;

12 (2) Enforcing RCW 69.04.933 and 69.04.934.

13 **Sec. 40.** RCW 69.30.070 and 1955 c 144 s 7 are each amended to read  
14 as follows:

15 Any certificate of approval issued under the provisions of this  
16 chapter shall not relieve any person from complying with the laws,  
17 rules and/or regulations of the ((state)) department of ((fisheries))  
18 fish and wildlife, relative to shellfish.

19 **Sec. 41.** RCW 70.104.080 and 1991 c 3 s 363 are each amended to  
20 read as follows:

21 (1) There is hereby created a pesticide incident reporting and  
22 tracking review panel consisting of the following members:

23 (a) The directors, secretaries, or designees of the departments of  
24 labor and industries, agriculture, natural resources, fish and  
25 wildlife, and ecology;

26 (b) The ((director-[secretary])) secretary of the department of  
27 health or his or her designee, who shall serve as the coordinating  
28 agency for the review panel;

29 (c) The chair of the department of environmental health of the  
30 University of Washington, or his or her designee;

31 (d) The pesticide coordinator and specialist of the cooperative  
32 extension at Washington State University or his or her designee;

33 (e) A representative of the Washington poison control center  
34 network;

35 (f) A practicing toxicologist and a member of the general public,  
36 who shall each be appointed by the governor for terms of two years and

1 may be appointed for a maximum of four terms at the discretion of the  
2 governor. The governor may remove either member prior to the  
3 expiration of his or her term of appointment for cause. Upon the  
4 death, resignation, or removal for cause of a member of the review  
5 panel, the governor shall fill such vacancy, within thirty days of its  
6 creation, for the remainder of the term in the manner herein prescribed  
7 for appointment to the review panel.

8 (2) The review panel shall be chaired by the secretary of the  
9 department of health, or the secretary's designee. The members of the  
10 review panel shall meet at least monthly at a time and place specified  
11 by the chair, or at the call of a majority of the review panel.

12 **Sec. 42.** RCW 70.105.020 and 1988 c 36 s 28 are each amended to  
13 read as follows:

14 The department after notice and public hearing shall:

15 (1) Adopt regulations designating as extremely hazardous wastes  
16 subject to the provisions of this chapter those substances which  
17 exhibit characteristics consistent with the definition provided in RCW  
18 70.105.010(6);

19 (2) Adopt and may revise when appropriate, minimum standards and  
20 regulations for disposal of extremely hazardous wastes to protect  
21 against hazards to the public, and to the environment. Before adoption  
22 of such standards and regulations, the department shall consult with  
23 appropriate agencies of interested local governments and secure  
24 technical assistance from the department of agriculture, the department  
25 of social and health services, the department of fish and wildlife, the  
26 department of natural resources, (~~the department of fisheries,~~) the  
27 department of labor and industries, and the department of community,  
28 trade, and economic development, through the director of fire  
29 protection.

30 **Sec. 43.** RCW 72.63.020 and 1988 c 36 s 29 are each amended to read  
31 as follows:

32 The departments of corrections(~~(, fisheries,)~~) and fish and  
33 wildlife shall establish at or near appropriate state institutions, as  
34 defined in RCW 72.65.010, prison work programs that use prisoners to  
35 undertake state food fish, shellfish, and game fish rearing projects  
36 and state game bird and game animal improvement, restoration, and  
37 protection projects and that meet the requirements of RCW 72.09.100.

1 The department of corrections shall seek to identify a group of  
2 prisoners at each appropriate state institution, as defined by RCW  
3 72.65.010, that are interested in participating in prison work programs  
4 established by this chapter.

5 If the department of corrections is unable to identify a group of  
6 prisoners to participate in work programs authorized by this chapter,  
7 it may enter into an agreement with the department(~~(s of fisheries or)~~)  
8 of fish and wildlife for the purpose of designing projects for any  
9 institution. Costs under this section shall be borne by the department  
10 of corrections.

11 The departments of corrections(~~(, fisheries)~~) and fish and  
12 wildlife shall use prisoners, where appropriate, to perform work in  
13 state projects that may include the following types:

14 (1) Food fish, shellfish, and game fish rearing projects, including  
15 but not limited to egg planting, egg boxes, juvenile planting, pen  
16 rearing, pond rearing, raceway rearing, and egg taking;

17 (2) Game bird and game animal projects, including but not limited  
18 to habitat improvement and restoration, replanting and transplanting,  
19 nest box installation, pen rearing, game protection, and supplemental  
20 feeding: PROVIDED, That no project shall be established at the  
21 department of fish and wildlife's south Tacoma game farm;

22 (3) Manufacturing of equipment for use in fish and game volunteer  
23 cooperative projects permitted by the (~~department of fisheries or~~  
24 ~~the~~) department of fish and wildlife, or for use in prison work  
25 programs with fish and game; and

26 (4) Maintenance, repair, restoration, and redevelopment of  
27 facilities operated by the department(~~(s)~~) of fish and wildlife (~~(and~~  
28 ~~fisheries)~~).

29 **Sec. 44.** RCW 72.63.030 and 1988 c 36 s 30 are each amended to read  
30 as follows:

31 (1) The department(~~(s of fisheries)~~) of fish and wildlife(~~(, as~~  
32 ~~appropriate)~~) shall provide professional assistance from biologists,  
33 fish culturists, pathologists, engineers, habitat managers, and other  
34 departmental staff to assist the development and productivity of prison  
35 work programs under RCW 72.63.020, upon agreement with the department  
36 of corrections.

37 (2) The department(~~(s of fisheries)~~) of fish and wildlife shall  
38 identify and describe potential and pilot projects that are compatible



1 with the goals of the various departments involved and that are  
2 particularly suitable for prison work programs.

3 (3) The department(~~(s of fisheries or)~~) of fish and wildlife(~~(, or~~  
4 ~~both, as appropriate,~~) may make available surplus hatchery rearing  
5 space, net pens, egg boxes, portable rearing containers, incubators,  
6 and any other departmental facilities or property that are available  
7 for loan to the department of corrections to carry out prison work  
8 programs under RCW 72.63.020.

9 (4) The department(~~(s of fisheries or)~~) of fish and wildlife(~~(, or~~  
10 ~~both, as appropriate,~~) shall provide live fish eggs, bird eggs,  
11 juvenile fish, game animals, or other appropriate seed stock,  
12 juveniles, or brood stock of acceptable disease history and genetic  
13 composition for the prison work projects at no cost to the department  
14 of corrections, to the extent that such resources are available. Fish  
15 food, bird food, or animal food may be provided by the department(~~(s of~~  
16 ~~fisheries)~~) of fish and wildlife to the extent that funding is  
17 available.

18 (5) The department of natural resources shall assist in the  
19 implementation of the program where project sites are located on public  
20 beaches or state owned aquatic lands.

21 **Sec. 45.** RCW 75.10.220 and 1993 c 82 s 6 are each amended to read  
22 as follows:

23 (1) (~~The department of wildlife shall notify the department~~) Upon  
24 receipt of a report of failure to comply with the terms of a citation  
25 issued for a recreational violation from the licensing authority of a  
26 state that is a party to the wildlife violator compact under RCW  
27 77.17.010(~~(-)~~), the department shall suspend the violator's  
28 recreational license privileges under this title until satisfactory  
29 evidence of compliance with the terms of the wildlife citation (~~has~~  
30 ~~been furnished by the department of wildlife~~). The department shall  
31 adopt by rule procedures for the timely notification and administrative  
32 review of such suspension of recreational licensing privileges.

33 (2) (~~The department of wildlife shall notify the department~~) Upon  
34 receipt of a report of a conviction for a recreational offense from the  
35 licensing authority of a state that is a party to the wildlife violator  
36 compact under RCW 77.17.010(~~(-)~~), the department shall enter such  
37 conviction in its records and shall treat such conviction as if it

1 occurred in the state of Washington for the purposes of suspension,  
2 revocation, or forfeiture of recreational license privileges.

3 **Sec. 46.** RCW 75.28.770 and 1993 sp.s. c 4 s 4 are each amended to  
4 read as follows:

5 The department (~~(of fisheries)~~) shall evaluate and recommend, in  
6 consultation with the Indian tribes, salmon fishery management  
7 strategies and gear types, as well as a schedule for implementation,  
8 that will minimize the impact of commercial and recreational fishing in  
9 the mixed stock fishery on critical and depressed wild stocks of  
10 salmonids. As part of this evaluation, the department, in conjunction  
11 with the commercial and recreational fishing industries, shall evaluate  
12 commercial and recreational salmon fishing gear types developed by  
13 these industries. The department (~~(of fisheries)~~) shall present status  
14 reports to the appropriate committees of the legislature by December 31  
15 of each year in 1993, 1994, and 1995, and shall present the final  
16 evaluation and recommendations by December 31, 1996.

17 **Sec. 47.** RCW 75.54.070 and 1993 sp.s. c 2 s 89 are each amended to  
18 read as follows:

19 The department shall work with the department of ecology(~~(, the~~  
20 ~~department of wildlife,)~~) and local government entities to streamline  
21 the siting process for new enhancement projects. The department is  
22 encouraged to work with the legislature to develop statutory changes  
23 that enable expeditious processing and granting of permits for fish  
24 enhancement projects.

25 **Sec. 48.** RCW 76.09.040 and 1993 c 443 s 2 are each amended to read  
26 as follows:

27 (1) Where necessary to accomplish the purposes and policies stated  
28 in RCW 76.09.010, and to implement the provisions of this chapter, the  
29 board shall promulgate forest practices regulations pursuant to chapter  
30 34.05 RCW and in accordance with the procedures enumerated in this  
31 section that:

32 (a) Establish minimum standards for forest practices;

33 (b) Provide procedures for the voluntary development of resource  
34 management plans which may be adopted as an alternative to the minimum  
35 standards in (a) of this subsection if the plan is consistent with the

1 purposes and policies stated in RCW 76.09.010 and the plan meets or  
2 exceeds the objectives of the minimum standards;

3 (c) Set forth necessary administrative provisions; and

4 (d) Establish procedures for the collection and administration of  
5 forest practice fees as set forth by this chapter.

6 Forest practices regulations pertaining to water quality protection  
7 shall be promulgated individually by the board and by the department of  
8 ecology after they have reached agreement with respect thereto. All  
9 other forest practices regulations shall be promulgated by the board.

10 Forest practices regulations shall be administered and enforced by  
11 the department except as otherwise provided in this chapter. Such  
12 regulations shall be promulgated and administered so as to give  
13 consideration to all purposes and policies set forth in RCW 76.09.010.

14 (2) The board shall prepare proposed forest practices regulations.  
15 In addition to any forest practices regulations relating to water  
16 quality protection proposed by the board, the department of ecology  
17 shall prepare proposed forest practices regulations relating to water  
18 quality protection.

19 Prior to initiating the rule making process, the proposed  
20 regulations shall be submitted for review and comments to the  
21 department of (~~fisheries, the department of~~) fish and wildlife(~~(7)~~)  
22 and to the counties of the state. After receipt of the proposed forest  
23 practices regulations, the department(~~(s of fisheries)~~) of fish and  
24 wildlife and the counties of the state shall have thirty days in which  
25 to review and submit comments to the board, and to the department of  
26 ecology with respect to its proposed regulations relating to water  
27 quality protection. After the expiration of such thirty day period the  
28 board and the department of ecology shall jointly hold one or more  
29 hearings on the proposed regulations pursuant to chapter 34.05 RCW. At  
30 such hearing(s) any county may propose specific forest practices  
31 regulations relating to problems existing within such county. The  
32 board and the department of ecology may adopt such proposals if they  
33 find the proposals are consistent with the purposes and policies of  
34 this chapter.

35 **Sec. 49.** RCW 76.09.050 and 1993 c 443 s 3 are each amended to read  
36 as follows:

37 (1) The board shall establish by rule which forest practices shall  
38 be included within each of the following classes:

1 Class I: Minimal or specific forest practices that have no direct  
2 potential for damaging a public resource that may be conducted without  
3 submitting an application or a notification;

4 Class II: Forest practices which have a less than ordinary  
5 potential for damaging a public resource that may be conducted without  
6 submitting an application and may begin five calendar days, or such  
7 lesser time as the department may determine, after written notification  
8 by the operator, in the manner, content, and form as prescribed by the  
9 department, is received by the department. However, the work may not  
10 begin until all forest practice fees required under RCW 76.09.065 have  
11 been received by the department. Class II shall not include forest  
12 practices:

13 (a) On lands platted after January 1, 1960, or being converted to  
14 another use;

15 (b) Which require approvals under the provisions of the hydraulics  
16 act, RCW 75.20.100;

17 (c) Within "shorelines of the state" as defined in RCW 90.58.030;  
18 or

19 (d) Excluded from Class II by the board;

20 Class III: Forest practices other than those contained in Class I,  
21 II, or IV. A Class III application must be approved or disapproved by  
22 the department within thirty calendar days from the date the department  
23 receives the application. However, the applicant may not begin work on  
24 that forest practice until all forest practice fees required under RCW  
25 76.09.065 have been received by the department;

26 Class IV: Forest practices other than those contained in Class I  
27 or II: (a) On lands platted after January 1, 1960, (b) on lands being  
28 converted to another use, (c) on lands which, pursuant to RCW 76.09.070  
29 as now or hereafter amended, are not to be reforested because of the  
30 likelihood of future conversion to urban development, and/or (d) which  
31 have a potential for a substantial impact on the environment and  
32 therefore require an evaluation by the department as to whether or not  
33 a detailed statement must be prepared pursuant to the state  
34 environmental policy act, chapter 43.21C RCW. Such evaluation shall be  
35 made within ten days from the date the department receives the  
36 application: PROVIDED, That nothing herein shall be construed to  
37 prevent any local or regional governmental entity from determining that  
38 a detailed statement must be prepared for an action pursuant to a Class  
39 IV forest practice taken by that governmental entity concerning the

1 land on which forest practices will be conducted. A Class IV  
2 application must be approved or disapproved by the department within  
3 thirty calendar days from the date the department receives the  
4 application, unless the department determines that a detailed statement  
5 must be made, in which case the application must be approved or  
6 disapproved by the department within sixty calendar days from the date  
7 the department receives the application, unless the commissioner of  
8 public lands, through the promulgation of a formal order, determines  
9 that the process cannot be completed within such period. However, the  
10 applicant may not begin work on that forest practice until all forest  
11 practice fees required under RCW 76.09.065 have been received by the  
12 department.

13 Forest practices under Classes I, II, and III are exempt from the  
14 requirements for preparation of a detailed statement under the state  
15 environmental policy act.

16 (2) No Class II, Class III, or Class IV forest practice shall be  
17 commenced or continued after January 1, 1975, unless the department has  
18 received a notification with regard to a Class II forest practice or  
19 approved an application with regard to a Class III or Class IV forest  
20 practice containing all information required by RCW 76.09.060 as now or  
21 hereafter amended: PROVIDED, That any person commencing a forest  
22 practice during 1974 may continue such forest practice until April 1,  
23 1975, if such person has submitted an application to the department  
24 prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest  
25 practices regulations necessary for the scheduled implementation of  
26 this chapter and RCW 90.48.420 have not been adopted in time to meet  
27 such schedules, the department shall have the authority to regulate  
28 forest practices and approve applications on such terms and conditions  
29 consistent with this chapter and RCW 90.48.420 and the purposes and  
30 policies of RCW 76.09.010 until applicable forest practices regulations  
31 are in effect.

32 (3) If a notification or application is delivered in person to the  
33 department by the operator or ((his)) the operator's agent, the  
34 department shall immediately provide a dated receipt thereof. In all  
35 other cases, the department shall immediately mail a dated receipt to  
36 the operator.

37 (4) Forest practices shall be conducted in accordance with the  
38 forest practices regulations, orders and directives as authorized by

1 this chapter or the forest practices regulations, and the terms and  
2 conditions of any approved applications.

3 (5) The department of natural resources shall notify the applicant  
4 in writing of either its approval of the application or its disapproval  
5 of the application and the specific manner in which the application  
6 fails to comply with the provisions of this section or with the forest  
7 practices regulations. Except as provided otherwise in this section,  
8 if the department fails to either approve or disapprove an application  
9 or any portion thereof within the applicable time limit, the  
10 application shall be deemed approved and the operation may be  
11 commenced: PROVIDED, That this provision shall not apply to  
12 applications which are neither approved nor disapproved pursuant to the  
13 provisions of subsection (7) of this section: PROVIDED, FURTHER, That  
14 if seasonal field conditions prevent the department from being able to  
15 properly evaluate the application, the department may issue an approval  
16 conditional upon further review within sixty days: PROVIDED, FURTHER,  
17 That the department shall have until April 1, 1975, to approve or  
18 disapprove an application involving forest practices allowed to  
19 continue to April 1, 1975, under the provisions of subsection (2) of  
20 this section. Upon receipt of any notification or any satisfactorily  
21 completed application the department shall in any event no later than  
22 two business days after such receipt transmit a copy to the departments  
23 of ecology((~~7~~)) and fish and wildlife((~~7~~,~~and fisheries~~)), and to the  
24 county, city, or town in whose jurisdiction the forest practice is to  
25 be commenced. Any comments by such agencies shall be directed to the  
26 department of natural resources.

27 (6) If the county, city, or town believes that an application is  
28 inconsistent with this chapter, the forest practices regulations, or  
29 any local authority consistent with RCW 76.09.240 as now or hereafter  
30 amended, it may so notify the department and the applicant, specifying  
31 its objections.

32 (7) The department shall not approve portions of applications to  
33 which a county, city, or town objects if:

34 (a) The department receives written notice from the county, city,  
35 or town of such objections within fourteen business days from the time  
36 of transmittal of the application to the county, city, or town, or one  
37 day before the department acts on the application, whichever is later;  
38 and

39 (b) The objections relate to lands either:

1 (i) Platted after January 1, 1960; or

2 (ii) Being converted to another use.

3 The department shall either disapprove those portions of such  
4 application or appeal the county, city, or town objections to the  
5 appeals board. If the objections related to subparagraphs (b) (i) and  
6 (ii) of this subsection are based on local authority consistent with  
7 RCW 76.09.240 as now or hereafter amended, the department shall  
8 disapprove the application until such time as the county, city, or town  
9 consents to its approval or such disapproval is reversed on appeal.  
10 The applicant shall be a party to all department appeals of county,  
11 city, or town objections. Unless the county, city, or town either  
12 consents or has waived its rights under this subsection, the department  
13 shall not approve portions of an application affecting such lands until  
14 the minimum time for county, city, or town objections has expired.

15 (8) In addition to any rights under the above paragraph, the  
16 county, city, or town may appeal any department approval of an  
17 application with respect to any lands within its jurisdiction. The  
18 appeals board may suspend the department's approval in whole or in part  
19 pending such appeal where there exists potential for immediate and  
20 material damage to a public resource.

21 (9) Appeals under this section shall be made to the appeals board  
22 in the manner and time provided in RCW 76.09.220(8). In such appeals  
23 there shall be no presumption of correctness of either the county,  
24 city, or town or the department position.

25 (10) The department shall, within four business days notify the  
26 county, city, or town of all notifications, approvals, and disapprovals  
27 of an application affecting lands within the county, city, or town,  
28 except to the extent the county, city, or town has waived its right to  
29 such notice.

30 (11) A county, city, or town may waive in whole or in part its  
31 rights under this section, and may withdraw or modify any such waiver,  
32 at any time by written notice to the department.

33 **Sec. 50.** RCW 76.09.180 and 1988 c 36 s 48 are each amended to read  
34 as follows:

35 All penalties received or recovered by state agency action for  
36 violations as prescribed in RCW 76.09.170 shall be deposited in the  
37 state general fund. All such penalties recovered as a result of local  
38 government action shall be deposited in the local government general

1 fund. Any funds recovered as reimbursement for damages pursuant to RCW  
2 76.09.080 and 76.09.090 shall be transferred to that agency with  
3 jurisdiction over the public resource damaged, including but not  
4 limited to political subdivisions, the department of fish and wildlife,  
5 (~~the department of fisheries,~~) the department of ecology, the  
6 department of natural resources, or any other department that may be so  
7 designated: PROVIDED, That nothing herein shall be construed to affect  
8 the provisions of RCW 90.48.142.

9 **Sec. 51.** RCW 76.48.040 and 1988 c 36 s 49 are each amended to read  
10 as follows:

11 Agencies charged with the enforcement of this chapter shall  
12 include, but not be limited to, the Washington state patrol, county  
13 sheriffs and their deputies, county or municipal police forces,  
14 authorized personnel of the United States forest service, and  
15 authorized personnel of the departments of natural resources(~~(~~  
16 ~~fisheries,~~) and fish and wildlife. Primary enforcement responsibility  
17 lies in the county sheriffs and their deputies.

18 **Sec. 52.** RCW 77.04.030 and 1993 sp.s. c 2 s 60 are each amended to  
19 read as follows:

20 The (~~state~~) fish and wildlife commission consists of nine  
21 registered voters of the state. In January of each odd-numbered year,  
22 the governor shall appoint with the advice and consent of the senate  
23 two registered voters to the commission to serve for terms of six years  
24 from that January or until their successors are appointed and  
25 qualified. If a vacancy occurs on the commission prior to the expira-  
26 tion of a term, the governor shall appoint a registered voter within  
27 sixty days to complete the term. Three members shall be residents of  
28 that portion of the state lying east of the summit of the Cascade  
29 mountains, and three shall be residents of that portion of the state  
30 lying west of the summit of the Cascade mountains. Three additional  
31 members shall be appointed at-large effective July 1, 1993; one of whom  
32 shall serve a one and one-half year term to end December 31, 1994; one  
33 of whom shall serve a three and one-half year term to end December 31,  
34 1996; and one of whom shall serve a five and one-half year term to end  
35 December 31, 1998. Thereafter all members are to serve a six-year  
36 term. No two members may be residents of the same county. The legal



1 office of the commission is at the administrative office of the  
2 department in Olympia.

3 **Sec. 53.** RCW 77.12.020 and 1987 c 506 s 13 are each amended to  
4 read as follows:

5 (1) The director shall investigate the habits and distribution of  
6 the various species of wildlife native to or adaptable to the habitats  
7 of the state. The commission shall determine whether a species should  
8 be managed by the department and, if so, classify it under this  
9 section.

10 (2) The commission may classify by rule wild animals as game  
11 animals and game animals as fur-bearing animals.

12 (3) The commission may classify by rule wild birds as game birds or  
13 predatory birds. All wild birds not otherwise classified are protected  
14 wildlife.

15 (4) In addition to those species listed in RCW 77.08.020, the  
16 commission may classify by rule as game fish other species of the class  
17 Osteichthyes that are commonly found in fresh water except those  
18 classified as food fish by the director (~~(of fisheries)~~).

19 (5) The director may recommend to the commission that a species of  
20 wildlife should not be hunted or fished. The commission may designate  
21 species of wildlife as protected.

22 (6) If the director determines that a species of wildlife is  
23 seriously threatened with extinction in the state of Washington, the  
24 director may request its designation as an endangered species. The  
25 commission may designate an endangered species.

26 (7) If the director determines that a species of the animal  
27 kingdom, not native to Washington, is dangerous to the environment or  
28 wildlife of the state, the director may request its designation as  
29 deleterious exotic wildlife. The commission may designate deleterious  
30 exotic wildlife.

31 **Sec. 54.** RCW 77.12.031 and 1993 c 80 s 4 are each amended to read  
32 as follows:

33 The authority of the department (~~(of wildlife)~~) does not extend to  
34 preventing, controlling, or suppressing diseases in llamas or alpacas  
35 or to controlling the movement or sale of llamas or alpacas.

1 This section shall not be construed as granting or denying  
2 authority to the department (~~(of wildlife)~~) to prevent, control, or  
3 suppress diseases in any animals other than llamas and alpacas.

4 **Sec. 55.** RCW 77.17.010 and 1993 c 82 s 1 are each amended to read  
5 as follows:

6 The wildlife violator compact is hereby established in the form  
7 substantially as follows, and the Washington state department of fish  
8 and wildlife is authorized to enter into such compact on behalf of the  
9 state with all other jurisdictions legally joining therein:

10 ARTICLE I

11 FINDINGS, DECLARATION OF POLICY, AND PURPOSE

12 (a) The party states find that:

13 (1) Wildlife resources are managed in trust by the respective  
14 states for the benefit of all residents and visitors.

15 (2) The protection of their respective wildlife resources can be  
16 materially affected by the degree of compliance with state statute,  
17 law, regulation, ordinance, or administrative rule relating to the  
18 management of those resources.

19 (3) The preservation, protection, management, and restoration of  
20 wildlife contributes immeasurably to the aesthetic, recreational, and  
21 economic aspects of these natural resources.

22 (4) Wildlife resources are valuable without regard to political  
23 boundaries, therefore, all persons should be required to comply with  
24 wildlife preservation, protection, management, and restoration laws,  
25 ordinances, and administrative rules and regulations of all party  
26 states as a condition precedent to the continuance or issuance of any  
27 license to hunt, fish, trap, or possess wildlife.

28 (5) Violation of wildlife laws interferes with the management of  
29 wildlife resources and may endanger the safety of persons and property.

30 (6) The mobility of many wildlife law violators necessitates the  
31 maintenance of channels of communications among the various states.

32 (7) In most instances, a person who is cited for a wildlife  
33 violation in a state other than the person's home state:

34 (i) Must post collateral or bond to secure appearance for a trial  
35 at a later date; or

36 (ii) If unable to post collateral or bond, is taken into custody  
37 until the collateral or bond is posted; or

1 (iii) Is taken directly to court for an immediate appearance.

2 (8) The purpose of the enforcement practices described in paragraph  
3 (7) of this subdivision is to ensure compliance with the terms of a  
4 wildlife citation by the person who, if permitted to continue on the  
5 person's way after receiving the citation, could return to the person's  
6 home state and disregard the person's duty under the terms of the  
7 citation.

8 (9) In most instances, a person receiving a wildlife citation in  
9 the person's home state is permitted to accept the citation from the  
10 officer at the scene of the violation and to immediately continue on  
11 the person's way after agreeing or being instructed to comply with the  
12 terms of the citation.

13 (10) The practice described in paragraph (7) of this subdivision  
14 causes unnecessary inconvenience and, at times, a hardship for the  
15 person who is unable at the time to post collateral, furnish a bond,  
16 stand trial, or pay the fine, and thus is compelled to remain in  
17 custody until some alternative arrangement can be made.

18 (11) The enforcement practices described in paragraph (7) of this  
19 subdivision consume an undue amount of law enforcement time.

20 (b) It is the policy of the party states to:

21 (1) Promote compliance with the statutes, laws, ordinances,  
22 regulations, and administrative rules relating to management of  
23 wildlife resources in their respective states.

24 (2) Recognize the suspension of wildlife license privileges of any  
25 person whose license privileges have been suspended by a party state  
26 and treat this suspension as if it had occurred in their state.

27 (3) Allow violators to accept a wildlife citation, except as  
28 provided in subdivision (b) of Article III, and proceed on the  
29 violator's way without delay whether or not the person is a resident in  
30 the state in which the citation was issued, provided that the  
31 violator's home state is party to this compact.

32 (4) Report to the appropriate party state, as provided in the  
33 compact manual, any conviction recorded against any person whose home  
34 state was not the issuing state.

35 (5) Allow the home state to recognize and treat convictions  
36 recorded for their residents which occurred in another party state as  
37 if they had occurred in the home state.

1 (6) Extend cooperation to its fullest extent among the party states  
2 for obtaining compliance with the terms of a wildlife citation issued  
3 in one party state to a resident of another party state.

4 (7) Maximize effective use of law enforcement personnel and  
5 information.

6 (8) Assist court systems in the efficient disposition of wildlife  
7 violations.

8 (c) The purpose of this compact is to:

9 (1) Provide a means through which the party states may participate  
10 in a reciprocal program to effectuate policies enumerated in  
11 subdivision (b) of this article in a uniform and orderly manner.

12 (2) Provide for the fair and impartial treatment of wildlife  
13 violators operating within party states in recognition of the person's  
14 right of due process and the sovereign status of a party state.

15 ARTICLE II

16 DEFINITIONS

17 Unless the context requires otherwise, the definitions in this  
18 article apply through this compact and are intended only for the  
19 implementation of this compact:

20 (a) "Citation" means any summons, complaint, ticket, penalty  
21 assessment, or other official document issued by a wildlife officer or  
22 other peace officer for a wildlife violation containing an order which  
23 requires the person to respond.

24 (b) "Collateral" means any cash or other security deposited to  
25 secure an appearance for trial, in connection with the issuance by a  
26 wildlife officer or other peace officer of a citation for a wildlife  
27 violation.

28 (c) "Compliance" with respect to a citation means the act of  
29 answering the citation through appearance at a court, a tribunal, or  
30 payment of fines, costs, and surcharges, if any, or both such  
31 appearance and payment.

32 (d) "Conviction" means a conviction, including any court  
33 conviction, of any offense related to the preservation, protection,  
34 management, or restoration of wildlife which is prohibited by state  
35 statute, law, regulation, ordinance, or administrative rule, or a  
36 forfeiture of bail, bond, or other security deposited to secure  
37 appearance by a person charged with having committed any such offense,

1 or payment of a penalty assessment, or a plea of nolo contendere, or  
2 the imposition of a deferred or suspended sentence by the court.

3 (e) "Court" means a court of law, including Magistrate's Court and  
4 the Justice of the Peace Court.

5 (f) "Home state" means the state of primary residence of a person.

6 (g) "Issuing state" means the party state which issues a wildlife  
7 citation to the violator.

8 (h) "License" means any license, permit, or other public document  
9 which conveys to the person to whom it was issued the privilege of  
10 pursuing, possessing, or taking any wildlife regulated by statute, law,  
11 regulation, ordinance, or administrative rule of a party state.

12 (i) "Licensing authority" means the department or division within  
13 each party state which is authorized by law to issue or approve  
14 licenses or permits to hunt, fish, trap, or possess wildlife.

15 (j) "Party state" means any state which enacts legislation to  
16 become a member of this wildlife compact.

17 (k) "Personal recognizance" means an agreement by a person made at  
18 the time of issuance of the wildlife citation that the person will  
19 comply with the terms of that citation.

20 (l) "State" means any state, territory, or possession of the United  
21 States, the District of Columbia, Commonwealth of Puerto Rico,  
22 Provinces of Canada, or other countries.

23 (m) "Suspension" means any revocation, denial, or withdrawal of any  
24 or all license privileges, including the privilege to apply for,  
25 purchase, or exercise the benefits conferred by any license.

26 (n) "Terms of the citation" means those conditions and options  
27 expressly stated upon the citation.

28 (o) "Wildlife" means all species of animals, including but not  
29 necessarily limited to mammals, birds, fish, reptiles, amphibians,  
30 mollusks, and crustaceans, which are defined as "wildlife" and are  
31 protected or otherwise regulated by statute, law, regulation,  
32 ordinance, or administrative rule in a party state. "Wildlife" also  
33 means food fish and shellfish as defined by statute, law, regulation,  
34 ordinance, or administrative rule in a party state. Species included  
35 in the definition of "wildlife" vary from state to state and  
36 determination of whether a species is "wildlife" for the purposes of  
37 this compact shall be based on local law.

1 (p) "Wildlife law" means any statute, law, regulation, ordinance,  
2 or administrative rule developed and enacted to manage wildlife  
3 resources and the use thereof.

4 (q) "Wildlife officer" means any individual authorized by a party  
5 state to issue a citation for a wildlife violation.

6 (r) "Wildlife violation" means any cited violation of a statute,  
7 law, regulation, ordinance, or administrative rule developed and  
8 enacted to manage wildlife resources and the use thereof.

9 ARTICLE III

10 PROCEDURES FOR ISSUING STATE

11 (a) When issuing a citation for a wildlife violation, a wildlife  
12 officer shall issue a citation to any person whose primary residence is  
13 in a party state in the same manner as if the person were a resident of  
14 the home state and shall not require the person to post collateral to  
15 secure appearance, subject to the exceptions contained in subdivision  
16 (b) of this article, if the officer receives the person's personal  
17 recognizance that the person will comply with the terms of the  
18 citation.

19 (b) Personal recognizance is acceptable:

20 (1) If not prohibited by local law or the compact manual; and

21 (2) If the violator provides adequate proof of the violator's  
22 identification to the wildlife officer.

23 (c) Upon conviction or failure of a person to comply with the terms  
24 of a wildlife citation, the appropriate official shall report the  
25 conviction or failure to comply to the licensing authority of the party  
26 state in which the wildlife citation was issued. The report shall be  
27 made in accordance with procedures specified by the issuing state and  
28 shall contain the information specified in the compact manual as  
29 minimum requirements for effective processing by the home state.

30 (d) Upon receipt of the report of conviction or noncompliance  
31 required by subdivision (c) of this article, the licensing authority of  
32 the issuing state shall transmit to the licensing authority in the home  
33 state of the violator the information in a form and content as  
34 contained in the compact manual.

35 ARTICLE IV

36 PROCEDURES FOR HOME STATE

1 (a) Upon receipt of a report of failure to comply with the terms of  
2 a citation from the licensing authority of the issuing state, the  
3 licensing authority of the home state shall notify the violator, shall  
4 initiate a suspension action in accordance with the home state's  
5 suspension procedures and shall suspend the violator's license  
6 privileges until satisfactory evidence of compliance with the terms of  
7 the wildlife citation has been furnished by the issuing state to the  
8 home state licensing authority. Due process safeguards will be  
9 accorded.

10 (b) Upon receipt of a report of conviction from the licensing  
11 authority of the issuing state, the licensing authority of the home  
12 state shall enter such conviction in its records and shall treat such  
13 conviction as if it occurred in the home state for the purposes of the  
14 suspension of license privileges.

15 (c) The licensing authority of the home state shall maintain a  
16 record of actions taken and make reports to issuing states as provided  
17 in the compact manual.

18 ARTICLE V

19 RECIPROCAL RECOGNITION OF SUSPENSION

20 All party states shall recognize the suspension of license  
21 privileges of any person by any state as if the violation on which the  
22 suspension is based had in fact occurred in their state and could have  
23 been the basis for suspension of license privileges in their state.

24 ARTICLE VI

25 APPLICABILITY OF OTHER LAWS

26 Except as expressly required by provisions of this compact, nothing  
27 herein shall be construed to affect the right of any party state to  
28 apply any of its laws relating to license privileges to any person or  
29 circumstance, or to invalidate or prevent any agreement or other  
30 cooperative arrangements between a party state and a nonparty state  
31 concerning wildlife law enforcement.

32 ARTICLE VII

33 COMPACT ADMINISTRATOR PROCEDURES

34 (a) For the purpose of administering the provisions of this compact  
35 and to serve as a governing body for the resolution of all matters  
36 relating to the operation of this compact, a board of compact

1 administrators is established. The board shall be composed of one  
2 representative from each of the party states to be known as the compact  
3 administrator. The compact administrator shall be appointed by the  
4 head of the licensing authority of each party state and will serve and  
5 be subject to removal in accordance with the laws of the state the  
6 administrator represents. A compact administrator may provide for the  
7 discharge of the administrator's duties and the performance of the  
8 administrator's functions as a board member by an alternate. An  
9 alternate may not be entitled to serve unless written notification of  
10 the alternate's identity has been given to the board.

11 (b) Each member of the board of compact administrators shall be  
12 entitled to one vote. No action of the board shall be binding unless  
13 taken at a meeting at which a majority of the total number of votes on  
14 the board are cast in favor thereof. Action by the board shall be only  
15 at a meeting at which a majority of the party states are represented.

16 (c) The board shall elect annually, from its membership, a  
17 chairperson and vice-chairperson.

18 (d) The board shall adopt bylaws, not inconsistent with the  
19 provisions of this compact or the laws of a party state, for the  
20 conduct of its business and shall have the power to amend and rescind  
21 its bylaws.

22 (e) The board may accept for any of its purposes and functions  
23 under this compact all donations and grants of money, equipment,  
24 supplies, materials, and services, conditional or otherwise, from any  
25 state, the United States, or any governmental agency, and may receive,  
26 utilize, and dispose of the same.

27 (f) The board may contract with or accept services or personnel  
28 from any governmental or intergovernmental agency, individual, firm,  
29 corporation, or any private nonprofit organization or institution.

30 (g) The board shall formulate all necessary procedures and develop  
31 uniform forms and documents for administering the provisions of this  
32 compact. All procedures and forms adopted pursuant to board action  
33 shall be contained in the compact manual.

#### 34 ARTICLE VIII

#### 35 ENTRY INTO COMPACT AND WITHDRAWAL

36 (a) This compact shall become effective when it has been adopted by  
37 at least two states.



1 (b)(1) Entry into the compact shall be made by resolution of  
2 ratification executed by the authorized officials of the applying state  
3 and submitted to the chairperson of the board.

4 (2) The resolution shall be in a form and content as provided in  
5 the compact manual and shall include statements that in substance are  
6 as follows:

7 (i) A citation of the authority by which the state is empowered to  
8 become a party to this compact;

9 (ii) Agreement to comply with the terms and provisions of the  
10 compact; and

11 (iii) That compact entry is with all states then party to the  
12 compact and with any state that legally becomes a party to the compact.

13 (3) The effective date of entry shall be specified by the applying  
14 state, but shall not be less than sixty days after notice has been  
15 given by the chairperson of the board of compact administrators or by  
16 the secretariat of the board to each party state that the resolution  
17 from the applying state has been received.

18 (c) A party state may withdraw from this compact by official  
19 written notice to the other party states, but a withdrawal shall not  
20 take effect until ninety days after notice of withdrawal is given. The  
21 notice shall be directed to the compact administrator of each member  
22 state. No withdrawal shall affect the validity of this compact as to  
23 the remaining party states.

24 ARTICLE IX

25 AMENDMENTS TO THE COMPACT

26 (a) This compact may be amended from time to time. Amendments  
27 shall be presented in resolution form to the chairperson of the board  
28 of compact administrators and may be initiated by one or more party  
29 states.

30 (b) Adoption of an amendment shall require endorsement by all party  
31 states and shall become effective thirty days after the date of the  
32 last endorsement.

33 (c) Failure of a party state to respond to the compact chairperson  
34 within one hundred twenty days after receipt of the proposed amendment  
35 shall constitute endorsement.

36 ARTICLE X

37 CONSTRUCTION AND SEVERABILITY

1 This compact shall be liberally construed so as to effectuate the  
2 purposes stated herein. The provisions of this compact shall be  
3 severable and if any phrase, clause, sentence, or provision of this  
4 compact is declared to be contrary to the constitution of any party  
5 state or of the United States or the applicability thereof to any  
6 government, agency, individual, or circumstance is held invalid, the  
7 compact shall not be affected thereby. If this compact shall be held  
8 contrary to the constitution of any party state thereto, the compact  
9 shall remain in full force and effect as to the remaining states and in  
10 full force and effect as to the state affected as to all severable  
11 matters.

12 ARTICLE XI

13 TITLE

14 This compact shall be known as the wildlife violator compact.

15 **Sec. 56.** RCW 77.17.020 and 1993 c 82 s 2 are each amended to read  
16 as follows:

17 For purposes of Article VII of RCW 77.17.010, the term "licensing  
18 authority," with reference to this state, means the department ((of  
19 wildlife)). The director ((of the department of wildlife)) is  
20 authorized to appoint a compact administrator.

21 **Sec. 57.** RCW 77.17.030 and 1993 c 82 s 3 are each amended to read  
22 as follows:

23 The director ((of the department of wildlife)) shall furnish to the  
24 appropriate authorities of the participating states any information or  
25 documents reasonably necessary to facilitate the administration of the  
26 compact.

27 **\*Sec. 58.** RCW 79.01.805 and 1993 c 283 s 3 are each amended to  
28 read as follows:

29 *The maximum daily wet weight harvest or possession of seaweed for  
30 personal use from all private and public tidelands and state bedlands  
31 is ten pounds per person. The department of natural resources in  
32 cooperation with the department of ((fisheries)) fish and wildlife may  
33 establish seaweed harvest limits of less than ten pounds for  
34 conservation purposes. This section shall in no way affect the ability*

1 *of any state agency to prevent harvest of any species of marine aquatic*  
2 *plant from lands under its control, ownership, or management.*

3 \*Sec. 58 was vetoed, see message at end of chapter.

4 \*Sec. 59. RCW 79.01.815 and 1993 c 283 s 5 are each amended to  
5 read as follows:

6 *The department of ((fisheries)) fish and wildlife may enforce the*  
7 *provisions of RCW 79.01.805 and 79.01.810.*

8 \*Sec. 59 was vetoed, see message at end of chapter.

9 **Sec. 60.** RCW 79.66.080 and 1988 c 36 s 53 are each amended to read  
10 as follows:

11 Periodically, at intervals to be determined by the board of natural  
12 resources, the department of natural resources shall identify trust  
13 lands which are expected to convert to commercial, residential, or  
14 industrial uses within ten years. The department shall adhere to  
15 existing local comprehensive plans, zoning classifications, and duly  
16 adopted local policies when making this identification and determining  
17 the fair market value of the property.

18 The department shall hold a public hearing on the proposal in the  
19 county where the state land is located. At least fifteen days but not  
20 more than thirty days before the hearing, the department shall publish  
21 a public notice of reasonable size in display advertising form, setting  
22 forth the date, time, and place of the hearing, at least once in one or  
23 more daily newspapers of general circulation in the county and at least  
24 once in one or more weekly newspapers circulated in the area where the  
25 trust land is located. At the same time that the published notice is  
26 given, the department shall give written notice of the hearings to the  
27 departments of ((fisheries<sub>7</sub>)) fish and wildlife((<sub>7</sub>)) and general  
28 administration, to the parks and recreation commission, and to the  
29 county, city, or town in which the property is situated. The  
30 department shall disseminate a news release pertaining to the hearing  
31 among printed and electronic media in the area where the trust land is  
32 located. The public notice and news release also shall identify trust  
33 lands in the area which are expected to convert to commercial,  
34 residential, or industrial uses within ten years.

35 A summary of the testimony presented at the hearings shall be  
36 prepared for the board's consideration. The board of natural resources  
37 shall designate trust lands which are expected to convert to  
38 commercial, residential, or industrial uses as urban land.

1 Descriptions of lands designated by the board shall be made available  
2 to the county and city or town in which the land is situated and for  
3 public inspection and copying at the department's administrative office  
4 in Olympia, Washington and at each area office.

5 The hearing and notice requirements of this section apply to those  
6 trust lands which have been identified by the department prior to July  
7 1, 1984, as being expected to convert to commercial, residential, or  
8 industrial uses within the next ten years, and which have not been sold  
9 or exchanged prior to July 1, 1984.

10 **Sec. 61.** RCW 79.70.030 and 1988 c 36 s 54 are each amended to read  
11 as follows:

12 In order to set aside, preserve and protect natural areas within  
13 the state, the department is authorized, in addition to any other  
14 powers, to:

15 (1) Establish by rule and regulation the criteria for selection,  
16 acquisition, management, protection and use of such natural areas;

17 (2) Cooperate or contract with any federal, state, or local  
18 governmental agency, private organizations or individuals in carrying  
19 out the purpose of this chapter;

20 (3) Consistent with the plan, acquire by gift, devise, purchase,  
21 grant, dedication, or means other than eminent domain, the fee or any  
22 lesser right or interest in real property which shall be held and  
23 managed as a natural area;

24 (4) Acquire by gift, devise, grant or donation any personal  
25 property to be used in the acquisition and/or management of natural  
26 areas;

27 (5) Inventory existing public, state and private lands in  
28 cooperation with the council to assess possible natural areas to be  
29 preserved within the state;

30 (6) Maintain a natural heritage program to provide assistance in  
31 the selection and nomination of areas containing natural heritage  
32 resources for registration or dedication. The program shall maintain  
33 a classification of natural heritage resources, an inventory of their  
34 locations, and a data bank for such information. The department of  
35 natural resources shall cooperate with the department of fish and  
36 wildlife in the selection and nomination of areas from the data bank  
37 that relate to critical wildlife habitats. Information from the data  
38 bank shall be made available to public and private agencies and

1 individuals for environmental assessment and proprietary land  
2 management purposes. Usage of the classification, inventory or data  
3 bank of natural heritage resources for any purpose inconsistent with  
4 the natural heritage program is not authorized;

5 (7) Prepare a natural heritage plan which shall govern the natural  
6 heritage program in the conduct of activities to create and manage a  
7 system of natural areas which may include areas designated under the  
8 research natural area program on federal lands in the state;

9 (a) The plan shall list the natural heritage resources to be  
10 considered for registration and shall provide criteria for the  
11 selection and approval of natural areas under this chapter;

12 (b) The department shall provide opportunities for input, comment,  
13 and review to the public, other public agencies, and private groups  
14 with special interests in natural heritage resources during preparation  
15 of the plan;

16 (c) Upon approval by the council and adoption by the department,  
17 the plan shall be updated and submitted biennially to the appropriate  
18 committees of the legislature for their information and review. The  
19 plan shall take effect ninety days after the adjournment of the  
20 legislative session in which it is submitted unless the reviewing  
21 committees suggest changes or reject the plan; and

22 (8) Maintain a state register of natural areas containing  
23 significant natural heritage resources to be called the Washington  
24 register of natural area preserves. Selection of natural areas for  
25 registration shall be in accordance with criteria listed in the natural  
26 heritage plan and accomplished through voluntary agreement between the  
27 owner of the natural area and the department. No privately owned lands  
28 may be proposed to the council for registration without prior notice to  
29 the owner or registered without voluntary consent of the owner. No  
30 state or local governmental agency may require such consent as a  
31 condition of any permit or approval of or settlement of any civil or  
32 criminal proceeding or to penalize any landowner in any way for failure  
33 to give, or for withdrawal of, such consent.

34 (a) The department shall adopt rules and regulations as authorized  
35 by RCW 43.30.310 and 79.70.030(1) and chapter 34.05 RCW relating to  
36 voluntary natural area registration.

37 (b) After approval by the council, the department may place sites  
38 onto the register or remove sites from the register.

1 (c) The responsibility for management of registered natural area  
2 preserves shall be with the preserve owner. A voluntary management  
3 agreement may be developed between the department and the owners of the  
4 sites on the register.

5 (d) Any public agency may register lands under provisions of this  
6 chapter.

7 **Sec. 62.** RCW 79.70.070 and 1988 c 36 s 55 are each amended to read  
8 as follows:

9 (1) The natural heritage advisory council is hereby established.  
10 The council shall consist of fifteen members, nine of whom shall be  
11 chosen as follows and who shall elect from the council's membership a  
12 chairperson:

13 (a) Five individuals, appointed by the commissioner, who shall be  
14 recognized experts in the ecology of natural areas and represent the  
15 public, academic, and private sectors. Desirable fields of expertise  
16 are biological and geological sciences; and

17 (b) Four individuals, appointed by the commissioner, who shall be  
18 selected from the various regions of the state. At least one member  
19 shall be or represent a private forest landowner and at least one  
20 member shall be or represent a private agricultural landowner.

21 (2) Members appointed under subsection (1) of this section shall  
22 serve for terms of four years.

23 (3) In addition to the members appointed by the commissioner, the  
24 director of the department of fish and wildlife, the director of the  
25 department of ecology, (~~the director of the department of fisheries,~~)  
26 the supervisor of the department of natural resources, the director of  
27 the state parks and recreation commission, and the administrator of the  
28 interagency committee for outdoor recreation, or an authorized  
29 representative of each agency officer, shall serve as ex officio,  
30 nonvoting members of the council.

31 (4) Any vacancy on the council shall be filled by appointment for  
32 the unexpired term by the commissioner.

33 (5) In order to provide for staggered terms, of the initial members  
34 of the council:

35 (a) Three shall serve for a term of two years;

36 (b) Three shall serve for a term of three years; and

37 (c) Three shall serve for a term of four years.

1 (6) Members of the natural preserves advisory committee serving on  
2 July 26, 1981, shall serve as members of the council until the  
3 commissioner appoints a successor to each. The successor appointment  
4 shall be specifically designated to replace a member of the natural  
5 preserves advisory committee until all members of that committee have  
6 been replaced. A member of the natural preserves advisory committee is  
7 eligible for appointment to the council if otherwise qualified.

8 (7) Members of the council shall serve without compensation.  
9 Members shall be reimbursed for travel expenses as provided in RCW  
10 43.03.050 and 43.03.060 as now or hereafter amended.

11 **Sec. 63.** RCW 79.70.080 and 1988 c 36 s 56 are each amended to read  
12 as follows:

13 (1) The council shall:

14 (a) Meet at least annually and more frequently at the request of  
15 the chairperson;

16 (b) Recommend policy for the natural heritage program through the  
17 review and approval of the natural heritage plan;

18 (c) Advise the department, the department of fish and wildlife, the  
19 state parks and recreation commission, (~~the department of fisheries,~~)  
20 and other state agencies managing state-owned land or natural resources  
21 regarding areas under their respective jurisdictions which are  
22 appropriate for natural area registration or dedication;

23 (d) Advise the department of rules and regulations that the council  
24 considers necessary in carrying out this chapter; and

25 (e) Review and approve area nominations by the department or other  
26 agencies for registration and review and comment on legal documents for  
27 the voluntary dedication of such areas.

28 (2) From time to time, the council shall identify areas from the  
29 natural heritage data bank which qualify for registration. Priority  
30 shall be based on the natural heritage plan and shall generally be  
31 given to those resources which are rarest, most threatened, or under-  
32 represented in the heritage conservation system on a state-wide basis.  
33 After qualifying areas have been identified, the department shall  
34 advise the owners of such areas of the opportunities for acquisition or  
35 voluntary registration or dedication.

36 **Sec. 64.** RCW 79.72.020 and 1988 c 36 s 57 are each amended to read  
37 as follows:

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

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

4 (2) "Committee of participating agencies" or "committee" means a  
5 committee composed of the executive head, or the executive's designee,  
6 of each of the state departments of ecology, (~~(fisheries,)~~) fish and  
7 wildlife, natural resources, and transportation, the state parks and  
8 recreation commission, the interagency committee for outdoor  
9 recreation, the Washington state association of counties, and the  
10 association of Washington cities. In addition, the governor shall  
11 appoint two public members of the committee. Public members of the  
12 committee shall be compensated in accordance with RCW 43.03.220 and  
13 shall receive reimbursement for their travel expenses as provided in  
14 RCW 43.03.050 and (~~(RCW))~~ 43.03.060.

15 When a specific river or river segment of the state's scenic river  
16 system is being considered by the committee, a representative of each  
17 participating local government associated with that river or river  
18 segment shall serve as a member of the committee.

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

23 (4) "River" means a flowing body of water or a section, segment, or  
24 portion thereof.

25 (5) "River area" means a river and the land area in its immediate  
26 environs as established by the participating agencies not exceeding a  
27 width of one-quarter mile landward from the streamway on either side of  
28 the river.

29 (6) "Scenic easement" means the negotiated right to control the use  
30 of land, including the air space above the land, for the purpose of  
31 protecting the scenic view throughout the visual corridor.

32 (7) "Streamway" means that stream-dependent corridor of single or  
33 multiple, wet or dry, channel or channels within which the usual  
34 seasonal or stormwater run-off peaks are contained, and within which  
35 environment the flora, fauna, soil, and topography is dependent on or  
36 influenced by the height and velocity of the fluctuating river  
37 currents.

38 (8) "System" means all the rivers and river areas in the state  
39 designated by the legislature for inclusion as scenic rivers but does



1 not include tributaries of a designated river unless specifically  
2 included by the legislature. The inclusion of a river in the system  
3 does not mean that other rivers or tributaries in a drainage basin  
4 shall be required to be part of the management program developed for  
5 the system unless the rivers and tributaries within the drainage basin  
6 are specifically designated for inclusion by the legislature.

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

11 **Sec. 65.** RCW 79.81.030 and 1989 c 23 s 3 are each amended to read  
12 as follows:

13 The department shall have the authority to coordinate  
14 implementation of the plan with appropriate state agencies including  
15 the parks and recreation commission and the departments of ecology(~~(~~  
16 ~~fisheries~~~~)~~) and fish and wildlife. The department is authorized to  
17 promulgate, in consultation with affected agencies, the necessary rules  
18 to provide for the cleanup and to prevent pollution of the waters of  
19 the state and aquatic lands by plastic and other marine debris.

20 **Sec. 66.** RCW 79.94.390 and 1983 1st ex.s. c 46 s 181 are each  
21 amended to read as follows:

22 The following described tidelands, being public lands of the state,  
23 are withdrawn from sale or lease and reserved as public areas for  
24 recreational use and for the taking of fish and shellfish for personal  
25 use as defined in RCW 75.08.011:

26 Parcel No. 1. (Point Whitney) The tidelands of the second class,  
27 owned by the state of Washington, situate in front of, adjacent to or  
28 abutting upon lots 3, 4, and 5, section 7, township 26 north, range 1  
29 west, W.M., with a frontage of 72.45 lineal chains, more or less.

30 Excepting, however, those portions of the above described tidelands  
31 of the second class conveyed to the state of Washington, department of  
32 (~~(fisheries and game)~~) fish and wildlife through deed issued May 14,  
33 1925, under application No. 8136, records of department of public  
34 lands.

35 Parcel No. 2. (Point Whitney) The tidelands of the second class  
36 lying below the line of mean low tide, owned by the state of  
37 Washington, situate in front of lot 1, section 6, township 26 north,

1 range 1 west, W.M., with a frontage of 21.00 lineal chains, more or  
2 less; also

3 The tidelands of the second class, owned by the state of  
4 Washington, situate in front of, adjacent to or abutting upon lots 6  
5 and 7, and that portion of lot 5, section 1, township 26 north, range  
6 1 west, W.M., lying south of a line running due west from a point on  
7 the government meander line which is S 22° E 1.69 chains from an angle  
8 point in said meander line which is S 15° W 1.20 chains, more or less,  
9 from the point of intersection of the north line of said lot 5 and said  
10 meander line, with a frontage of 40.31 lineal chains, more or less.

11 Parcel No. 3. (Toandos Peninsula) The tidelands of the second  
12 class, owned by the state of Washington, situate in front of, adjacent  
13 to, or abutting upon lots 1, 2, and 3, section 5, lots 1, 2, and 3,  
14 section 4, and lot 1, section 3, all in township 25 north, range 1  
15 west, W.M., with a frontage of 158.41 lineal chains, more or less.

16 Parcel No. 4. (Shine) The tidelands of the second class, owned by  
17 the state of Washington, situate in front of, adjacent to, or abutting  
18 upon lots 1, 2, 3 and that portion of lot 4 lying north of the south  
19 8.35 chains thereof as measured along the government meander line, all  
20 in section 35, township 28 north, range 1 east, W.M., with a frontage  
21 of 76.70 lineal chains, more or less.

22 Subject to an easement for right of way for county road granted to  
23 Jefferson county December 8, 1941 under application No. 1731, records  
24 of department of public lands.

25 Parcel No. 5. (Lilliwaup) The tidelands of the second class, owned  
26 by the state of Washington, lying easterly of the east line of vacated  
27 state oyster reserve plat No. 133 produced southerly and situate in  
28 front of, adjacent to or abutting upon lot 9, section 30, lot 8,  
29 section 19 and lot 5 and the south 20 acres of lot 4, section 20, all  
30 in township 23 north, range 3 west, W.M., with a frontage of 62.46  
31 lineal chains, more or less.

32 Subject to easements for rights of way for state road granted  
33 through the filing of state road plats No. 374 December 15, 1930, No.  
34 661, March 29, 1949, and No. 666 August 25, 1949, records of department  
35 of public lands.

36 Parcel No. 6. (Nemah) Those portions of the tidelands of the  
37 second class, owned by the state of Washington, situate in front of,  
38 adjacent to, or abutting upon lots 5, 6, and 7, section 3 and lots 1,  
39 2, and 3, section 4, township 12 north, range 10 west, W.M., lots 1, 2,

1 3, and 4, section 34, section 27 and lots 1, 2, 3 and 4, section 28,  
2 township 13 north, range 10 west, W.M., lying easterly of the easterly  
3 line of the Nemah Oyster reserve and easterly of the easterly line of  
4 a tract of tidelands of the second class conveyed through deed issued  
5 July 28, 1938, pursuant to the provisions of chapter 24, Laws of 1895,  
6 under application No. 9731, with a frontage of 326.22 lineal chains,  
7 more or less.

8       Parcels No. 7 and 8. (Penn Cove) The unplatted tidelands of the  
9 first class, and tidelands of the second class, owned by the state of  
10 Washington, situate in front of, adjacent to, or abutting upon lots 1  
11 and 2, section 33, lots 1, 2, 3, and 4, section 32, lots 2 and 3 and  
12 the B.P. Barstow D.L.C. No. 49, sections 30 and 31 and that portion of  
13 the R.H. Lansdale D.L.C. No. 54 in section 30, lying west of the east  
14 3.00 chains thereof as measured along the government meander line, all  
15 in township 32 north, range 1 east, W.M., with a frontage of 260.34  
16 lineal chains, more or less.

17       Excepting, however, the tidelands above the line of mean low tide  
18 in front of said lot 1, section 32 which were conveyed as tidelands of  
19 the second class through deed issued December 29, 1908, application No.  
20 4957, records of department of public lands.

21       Subject to an easement for right of way for transmission cable line  
22 granted to the United States of America Army Engineers June 7, 1943,  
23 under application No. 17511, records of department of public lands.

24       Parcel No. 9. (South of Penn Cove) The tidelands of the second  
25 class, owned by the state of Washington, situate in front of, adjacent  
26 to, or abutting upon lots 2, 3 and 4, section 17 and lots 1, 2 and 3,  
27 section 20, township 31 north, range 2 east, W.M., with a frontage of  
28 129.97 lineal chains, more or less.

29       Parcel No. 10. (Mud Bay--Lopez Island) The tidelands of the second  
30 class, owned by the state of Washington situate in front of, adjacent  
31 to, or abutting upon lots 5, 6 and 7, section 18, lot 5, section 7 and  
32 lots 3, 4, and 5, section 8, all in township 34 north, range 1 west,  
33 W.M., with a frontage of 172.11 lineal chains, more or less.

34       Excepting, however, any tideland of the second class in front of  
35 said lot 3, section 8 conveyed through deeds issued April 14, 1909,  
36 pursuant to the provisions of chapter 24, Laws of 1895, under  
37 application No. 4985, records of department of public lands.

38       Parcel No. 11. (Cattle Point) The tidelands of the second class,  
39 owned by the state of Washington, situate in front of, adjacent to, or

1 abutting upon lot 1, section 6, lots 1, 3, 4, 5, 6, 7, 8, 9, and 10,  
2 section 7, lots 1, 2, 3, 4, 5, 6 and 7, section 8 and lot 1, section 5,  
3 all in township 34 north, range 2 west, W.M., with a frontage of 463.88  
4 lineal chains, more or less.

5 Excepting, however, any tidelands of the second class in front of  
6 said lot 10, section 7 conveyed through deed issued June 1, 1912, under  
7 application No. 6906, records of department of public lands.

8 Parcel No. 12. (Spencer Spit) The tidelands of the second class,  
9 owned by the state of Washington, situate in front of, adjacent to, or  
10 abutting upon lots 1, 3, and 4, section 7, and lot 5, section 18 all in  
11 township 35 north, range 1 west, W.M., with a frontage of 118.80 lineal  
12 chains, more or less.

13 **Sec. 67.** RCW 79.94.400 and 1982 1st ex.s. c 21 s 125 are each  
14 amended to read as follows:

15 The director of ((fisheries)) fish and wildlife may take  
16 appropriate action to provide public and private access, including  
17 roads and docks, to and from the tidelands described in RCW 79.94.390.

18 **Sec. 68.** RCW 79.96.030 and 1987 c 374 s 1 are each amended to read  
19 as follows:

20 (1) The department of natural resources, upon the receipt of an  
21 application for a lease for the purpose of planting and cultivating  
22 oyster beds or for the purpose of cultivating clams or other edible  
23 shellfish, shall notify the director of ((fisheries)) fish and wildlife  
24 of the filing of the application describing the tidelands or beds of  
25 navigable waters applied for. The director of ((fisheries)) fish and  
26 wildlife shall cause an inspection of the lands applied for to be made  
27 and shall make a full report to the department of natural resources of  
28 his or her findings as to whether it is necessary, in order to protect  
29 existing natural oyster beds, and to secure adequate seeding thereof,  
30 to retain the lands described in the application for lease or any part  
31 thereof, and in the event the director deems it advisable to retain the  
32 lands or any part thereof for the protection of existing natural oyster  
33 beds or to guarantee the continuance of an adequate seed stock for  
34 existing natural oyster beds, the same shall not be subject to lease.  
35 However, if the director determines that the lands applied for or any  
36 part thereof may be leased, ((he)) the director shall so notify the  
37 department of natural resources and the director shall cause an

1 examination of the lands to be made to determine the presence, if any,  
2 of natural oysters, clams, or other edible shellfish on said lands, and  
3 to fix the rental value of the lands for use for oyster, clam, or other  
4 edible shellfish cultivation. In his or her report to the department,  
5 the director shall recommend a minimum rental for said lands and an  
6 estimation of the value of the oysters, clams, or other edible  
7 shellfish, if any, then present on the lands applied for. The lands  
8 approved by the director for lease may then be leased to the applicant  
9 for a period of not less than five years nor more than ten years at a  
10 rental not less than the minimum rental recommended by the director of  
11 ((fisheries)) fish and wildlife. In addition, before entering upon  
12 possession of the land, the applicant shall pay the value of the  
13 oysters, clams, or other edible shellfish, if any, then present on the  
14 land as determined by the director, plus the expense incurred by the  
15 director in investigating the quantity of oysters, clams, or other  
16 edible shellfish, present on the land applied for.

17 (2) When issuing new leases or reissuing existing leases the  
18 department shall not permit the commercial harvest of subtidal  
19 hardshell clams by means of hydraulic escalating when the upland within  
20 five hundred feet of any lease tract is zoned for residential  
21 development.

22 **Sec. 69.** RCW 79.96.040 and 1982 1st ex.s. c 21 s 137 are each  
23 amended to read as follows:

24 Before entering into possession of any leased tidelands or beds of  
25 navigable waters, the applicant shall cause the same to be surveyed by  
26 a registered land surveyor, and he or she shall furnish to the  
27 department of natural resources and to the director of ((fisheries))  
28 fish and wildlife, a map of the leased premises signed and certified by  
29 the registered land surveyor. The lessee shall also cause the  
30 boundaries of the leased premises to be marked by piling monuments or  
31 other markers of a permanent nature as the director of ((fisheries))  
32 fish and wildlife may direct.

33 **Sec. 70.** RCW 79.96.050 and 1993 c 295 s 2 are each amended to read  
34 as follows:

35 The department of natural resources may, upon the filing of an  
36 application for a renewal lease, cause the tidelands or beds of  
37 navigable waters to be inspected, and if he ((deem[s]t)) or she deems it

1 in the best interests of the state to re-lease said lands, he or she  
2 shall issue to the applicant a renewal lease for such further period  
3 not exceeding thirty years and under such terms and conditions as may  
4 be determined by the department: PROVIDED, That in the case of an  
5 application for a renewal lease it shall not be necessary for the lands  
6 to be inspected and reported upon by the director of ((fisheries)) fish  
7 and wildlife.

8 **Sec. 71.** RCW 79.96.100 and 1982 1st ex.s. c 21 s 143 are each  
9 amended to read as follows:

10 The department of natural resources, upon the receipt of an  
11 application for the lease of any first or second class tidelands owned  
12 by the state which have heretofore or which may hereafter be set aside  
13 as state oyster reserves, shall notify the director of ((fisheries))  
14 fish and wildlife of the filing of the application describing the lands  
15 applied for. It shall be the duty of the director of ((fisheries))  
16 fish and wildlife to cause an inspection of the reserve to be made for  
17 the purpose of determining whether said reserve or any part thereof  
18 should be retained as a state oyster reserve or vacated.

19 **Sec. 72.** RCW 79.96.110 and 1982 1st ex.s. c 21 s 144 are each  
20 amended to read as follows:

21 In case the director of ((fisheries)) fish and wildlife approves  
22 the vacation of the whole or any part of said reserve, the department  
23 of natural resources may vacate and offer for lease such parts or all  
24 of said reserve as it deems to be for the best interest of the state,  
25 and all moneys received for the lease of such lands shall be paid to  
26 the department of natural resources in accordance with RCW 79.94.190:  
27 PROVIDED, That nothing in RCW 79.96.090 through 79.96.110 shall be  
28 construed as authorizing the lease of any tidelands which have  
29 heretofore, or which may hereafter, be set aside as state oyster  
30 reserves in Eld Inlet, Hammersley Inlet, or Totten Inlet, situated in  
31 Mason or Thurston counties: PROVIDED FURTHER, That any portion of Plat  
32 138, Clifton's Oyster Reserve, which has already been vacated, may be  
33 leased by the department.

34 **Sec. 73.** RCW 79.96.130 and 1990 c 163 s 9 are each amended to read  
35 as follows:

1 (1) If a person wrongfully takes shellfish or causes shellfish to  
2 be wrongfully taken from the public lands and the wrongful taking is  
3 intentional and knowing, then the person shall be liable for damages of  
4 treble the fair market retail value of the amount of shellfish  
5 wrongfully taken. If a person wrongfully takes shellfish from the  
6 public lands under other circumstances, then the person shall be liable  
7 for damages of double the fair market value of the amount of shellfish  
8 wrongfully taken.

9 (2) For purposes of this section, a person "wrongfully takes"  
10 shellfish from public lands if the person takes shellfish: (a) Above  
11 the limits of any applicable laws that govern the harvest of shellfish  
12 from public lands; (b) without reporting the harvest to the department  
13 of ((fisheries)) fish and wildlife or the department of natural  
14 resources where such reporting is required by law or contract; (c)  
15 outside the area or above the limits that an agreement or contract from  
16 the department of natural resources allows the harvest of shellfish  
17 from public lands; or (d) without a lease or purchase of the shellfish  
18 where such lease or purchase is required by law prior to harvest of the  
19 shellfish.

20 (3) The remedies in this section are for civil damages and shall be  
21 proved by a preponderance of the evidence. The department of natural  
22 resources may file a civil action in Thurston county superior court or  
23 the county where the shellfish were taken against any person liable  
24 under this section. Damages recovered under this section shall be  
25 applied in the same way as received under geoduck harvesting agreements  
26 authorized by RCW 79.96.080.

27 (4) For purposes of the remedies created by this section, the  
28 amount of shellfish wrongfully taken by a person may be established  
29 either:

30 (a) By surveying the aquatic lands to reasonably establish the  
31 amount of shellfish taken from the immediate area where a person is  
32 shown to have been wrongfully taking shellfish;

33 (b) By weighing the shellfish on board any vessel or in possession  
34 of a person shown to be wrongfully taking shellfish; or

35 (c) By any other evidence that reasonably establishes the amount of  
36 shellfish wrongfully taken.

37 The amount of shellfish established by (a) or (b) of this  
38 subsection shall be presumed to be the amount wrongfully taken unless  
39 the defendant shows by a preponderance of evidence that the shellfish

1 were lawfully taken or that the defendant did not take the shellfish  
2 presumed to have been wrongfully taken. Whenever there is reason to  
3 believe that shellfish in the possession of any person were wrongfully  
4 taken, the department of natural resources or the department of  
5 (~~fisheries~~) fish and wildlife may require the person to proceed to a  
6 designated off-load point and to weigh all shellfish in possession of  
7 the person or on board the person's vessel.

8 (5) This civil remedy is supplemental to the state's power to  
9 prosecute any person for theft of shellfish, for other crimes where  
10 shellfish are involved, or for violation of regulations of the  
11 department of (~~fisheries~~) fish and wildlife.

12 **Sec. 74.** RCW 79.96.906 and 1984 c 221 s 26 are each amended to  
13 read as follows:

14 The department of natural resources may enter into agreements with  
15 the department of (~~fisheries~~) fish and wildlife for the development  
16 of an intensive management plan for geoducks including the development  
17 and operation of a geoduck hatchery.

18 The department of natural resources shall evaluate the progress of  
19 the intensive geoduck management program and provide a written report  
20 to the legislature by December 1, 1990, for delivery to the appropriate  
21 standing committees. The evaluation shall determine the benefits and  
22 costs of continued operation of the program, and shall discuss  
23 alternatives including continuance, modification, and termination of  
24 the intensive geoduck management program.

25 **Sec. 75.** RCW 80.50.030 and 1990 c 12 s 3 are each amended to read  
26 as follows:

27 (1) There is created and established the energy facility site  
28 evaluation council.

29 (2)(a) The chairman of the council shall be appointed by the  
30 governor with the advice and consent of the senate, shall have a vote  
31 on matters before the council, shall serve for a term coextensive with  
32 the term of the governor, and is removable for cause. The chairman may  
33 designate a member of the council to serve as acting chairman in the  
34 event of the chairman's absence. The chairman is a "state employee"  
35 for the purposes of chapter 42.18 RCW. As applicable, when attending  
36 meetings of the council(~~{,}~~), members may receive reimbursement for



1 travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are  
2 eligible for compensation under RCW 43.03.240.

3 (b) The chairman or a designee shall execute all official  
4 documents, contracts, and other materials on behalf of the council.  
5 The Washington state energy office shall provide all administrative and  
6 staff support for the council. The director of the energy office has  
7 supervisory authority over the staff of the council and shall employ  
8 such personnel as are necessary to implement this chapter. Not more  
9 than three such employees may be exempt from chapter 41.06 RCW.

10 (3) The council shall consist of the directors, administrators, or  
11 their designees, of the following departments, agencies, commissions,  
12 and committees or their statutory successors:

13 (a) Department of ecology;

14 (b) Department of ~~((fisheries;~~

15 ~~(c) Department of))~~ fish and wildlife;

16 ~~((d))~~ (c) Parks and recreation commission;

17 ~~((e))~~ (d) Department of health;

18 ~~((f))~~ (e) State energy office;

19 ~~((g))~~ (f) Department of community, trade, and economic  
20 development;

21 ~~((h))~~ (g) Utilities and transportation commission;

22 ~~((i))~~ (h) Office of financial management;

23 ~~((j))~~ (i) Department of natural resources;

24 ~~((k) Department of community development;~~

25 ~~(l))~~ (j) Department of agriculture;

26 ~~((m))~~ (k) Department of transportation.

27 (4) The appropriate county legislative authority of every county  
28 wherein an application for a proposed site is filed shall appoint a  
29 member or designee as a voting member to the council. The member or  
30 designee so appointed shall sit with the council only at such times as  
31 the council considers the proposed site for the county which he or she  
32 represents, and such member or designee shall serve until there has  
33 been a final acceptance or rejection of the proposed site;

34 (5) The city legislative authority of every city within whose  
35 corporate limits an energy plant is proposed to be located shall  
36 appoint a member or designee as a voting member to the council. The  
37 member or designee so appointed shall sit with the council only at such  
38 times as the council considers the proposed site for the city which he

1 or she represents, and such member or designee shall serve until there  
2 has been a final acceptance or rejection of the proposed site.

3 (6) For any port district wherein an application for a proposed  
4 port facility is filed subject to this chapter, the port district shall  
5 appoint a member or designee as a nonvoting member to the council. The  
6 member or designee so appointed shall sit with the council only at such  
7 times as the council considers the proposed site for the port district  
8 which he or she represents, and such member or designee shall serve  
9 until there has been a final acceptance or rejection of the proposed  
10 site. The provisions of this subsection shall not apply if the port  
11 district is the applicant, either singly or in partnership or  
12 association with any other person.

13 **Sec. 76.** RCW 84.34.055 and 1988 c 36 s 62 are each amended to read  
14 as follows:

15 (1) The county legislative authority may direct the county planning  
16 commission to set open space priorities and adopt, after a public  
17 hearing, an open space plan and public benefit rating system for the  
18 county. The plan shall consist of criteria for determining eligibility  
19 of lands, the process for establishing a public benefit rating system,  
20 and an assessed valuation schedule. The assessed valuation schedule  
21 shall be developed by the county assessor and shall be a percentage of  
22 market value based upon the public benefit rating system. The open  
23 space plan, the public benefit rating system, and the assessed  
24 valuations schedule shall not be effective until approved by the county  
25 legislative authority after at least one public hearing: PROVIDED,  
26 That any county which has complied with the procedural requisites of  
27 (~~this act~~) chapter 393, Laws of 1985, prior to July 28, 1985, need  
28 not repeat those procedures in order to adopt an open space plan  
29 pursuant to (~~this act~~) chapter 393, Laws of 1985.

30 (2) In adopting an open space plan, recognized sources shall be  
31 used unless the county does its own survey of important open space  
32 priorities or features, or both. Recognized sources include but are  
33 not limited to the natural heritage data base; the state office of  
34 historic preservation; the interagency committee for outdoor recreation  
35 inventory of dry accretion beach and shoreline features; state,  
36 national, county, or city registers of historic places; the shoreline  
37 master program; or studies by the parks and recreation commission and  
38 by the departments of (~~fisheries~~) fish and wildlife(~~)~~) and natural

1 resources. Features and sites may be verified by an outside expert in  
2 the field and approved by the appropriate state or local agency to be  
3 sent to the county legislative authority for final approval as open  
4 space.

5 (3) When the county open space plan is adopted, owners of open  
6 space lands then classified under this chapter shall be notified in the  
7 same manner as is provided in RCW 84.40.045 of their new assessed  
8 value. These lands may be removed from classification, upon request of  
9 owner, without penalty within thirty days of notification of value.

10 (4) The open space plan and public benefit rating system under this  
11 section may be adopted for taxes payable in 1986 and thereafter.

12 **Sec. 77.** RCW 86.26.040 and 1988 c 36 s 63 are each amended to read  
13 as follows:

14 Whenever state grants under this chapter are used in a flood  
15 control maintenance project, the engineer of the county within which  
16 the project is located shall approve all plans for the specific project  
17 and shall supervise the work. The approval of such plans, construction  
18 and expenditures by the department of ecology, in consultation with the  
19 department of (~~fisheries and the department of~~) fish and wildlife,  
20 shall be a condition precedent to state participation in the cost of  
21 any project beyond planning and designing the specific project.

22 Additionally, state grants may be made to counties for preparation  
23 of a comprehensive flood control management plan required to be  
24 prepared under RCW 86.26.050.

25 **Sec. 78.** RCW 86.26.050 and 1991 c 322 s 6 are each amended to read  
26 as follows:

27 (1) State participation shall be in such preparation of  
28 comprehensive flood control management plans under this chapter and  
29 chapter 86.12 RCW, cost sharing feasibility studies for new flood  
30 control projects, projects pursuant to section 33, chapter 322, Laws of  
31 1991, and flood control maintenance projects as are affected with a  
32 general public and state interest, as differentiated from a private  
33 interest, and as are likely to bring about public benefits commensurate  
34 with the amount of state funds allocated thereto.

35 (2) No participation for flood control maintenance projects may  
36 occur with a county or other municipal corporation unless the director  
37 of ecology has approved the flood plain management activities of the

1 county, city, or town having planning jurisdiction over the area where  
2 the flood control maintenance project will be, on the one hundred year  
3 flood plain surrounding such area.

4 The department of ecology shall adopt rules concerning the flood  
5 plain management activities of a county, city, or town that are  
6 adequate to protect or preclude flood damage to structures, works, and  
7 improvements, including the restriction of land uses within a river's  
8 meander belt or floodway to only flood-compatible uses. Whenever the  
9 department has approved county, city, and town flood plain management  
10 activities, as a condition of receiving an allocation of funds under  
11 this chapter, each revision to the flood plain management activities  
12 must be approved by the department of ecology, in consultation with the  
13 department of (~~fisheries and the department of~~) fish and wildlife.

14 No participation with a county or other municipal corporation for  
15 flood control maintenance projects may occur unless the county engineer  
16 of the county within which the flood control maintenance project is  
17 located certifies that a comprehensive flood control management plan  
18 has been completed and adopted by the appropriate local authority, or  
19 is being prepared for all portions of the river basin or other area,  
20 within which the project is located in that county, that are subject to  
21 flooding with a frequency of one hundred years or less.

22 (3) Participation for flood control maintenance projects and  
23 preparation of comprehensive flood control management plans shall be  
24 made from grants made by the department of ecology from the flood  
25 control assistance account. Comprehensive flood control management  
26 plans, and any revisions to the plans, must be approved by the  
27 department of ecology, in consultation with the department of  
28 (~~fisheries and the department of~~) fish and wildlife. The department  
29 may only grant financial assistance to local governments that, in the  
30 opinion of the department, are making good faith efforts to take  
31 advantage of, or comply with, federal and state flood control programs.

32 **Sec. 79.** RCW 87.84.061 and 1988 c 127 s 69 are each amended to  
33 read as follows:

34 The water in any natural or impounded lake, wholly or partially  
35 within the boundaries of an irrigation and rehabilitation district,  
36 together with all use of said water and the bottom and shore lines to  
37 the line established by the highest level where water has been or shall  
38 be stored in said lake, shall be regulated, controlled and used by the

1 irrigation and rehabilitation district in order to further the health,  
2 safety, recreation and welfare of the residents in the district and the  
3 citizens and guests of the state of Washington, subject to rights of  
4 the United States bureau of reclamation and any irrigation districts  
5 organized under the laws of the state of Washington.

6 In addition to the powers expressly or impliedly enumerated above,  
7 the directors of an irrigation and rehabilitation district shall have  
8 the power and authority to:

9 (1) Control and regulate the use of boats, skiers, skin divers,  
10 aircraft, ice skating, ice boats, swimmers or any other use of said  
11 lake, by means of appropriate rules and regulations not inconsistent  
12 with state fish, game or aeronautics laws.

13 (2) Expend district funds for the control of mosquitoes or other  
14 harmful insects which may affect the use of any lake located in the  
15 district: PROVIDED, That the state department of social and health  
16 services gives its approval in writing to any district program  
17 instituted under the authority of this item. District funds may be  
18 expended for mosquito and insect control or other district projects or  
19 activities even though it may be necessary to place chemicals or carry  
20 on activities on areas located outside of an irrigation and  
21 rehabilitation district's boundaries. These funds may be transferred  
22 to the jurisdictional health department for the purpose of carrying out  
23 the provisions of this item.

24 (3) Except for state highways, control, regulate or prohibit by  
25 means of rules and regulations, the building, construction, placing or  
26 allowing to be placed from adjoining land, sand, gravel, dirt, rock,  
27 tires, lumber, logs, bottles, cans, garbage and trash, or any  
28 loathsome, noxious substances or materials of any kind, and any piling,  
29 causeways, fill, roads, culverts, wharfs, bulkheads, buildings,  
30 structures, floats, or markers, in, on or above the line established by  
31 the highest level where water has been or shall be stored in said lake,  
32 located in the district, in order to further the interests of the  
33 citizens of the state of Washington, and residents of the district.

34 (4) Except for state highways, control, regulate and require the  
35 placing, maintenance and use of culverts and boat accesses under and  
36 through existing fills constructed over and/or across any lake located  
37 within the district to facilitate water circulation, navigation and the  
38 reduction of flood danger.

1 (5) Control the taking of carp or other rough fish located in the  
2 district and including the right to grant or sell an exclusive or  
3 concurrent franchise for the taking of carp or other rough fish,  
4 providing the (~~state fisheries~~) department of fish and wildlife give  
5 their approval in writing to any district project regarding the  
6 capture, or sale of fish.

7 (6) Control and regulate by means of rules and regulations the  
8 direct or indirect introduction into any lake within the district of  
9 any human, animal or industrial waste products, sewage, effluent or  
10 byproducts, treated or untreated: PROVIDED, That the state department  
11 of ecology gives its approval in writing to any district program  
12 instituted under this section, and nothing herein shall be deemed to  
13 amend, repeal, supersede, or otherwise modify any laws or regulations  
14 relating to public health or to the department of ecology.

15 (7) Except for state highways, construct, maintain, place, and/or  
16 restore roads, buildings, docks, dams, canals, locks, mechanical lifts  
17 or any other type of transportation facility; dredge, purchase land, or  
18 lease land, or enter into agreements with other agencies or conduct any  
19 other activity within or without the district boundaries in order to  
20 carry out district projects or activities to further the recreational  
21 potential of the area.

22 **Sec. 80.** RCW 88.12.055 and 1993 c 244 s 9 are each amended to read  
23 as follows:

24 (1) Every law enforcement officer of this state and its political  
25 subdivisions has the authority to enforce this chapter. Law  
26 enforcement officers may enforce recreational boating rules adopted by  
27 the commission. Such law enforcement officers include, but are not  
28 limited to, county sheriffs, officers of other local law enforcement  
29 entities, wildlife agents (~~of the department of wildlife~~) and  
30 fisheries patrol officers of the department of (~~fisheries~~) fish and  
31 wildlife, through (~~their directors~~) the director, the state patrol,  
32 through its chief, and state park rangers. In the exercise of this  
33 responsibility, all such officers may stop and board any vessel and  
34 direct it to a suitable pier or anchorage to enforce this chapter.

35 (2) This chapter shall be construed to supplement federal laws and  
36 regulations. To the extent this chapter is inconsistent with federal  
37 laws and regulations, the federal laws and regulations shall control.

1       **Sec. 81.** RCW 88.12.305 and 1989 c 393 s 3 are each amended to read  
2 as follows:

3       The commission, in consultation with the departments of ecology,  
4 (~~(fisheries,)~~) fish and wildlife, natural resources, social and health  
5 services, and the Puget Sound water quality authority shall conduct a  
6 literature search and analyze pertinent studies to identify areas which  
7 are polluted or environmentally sensitive within the state's waters.  
8 Based on this review the commission shall designate appropriate areas  
9 as polluted or environmentally sensitive, for the purposes of (~~this~~  
10 act)) chapter 393, Laws of 1989 only.

11       **Sec. 82.** RCW 90.03.247 and 1987 c 506 s 95 and 1987 c 505 s 81 are  
12 each reenacted and amended to read as follows:

13       Whenever an application for a permit to make beneficial use of  
14 public waters is approved relating to a stream or other water body for  
15 which minimum flows or levels have been adopted and are in effect at  
16 the time of approval, the permit shall be conditioned to protect the  
17 levels or flows. No agency may establish minimum flows and levels or  
18 similar water flow or level restrictions for any stream or lake of the  
19 state other than the department of ecology whose authority to establish  
20 is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and  
21 90.54.040. The provisions of other statutes, including but not limited  
22 to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a  
23 manner that is inconsistent with this section. In establishing such  
24 minimum flows, levels, or similar restrictions, the department shall,  
25 during all stages of development by the department of ecology of  
26 minimum flow proposals, consult with, and carefully consider the  
27 recommendations of, (~~the department of fisheries,~~) the department of  
28 fish and wildlife, the state energy office, the department of  
29 agriculture, and representatives of the affected Indian tribes.  
30 Nothing herein shall preclude (~~the department of fisheries,~~) the  
31 department of fish and wildlife, the energy office, or the department  
32 of agriculture from presenting its views on minimum flow needs at any  
33 public hearing or to any person or agency, and (~~the department of~~  
34 ~~fisheries,~~) the department of fish and wildlife, the energy office,  
35 and the department of agriculture are each empowered to participate in  
36 proceedings of the federal energy regulatory commission and other  
37 agencies to present its views on minimum flow needs.

1       **Sec. 83.** RCW 90.03.280 and 1988 c 36 s 65 are each amended to read  
2 as follows:

3       Upon receipt of a proper application, the department shall instruct  
4 the applicant to publish notice thereof in a form and within a time  
5 prescribed by ~~((him))~~ the department in a newspaper of general  
6 circulation published in the county or counties in which the storage,  
7 diversion, and use is to be made, and in such other newspapers as  
8 ~~((he))~~ the department may direct, once a week for two consecutive  
9 weeks. Upon receipt by the department of an application it shall send  
10 notice thereof containing pertinent information to ~~((the director of~~  
11 ~~fisheries and))~~ the director of fish and wildlife.

12       **Sec. 84.** RCW 90.03.290 and 1988 c 36 s 66 are each amended to read  
13 as follows:

14       When an application complying with the provisions of this chapter  
15 and with the rules and regulations of the department has been filed,  
16 the same shall be placed on record with the department, and it shall be  
17 its duty to investigate the application, and determine what water, if  
18 any, is available for appropriation, and find and determine to what  
19 beneficial use or uses it can be applied. If it is proposed to  
20 appropriate water for irrigation purposes, the department shall  
21 investigate, determine and find what lands are capable of irrigation by  
22 means of water found available for appropriation. If it is proposed to  
23 appropriate water for the purpose of power development, the department  
24 shall investigate, determine and find whether the proposed development  
25 is likely to prove detrimental to the public interest, having in mind  
26 the highest feasible use of the waters belonging to the public. If the  
27 application does not contain, and the applicant does not promptly  
28 furnish sufficient information on which to base such findings, the  
29 department may issue a preliminary permit, for a period of not to  
30 exceed three years, requiring the applicant to make such surveys,  
31 investigations, studies, and progress reports, as in the opinion of the  
32 department may be necessary. If the applicant fails to comply with the  
33 conditions of the preliminary permit, it and the application or  
34 applications on which it is based shall be automatically canceled and  
35 the applicant so notified. If the holder of a preliminary permit  
36 shall, before its expiration, file with the department a verified  
37 report of expenditures made and work done under the preliminary permit,  
38 which, in the opinion of the department, establishes the good faith,



1 intent and ability of the applicant to carry on the proposed  
2 development, the preliminary permit may, with the approval of the  
3 governor, be extended, but not to exceed a maximum period of five years  
4 from the date of the issuance of the preliminary permit. The  
5 department shall make and file as part of the record in the matter,  
6 written findings of fact concerning all things investigated, and if it  
7 shall find that there is water available for appropriation for a  
8 beneficial use, and the appropriation thereof as proposed in the  
9 application will not impair existing rights or be detrimental to the  
10 public welfare, it shall issue a permit stating the amount of water to  
11 which the applicant shall be entitled and the beneficial use or uses to  
12 which it may be applied: PROVIDED, That where the water applied for is  
13 to be used for irrigation purposes, it shall become appurtenant only to  
14 such land as may be reclaimed thereby to the full extent of the soil  
15 for agricultural purposes. But where there is no unappropriated water  
16 in the proposed source of supply, or where the proposed use conflicts  
17 with existing rights, or threatens to prove detrimental to the public  
18 interest, having due regard to the highest feasible development of the  
19 use of the waters belonging to the public, it shall be duty of the  
20 department to reject such application and to refuse to issue the permit  
21 asked for. If the permit is refused because of conflict with existing  
22 rights and such applicant shall acquire same by purchase or  
23 condemnation under RCW 90.03.040, the department may thereupon grant  
24 such permit. Any application may be approved for a less amount of  
25 water than that applied for, if there exists substantial reason  
26 therefor, and in any event shall not be approved for more water than  
27 can be applied to beneficial use for the purposes named in the  
28 application. In determining whether or not a permit shall issue upon  
29 any application, it shall be the duty of the department to investigate  
30 all facts relevant and material to the application. After the  
31 department approves said application in whole or in part and before any  
32 permit shall be issued thereon to the applicant, such applicant shall  
33 pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the  
34 event a permit is issued by the department upon any application, it  
35 shall be its duty to notify (~~both the director of fisheries and~~) the  
36 director of fish and wildlife of such issuance.

37 **Sec. 85.** RCW 90.03.360 and 1993 sp.s. c 4 s 12 are each amended to  
38 read as follows:

1 (1) The owner or owners of any water diversion shall maintain, to  
2 the satisfaction of the department of ecology, substantial controlling  
3 works and a measuring device constructed and maintained to permit  
4 accurate measurement and practical regulation of the flow of water  
5 diverted. Every owner or manager of a reservoir for the storage of  
6 water shall construct and maintain, when required by the department,  
7 any measuring device necessary to ascertain the natural flow into and  
8 out of said reservoir.

9 Metering of diversions or measurement by other approved methods  
10 shall be required as a condition for all new surface water right  
11 permits, and except as provided in subsection (2) of this section, may  
12 be required as a condition for all previously existing surface water  
13 rights. The department may also require, as a condition for all water  
14 rights, metering of diversions, and reports regarding such metered  
15 diversions as to the amount of water being diverted. Such reports  
16 shall be in a form prescribed by the department.

17 (2) Where water diversions are from waters in which the salmonid  
18 stock status is depressed or critical, as determined by the  
19 department(~~((s of fisheries))~~) of fish and wildlife, or where the volume  
20 of water being diverted exceeds one cubic foot per second, the  
21 department shall require metering or measurement by other approved  
22 methods as a condition for all new and previously existing water rights  
23 or claims. The department shall attempt to integrate the requirements  
24 of this subsection into its existing compliance workload priorities,  
25 but shall prioritize the requirements of this subsection ahead of the  
26 existing compliance workload where a delay may cause the decline of  
27 wild salmonids. The department shall notify the department(~~((s of~~  
28 ~~fisheries))~~) of fish and wildlife of the status of fish screens  
29 associated with these diversions.

30 This subsection (2) shall not apply to diversions for public or  
31 private hatcheries or fish rearing facilities if the diverted water is  
32 returned directly to the waters from which it was diverted.

33 **Sec. 86.** RCW 90.22.010 and 1988 c 47 s 6 are each amended to read  
34 as follows:

35 The department of ecology may establish minimum water flows or  
36 levels for streams, lakes or other public waters for the purposes of  
37 protecting fish, game, birds or other wildlife resources, or  
38 recreational or aesthetic values of said public waters whenever it

1 appears to be in the public interest to establish the same. In  
2 addition, the department of ecology shall, when requested by the  
3 (~~department of fisheries or the~~) department of fish and wildlife to  
4 protect fish, game or other wildlife resources under the jurisdiction  
5 of the requesting state agency, or if the department of ecology finds  
6 it necessary to preserve water quality, establish such minimum flows or  
7 levels as are required to protect the resource or preserve the water  
8 quality described in the request or determination. Any request  
9 submitted by the (~~department of fisheries or~~) department of fish and  
10 wildlife shall include a statement setting forth the need for  
11 establishing a minimum flow or level. When the department acts to  
12 preserve water quality, it shall include a similar statement with the  
13 proposed rule filed with the code reviser. This section shall not  
14 apply to waters artificially stored in reservoirs, provided that in the  
15 granting of storage permits by the department of ecology in the future,  
16 full recognition shall be given to downstream minimum flows, if any  
17 there may be, which have theretofore been established hereunder.

18 The current guidelines, standards, or criteria governing the  
19 instream flow programs established pursuant to this chapter shall not  
20 be altered or amended after March 15, 1988, in accordance with RCW  
21 90.54.022(5).

22 **Sec. 87.** RCW 90.22.020 and 1987 c 506 s 97 are each amended to  
23 read as follows:

24 Flows or levels authorized for establishment under RCW 90.22.010,  
25 or subsequent modification thereof by the department shall be provided  
26 for through the adoption of rules. Before the establishment or  
27 modification of a water flow or level for any stream or lake or other  
28 public water, the department shall hold a public hearing in the county  
29 in which the stream, lake, or other public water is located. If it is  
30 located in more than one county the department shall determine the  
31 location or locations therein and the number of hearings to be  
32 conducted. Notice of the hearings shall be given by publication in a  
33 newspaper of general circulation in the county or counties in which the  
34 stream, lake, or other public waters is located, once a week for two  
35 consecutive weeks before the hearing. The notice shall include the  
36 following:

37 (1) The name of each stream, lake, or other water source under  
38 consideration;

1 (2) The place and time of the hearing;

2 (3) A statement that any person, including any private citizen or  
3 public official, may present his or her views either orally or in  
4 writing.

5 Notice of the hearing shall also be served upon the administrators  
6 of the departments of (~~fisheries,~~) social and health services,  
7 natural resources, fish and wildlife, and transportation.

8 **Sec. 88.** RCW 90.24.030 and 1988 c 36 s 67 are each amended to read  
9 as follows:

10 The petition shall be entitled "In the matter of fixing the level  
11 of Lake . . . . . in . . . . . county, Washington", and shall be  
12 filed with the clerk of the court and a copy thereof, together with a  
13 copy of the order fixing the time for hearing the petition, shall be  
14 served on each owner of property abutting on the lake, not less than  
15 ten days before the hearing. Like copies shall also be served upon the  
16 director of (~~fisheries~~) fish and (~~of~~) wildlife and the director of  
17 ecology. The copy of the petition and of the order fixing time for  
18 hearing shall be served in the manner provided by law for the service  
19 of summons in civil actions, or in such other manner as may be  
20 prescribed by order of the court. For the benefit of every riparian  
21 owner abutting on a stream or river flowing from such lake, a copy of  
22 the notice of hearing shall be published at least once a week for two  
23 consecutive weeks before the time set for hearing in a newspaper in  
24 each county or counties wherein located, said notice to contain a brief  
25 statement of the reasons and necessity for such application.

26 **Sec. 89.** RCW 90.24.060 and 1988 c 36 s 68 are each amended to read  
27 as follows:

28 Such improvement or device in said lake for the protection of the  
29 fish and game fish therein shall be installed by and under the  
30 direction of the board of county commissioners of said county with the  
31 approval of the respective directors of the (~~department of fisheries,~~  
32 ~~the~~) department of fish and wildlife and the department of ecology of  
33 the state of Washington and paid for out of the special fund provided  
34 for in RCW 90.24.050.

35 **Sec. 90.** RCW 90.38.040 and 1989 c 429 s 5 are each amended to read  
36 as follows:

1 (1) All trust water rights acquired by the department shall be  
2 placed in the Yakima river basin trust water rights program to be  
3 managed by the department. The department shall issue a water right  
4 certificate in the name of the state of Washington for each trust water  
5 right it acquires.

6 (2) Trust water rights shall retain the same priority date as the  
7 water right from which they originated. Trust water rights may be  
8 modified as to purpose or place of use or point of diversion, including  
9 modification from a diversionary use to a nondiversionary instream use.

10 (3) Trust water rights may be held by the department for instream  
11 flows and/or irrigation use.

12 (4) A schedule of the amount of net water saved as a result of  
13 water conservation projects carried out in accordance with this  
14 chapter, shall be developed annually to reflect the predicted  
15 hydrologic and water supply conditions, as well as anticipated water  
16 demands, for the upcoming irrigation season. This schedule shall serve  
17 as the basis for the distribution and management of trust water rights  
18 each year.

19 (5) No exercise of a trust water right may be authorized unless the  
20 department first determines that no existing water rights, junior or  
21 senior in priority, will be impaired as to their exercise or injured in  
22 any manner whatever by such authorization. Before any trust water  
23 right is exercised, the department shall publish notice thereof in a  
24 newspaper of general circulation published in the county or counties in  
25 which the storage, diversion, and use are to be made, and in such other  
26 newspapers as the department determines are necessary, once a week for  
27 two consecutive weeks. At the same time the department may also send  
28 notice thereof containing pertinent information to the ~~((director of~~  
29 ~~fisheries and the))~~ director of fish and wildlife.

30 (6) RCW 90.03.380 and 90.14.140 through 90.14.910 shall have no  
31 applicability to trust water rights held by the department under this  
32 chapter or exercised under this section.

33 **Sec. 91.** RCW 90.48.170 and 1988 c 36 s 70 are each amended to read  
34 as follows:

35 Applications for permits shall be made on forms prescribed by the  
36 department and shall contain the name and address of the applicant, a  
37 description of ~~((his))~~ the applicant's operations, the quantity and  
38 type of waste material sought to be disposed of, the proposed method of

1 disposal, and any other relevant information deemed necessary by the  
2 department. Application for permits shall be made at least sixty days  
3 prior to commencement of any proposed discharge or permit expiration  
4 date, whichever is applicable. Upon receipt of a proper application  
5 relating to a new operation, or an operation previously under permit  
6 for which an increase in volume of wastes or change in character of  
7 effluent is requested over that previously authorized, the department  
8 shall instruct the applicant to publish notices thereof by such means  
9 and within such time as the department shall prescribe. The department  
10 shall require that the notice so prescribed shall be published twice in  
11 a newspaper of general circulation within the county in which the  
12 disposal of waste material is proposed to be made and in such other  
13 appropriate information media as the department may direct. Said  
14 notice shall include a statement that any person desiring to present  
15 his or her views to the department with regard to said application may  
16 do so in writing to the department, or any person interested in the  
17 department's action on an application for a permit, may submit his or  
18 her views or notify the department of his or her interest within thirty  
19 days of the last date of publication of notice. Such notification or  
20 submission of views to the department shall entitle said persons to a  
21 copy of the action taken on the application. Upon receipt by the  
22 department of an application, it shall immediately send notice thereof  
23 containing pertinent information to the ((~~directors of fisheries~~))  
24 director of fish and wildlife and to the secretary of social and health  
25 services. When an application complying with the provisions of this  
26 chapter and the rules and regulations of the department has been filed  
27 with the department, it shall be its duty to investigate the  
28 application, and determine whether the use of public waters for waste  
29 disposal as proposed will pollute the same in violation of the public  
30 policy of the state.

31 **Sec. 92.** RCW 90.48.368 and 1992 c 73 s 29 are each amended to read  
32 as follows:

33 (1) The department shall adopt rules establishing a formal process  
34 for preassessment screening of damages resulting from spills to the  
35 waters of the state causing the death of, or injury to, fish, animals,  
36 vegetation, or other resources of the state. The rules shall specify  
37 the conditions under which the department shall convene a preassessment  
38 screening committee. The preassessment screening process shall occur

1 concurrently with reconnaissance activities. The committee shall use  
2 information obtained from reconnaissance activities as well as any  
3 other relevant resource and resource use information. For each  
4 incident, the committee shall determine whether a damage assessment  
5 investigation should be conducted, or, whether the compensation  
6 schedule authorized under RCW 90.48.366 and 90.48.367 should be used to  
7 assess damages. The committee may accept restoration or enhancement  
8 projects or studies proposed by the liable parties in lieu of some or  
9 all of: (a) The compensation schedule authorized under RCW 90.48.366  
10 and 90.48.367; or (b) the claims from damage assessment studies  
11 authorized under RCW 90.48.142.

12 (2) A preassessment screening committee may consist of  
13 representatives of the departments of ecology, (~~(fisheries)~~) fish and  
14 wildlife, natural resources, social and health services, and emergency  
15 management, the parks and recreation commission, the office of  
16 archaeology and historic preservation, as well as other federal, state,  
17 and local agencies, and tribal and local governments whose presence  
18 would enhance the reconnaissance or damage assessment aspects of spill  
19 response. The department shall chair the committee and determine which  
20 representatives will be needed on a spill-by-spill basis.

21 (3) The committee shall consider the following factors when  
22 determining whether a damage assessment study authorized under RCW  
23 90.48.367 should be conducted: (a) Whether evidence from  
24 reconnaissance investigations suggests that injury has occurred or is  
25 likely to occur to publicly owned resources; (b) the potential loss in  
26 services provided by resources injured or likely to be injured and the  
27 expected value of the potential loss; (c) whether a restoration project  
28 to return lost services is technically feasible; (d) the accuracy of  
29 damage quantification methods that could be used and the anticipated  
30 cost-effectiveness of applying each method; (e) the extent to which  
31 likely injury to resources can be verified with available  
32 quantification methods; and (f) whether the injury, once quantified,  
33 can be translated into monetary values with sufficient precision or  
34 accuracy.

35 (4) When a resource damage assessment is required for an oil spill  
36 in the navigable waters of the state, as defined in RCW 90.56.010, the  
37 state trustee agency responsible for the resource and habitat damaged  
38 shall conduct the damage assessment and pursue all appropriate remedies  
39 with the responsible party.

1 (5) Oil spill damage assessment studies authorized under RCW  
2 90.48.367 may only be conducted if the committee, after considering the  
3 factors enumerated in subsection (3) of this section, determines that  
4 the damages to be investigated are quantifiable at a reasonable cost  
5 and that proposed assessment studies are clearly linked to  
6 quantification of the damages incurred.

7 (6) As new information becomes available, the committee may  
8 reevaluate the scope of damage assessment using the factors listed in  
9 subsection (3) of this section and may reduce or expand the scope of  
10 damage assessment as appropriate.

11 (7) The preassessment screening process shall provide for the  
12 ongoing involvement of persons who may be liable for damages resulting  
13 from an oil spill. The department may negotiate with a potentially  
14 liable party to perform restoration and enhancement projects or studies  
15 which may substitute for all or part of the compensation authorized  
16 under RCW 90.48.366 and 90.48.367 or the damage assessment studies  
17 authorized under RCW 90.48.367.

18 (8) For the purposes of this section and RCW 90.48.367, the cost of  
19 a damage assessment shall be considered "reasonable" when the  
20 anticipated cost of the damage assessment is expected to be less than  
21 the anticipated damage that may have occurred or may occur.

22 **Sec. 93.** RCW 90.48.400 and 1992 c 73 s 30 are each amended to read  
23 as follows:

24 (1) Moneys in the coastal protection fund shall be disbursed for  
25 the following purposes and no others:

26 (a) Environmental restoration and enhancement projects intended to  
27 restore or enhance environmental, recreational, archaeological, or  
28 aesthetic resources for the benefit of Washington's citizens;

29 (b) Investigations of the long-term effects of oil spills; and

30 (c) Development and implementation of an aquatic land geographic  
31 information system.

32 (2) The director may allocate a portion of the fund to be devoted  
33 to research and development in the causes, effects, and removal of  
34 pollution caused by the discharge of oil or other hazardous substances.

35 (3) A steering committee consisting of representatives of the  
36 departments of ecology, (~~(fisheries,)~~) fish and wildlife, and natural  
37 resources, and the parks and recreation commission shall authorize the  
38 expenditure of the moneys collected under RCW 90.48.366 through



1 90.48.368, after consulting impacted local agencies and local and  
2 tribal governments.

3 (4) Agencies may not be reimbursed from the coastal protection fund  
4 for the salaries and benefits of permanent employees for routine  
5 operational support. Agencies may only be reimbursed under this  
6 section if money for reconnaissance and damage assessment activities is  
7 unavailable from other sources.

8 **Sec. 94.** RCW 90.56.100 and 1992 c 73 s 32 are each amended to read  
9 as follows:

10 (1) The Washington wildlife rescue coalition shall be established  
11 for the purpose of coordinating the rescue and rehabilitation of  
12 wildlife injured or endangered by oil spills or the release of other  
13 hazardous substances into the environment.

14 (2) The Washington wildlife rescue coalition shall be composed of:

15 (a) A representative of the department of fish and wildlife  
16 designated by the director of fish and wildlife. The department of  
17 fish and wildlife shall be designated as lead agency in the operations  
18 of the coalition. The coalition shall be chaired by the representative  
19 from the department of fish and wildlife;

20 (b) A representative of the department of ecology designated by the  
21 director;

22 (c) A representative of the department of community, trade, and  
23 economic development emergency management program designated by the  
24 director of community, trade, and economic development;

25 (d) A licensed veterinarian, with experience and training in  
26 wildlife rehabilitation, appointed by the veterinary board of  
27 governors;

28 (e) The director of the Washington conservation corps;

29 (f) A lay person, with training and experience in the rescue and  
30 rehabilitation of wildlife appointed by the department; and

31 (g) A person designated by the legislative authority of the county  
32 where oil spills or spills of other hazardous substances may occur.  
33 This member of the coalition shall serve on the coalition until  
34 wildlife rescue and rehabilitation is completed in that county. The  
35 completion of any rescue or rehabilitation project shall be determined  
36 by the director of fish and wildlife.

37 (3) The duties of the Washington wildlife rescue coalition shall be  
38 to:

1 (a) Develop an emergency mobilization plan to rescue and  
2 rehabilitate waterfowl and other wildlife that are injured or  
3 endangered by an oil spill or the release of other hazardous substances  
4 into the environment;

5 (b) Develop and maintain a resource directory of persons,  
6 governmental agencies, and private organizations that may provide  
7 assistance in an emergency rescue effort;

8 (c) Provide advance training and instruction to volunteers in  
9 rescuing and rehabilitating waterfowl and wildlife injured or  
10 endangered by oil spills or the release of other hazardous substances  
11 into the environment. The training may be provided through grants to  
12 community colleges or to groups that conduct programs for training  
13 volunteers. The coalition representatives from the agencies described  
14 in subsection (2) of this section shall coordinate training efforts  
15 with the director of the Washington conservation corps and work to  
16 provide training opportunities for young citizens;

17 (d) Obtain and maintain equipment and supplies used in emergency  
18 rescue efforts;

19 (e) Report to the appropriate standing committees of the  
20 legislature on the progress of the coalition's efforts and detail  
21 future funding options necessary for the implementation of this section  
22 and RCW 90.56.110. The coalition shall report by January 30, 1991.

23 (4)(a) Expenses for the coalition may be provided by the coastal  
24 protection fund administered according to RCW 90.48.400.

25 (b) The coalition is encouraged to seek grants, gifts, or donations  
26 from private sources in order to carry out the provisions of this  
27 section and RCW 90.56.110. Any private funds donated to the commission  
28 shall be deposited into the wildlife rescue account hereby created  
29 within the wildlife fund as authorized under Title 77 RCW.

30 **Sec. 95.** RCW 90.56.110 and 1990 c 116 s 13 are each amended to  
31 read as follows:

32 The department of fish and wildlife may adopt rules including, but  
33 not limited to, the following:

34 (1) Procedures and methods of handling and caring for waterfowl or  
35 other wildlife affected by spills of oil and other hazardous materials;

36 (2) The certification of persons trained in the removal of  
37 pollutants from waterfowl or other wildlife;

1 (3) Development of procedures with respect to removal of oil and  
2 other hazardous substances from waterfowl or other wildlife;

3 (4) The establishment of training exercises, courses, and other  
4 training procedures as necessary;

5 (5) Such other rules as may be reasonably necessary to carry out  
6 the intent of RCW 90.56.100.

7 **Sec. 96.** RCW 90.62.020 and 1988 c 36 s 71 are each amended to read  
8 as follows:

9 For purposes of this chapter the following words mean, unless the  
10 context clearly dictates otherwise:

11 (1) "Board" means the pollution control hearings board.

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

13 (3) "Local government" means a county, city or town.

14 (4) "Permit" means any license, permit, certificate, certification,  
15 approval, compliance schedule, or other similar document pertaining to  
16 any regulatory or management program related to the protection,  
17 conservation, or use of, or interference with, the natural resources of  
18 land, air or water in the state, which is required to be obtained from  
19 a state agency prior to constructing or operating a project in the  
20 state of Washington. Permit shall also mean a substantial development  
21 permit under RCW 90.58.140 and any permit, required by a local  
22 government for a project, that the local government has chosen to  
23 process pursuant to RCW 90.62.100(2) as now or hereafter amended.  
24 Nothing in this chapter shall relate to a permit issued by the  
25 department of labor and industries or by the utilities and  
26 transportation commission; nor to the granting of proprietary interests  
27 in publicly owned property such as sales, leases, easements, use  
28 permits and licenses.

29 (5) "Person" means any individual, municipal, public, or private  
30 corporation, or other entity however denominated, including a state  
31 agency and county.

32 (6) "Processing" and "processing of applications" mean the entire  
33 process to be followed in relation to the making of decisions on an  
34 application for a permit and review thereof as provided in RCW  
35 90.62.040 through 90.62.080.

36 (7) "Project" means any new activity or any expansion of or  
37 addition to an existing activity, fixed in location, for which permits  
38 are required prior to construction or operation from (a) two or more

1 state agencies as defined in subsection (8) of this section, or (b) one  
2 or more state agencies and a local government, if the local government  
3 is processing permits or requests for variances or rezones pursuant to  
4 the procedure established by the provisions of this chapter, as  
5 provided by RCW 90.62.100(2) as now or hereafter amended. Such  
6 construction or operation may include, but need not be limited to,  
7 industrial and commercial operations and developments. For the purpose  
8 of part (a) of this subsection, the submission of plans and  
9 specifications for a hydraulic project or other work to the  
10 department(~~(s of fisheries)~~) of fish and wildlife pursuant to RCW  
11 75.20.100 shall be considered to be an application for a permit  
12 required by one state agency.

13 (8) "State agency" means any state department, commission, board or  
14 other agency of the state however titled. For the limited purposes of  
15 this chapter only "state agency" shall also mean (a) any local or  
16 regional air pollution control authority established under chapter  
17 70.94 RCW and (b) any local government when said government is acting  
18 in its capacity as a decision maker on an application for a permit  
19 pursuant to RCW 90.58.140.

20 **Sec. 97.** RCW 90.70.045 and 1990 c 115 s 3 are each amended to read  
21 as follows:

22 (1) The executive director shall hire staff for the authority. In  
23 so doing, the executive director shall recognize the many continuing  
24 planning and research activities concerning Puget Sound water quality  
25 and shall seek to acquire competent and knowledgeable staff from state,  
26 federal, and local government agencies and other agencies that are  
27 currently involved in these activities.

28 (2) As deemed appropriate, the executive director may request the  
29 state departments of ecology, community, trade, and economic  
30 development, (~~(fisheries,)~~) fish and wildlife, agriculture, natural  
31 resources, parks and recreation, and health to each assign at least one  
32 employee to the authority. The executive director shall enter into an  
33 interagency agreement with agencies assigning employees to the  
34 authority. Such agreement shall provide for reimbursement, by the  
35 authority to the assigning agency, of all work-related expenditures  
36 associated with the assignment of the employees. During the term of  
37 their assignment, the executive director has full authority and  
38 responsibility for the activities of these employees.

1 (3) The executive director shall seek assignment of appropriate  
2 federal and local government employees under available means.

3 **Sec. 98.** RCW 90.70.065 and 1990 c 115 s 9 are each amended to read  
4 as follows:

5 (1) In addition to other powers and duties specified in this  
6 chapter, the authority shall ensure implementation of the Puget Sound  
7 ambient monitoring program established in the plan under RCW  
8 90.70.060(12). The program shall:

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

12 (b) Take measurements relating to specific program elements  
13 identified in the plan;

14 (c) Measure the progress of the ambient monitoring programs  
15 implemented under the plan;

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

18 (e) Help support research on Puget Sound.

19 (2) To ensure proper coordination of the ambient monitoring  
20 program, the authority may establish an interagency coordinating  
21 committee consisting of representatives from the departments of  
22 ecology, (~~(fisheries)~~) fish and wildlife, natural resources,  
23 (~~(wildlife,~~) and health, and such federal, local, tribal, and other  
24 organizations as are necessary to implement the program.

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

28 NEW SECTION. **Sec. 99.** RCW 43.220.140 is decodified.

29 ***\*NEW SECTION. Sec. 100. This act shall take effect July 1, 1994.***

30 **\*Sec. 100 was vetoed, see message at end of chapter.**

Passed the House February 9, 1994.

Passed the Senate February 26, 1994.

Approved by the Governor April 1, 1994, with the exception of  
certain items which were vetoed.

Filed in Office of Secretary of State April 1, 1994.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 7, 16,  
3 58, 59, and 100, House Bill No. 2590, entitled:

4 "AN ACT Relating to obsolete references;"

5 This bill changes all references to the Department of Fisheries or  
6 to the Department of Wildlife to the Department of Fish and Wildlife.  
7 Additionally, all references to the Department of Community Development  
8 or to the Department of Trade and Economic Development are changed to  
9 the Department of Community, Trade and Economic Development. A number  
10 of minor technical changes are also included.

11 Section 7 of House Bill 2590 updates the name of the Department of  
12 Fish and Wildlife in a list of departments to be represented on the  
13 pesticide advisory board in RCW 17.21.230. This change is also made in  
14 Substitute Senate Bill No. 6100, section 26, which makes substantive  
15 changes to the composition of the pesticide advisory board.

16 Section 16 of House Bill No. 2590 updates the names of the  
17 Department of Fish and Wildlife and the Department of Community, Trade  
18 and Economic Development in RCW 43.21A.170. However, Engrossed  
19 Substitute House Bill No. 2676 repeals this RCW section in abolishing  
20 the Ecological Commission.

21 Section 58 of House Bill No. 2590 updates the name of the  
22 Department of Fish and Wildlife in RCW 79.01.805, dealing with the  
23 harvest of seaweed. Substitute Senate Bill No. 6204, section 1, makes  
24 the same change and adds further substantive changes to RCW 79.01.805.

25 Section 59 of House Bill No. 2590 updates the name of the  
26 Department of Fish and Wildlife in RCW 79.01.815, also dealing with  
27 seaweed. Substitute Senate Bill No. 6204, section 3, makes the same  
28 change and adds further substantive changes to RCW 79.01.815.

29 Section 100 of House Bill No. 2590 provides an effective date of  
30 July 1, 1994. At the time the bill was passed, the mergers of the  
31 agencies noted above were scheduled to occur on July 1, 1994. With the  
32 passage of Senate Bill No. 6345 and Senate Bill No. 6346, the mergers  
33 were expedited to March 1, 1994. The delayed effective date is,  
34 therefore, no longer necessary.

35 Due to the duplicative nature of the amendments offered, I have  
36 vetoed sections 7, 16, 58, and 59 of House Bill No. 2590. Additionally,  
37 as a delayed effective date is no longer necessary, I have vetoed  
38 section 100 of House Bill No. 2590.

39 With the exception of sections 7, 16, 58, 59, and 100, House Bill  
40 No. 2590 is approved."