

2 **ESHB 1107** - S COMM AMD
3 By Committee on Government Operations

4 ADOPTED AS REAMENDED 4/22/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "PART 1
8 LAW REVISION COMMISSION

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10 each repealed:

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

17 PART 2
18 JUDICIAL COUNCIL

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20 each repealed:

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

30 PART 3
31 JUVENILE DISPOSITION STANDARDS COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (4) In devising the standard sentence ranges of total and partial
38 confinement under this section, the commission is subject to the

1 following limitations:

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

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

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

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

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

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

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

35 (9) The commission may (a) serve as a clearinghouse and information
36 center for the collection, preparation, analysis, and dissemination of
37 information on state and local sentencing practices; (b) develop and
38 maintain a computerized sentencing information system by individual
39 superior court judge consisting of offender, offense, history, and

1 sentence information entered from judgment and sentence forms for all
2 adult felons; and (c) conduct ongoing research regarding sentencing
3 guidelines, use of total confinement and alternatives to total
4 confinement, plea bargaining, and other matters relating to the
5 improvement of the criminal justice system.

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

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

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

15 PART 4

16 COSMETOLOGY, BARBERING, ESTHETICS, AND MANICURING ADVISORY BOARD

17 NEW SECTION. **Sec. 401.** The legislature finds that the economic
18 opportunities for cosmetologists, barbers, estheticians, and
19 manicurists have deteriorated in this state as a result of the lack of
20 skilled practitioners, inadequate licensing controls, and inadequate
21 enforcement of health standards. To increase the opportunities for
22 individuals to earn viable incomes in these professions and to protect
23 the general health of the public, the state cosmetology, barbering,
24 esthetics, and manicuring advisory board should be reconstituted and
25 given a new charge to develop appropriate responses to this situation,
26 including legislative proposals.

27 **Sec. 402.** RCW 18.16.050 and 1991 c 324 s 3 are each amended to
28 read as follows:

29 (1) There is created a state cosmetology, barbering, esthetics, and
30 manicuring advisory board consisting of ~~((five))~~ seven members
31 appointed by the ~~((governor who shall advise the director concerning~~
32 ~~the administration of this chapter))~~ director. ~~((Four))~~ These seven
33 members of the board shall include ~~((a minimum of two instructors))~~ a
34 representative of a private cosmetology school and a representative of
35 a public vocational technical school involved in cosmetology training,
36 with the balance made up of currently practicing licensees who have

1 been engaged in the practice of manicuring, esthetics, barbering, or
2 cosmetology for at least three years. One member of the board shall be
3 a consumer who is unaffiliated with the cosmetology, barbering,
4 esthetics, or manicuring industry. The term of office for all board
5 members ~~((is three years))~~ serving as of the effective date of this
6 section expires June 30, 1995. On June 30, 1995, the director shall
7 appoint seven new members to the board. These new members shall serve
8 a term of two years, at the conclusion of which the board shall cease
9 to exist. Any members serving on the advisory board as of the
10 effective date of this section are eligible to be reappointed. Any
11 board member may be removed for just cause. The director may appoint
12 a new member to fill any vacancy on the ~~((committee))~~ board for the
13 remainder of the unexpired term. ~~((No board member may serve more than~~
14 two consecutive terms, whether full or partial.))

15 (2) The board appointed on June 30, 1995, together with the
16 director or the director's designee, shall conduct a thorough review of
17 educational requirements, licensing requirements, and enforcement and
18 health standards for persons engaged in cosmetology, barbering,
19 esthetics, or manicuring and shall prepare a report to be delivered to
20 the governor, the director, and the chairpersons of the governmental
21 operations committees of the house of representatives and the senate.
22 The report must summarize their findings and make recommendations,
23 including, if appropriate, recommendations for legislation reforming
24 and restructuring the regulation of cosmetology, barbering, esthetics,
25 and manicuring.

26 (3) Board members shall be entitled to compensation pursuant to RCW
27 43.03.240 for each day spent conducting official business and to
28 reimbursement for travel expenses as provided by RCW 43.03.050 and
29 43.03.060.

30 PART 5

31 SHORTHAND REPORTERS ADVISORY BOARD

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

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

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

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

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

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

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

7 In addition to any other authority provided by law, the director
8 may:

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

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

13 (3) Establish the forms and procedures necessary to administer this
14 chapter;

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

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

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

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

27 (8) Maintain the official departmental record of all applicants and
28 certificate holders;

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

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

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

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

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

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

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

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

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

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

17 (b) Good moral character;

18 (c) Not engaged in unprofessional conduct; and

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

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

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

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

1 repealed.

2 **PART 6**

3 **MARITIME BICENTENNIAL ADVISORY COMMITTEE**

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

6 **PART 7**

7 **CENTENNIAL COMMISSION**

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

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

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

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

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

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

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

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

19 (8) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s
20 6.

21 **PART 8**

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

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

25 The commission shall be cognizant of the following guidelines in
26 the performance of its duties:

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

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

32 (3) The commission shall take the initiative and responsibility for
33 coordinating all federal student financial aid programs to insure that

1 the state recognizes the maximum potential effect of these programs,
2 and shall design the state program which complements existing federal,
3 state and institutional programs.

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

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

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

19 **PART 9**

20 **ADVISORY COMMITTEE ON ACCESS TO EDUCATION**
21 **FOR STUDENTS WITH DISABILITIES**

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

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

26 **PART 10**

27 **ADVISORY COMMITTEE FOR PROGRAM FOR**
28 **DISLOCATED FOREST PRODUCTS WORKERS**

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

31 The board shall administer a program designed to provide upper
32 division higher education opportunities to dislocated forest products
33 workers, their spouses, and others in timber impact areas. In
34 administering the program, the board shall have the following powers
35 and duties:

1 (1) Distribute funding for institutions of higher education to
2 service placebound students in the timber impact areas meeting the
3 following criteria, as determined by the employment security
4 department: (a) A lumber and wood products employment location
5 quotient at or above the state average; (b) a direct lumber and wood
6 products job loss of one hundred positions or more; and (c) an annual
7 unemployment rate twenty percent above the state average; and
8 (2) ~~((Appoint an advisory committee to assist the board in program
9 design and future project selection;
10 (3)))~~ Monitor the program and report on student progress and
11 outcome(~~(; and~~
12 (4) ~~Report to the legislature by December 1, 1993, on the status of~~
13 ~~the program))~~).

14 **PART 11**

15 **STATE FIRE DEFENSE BOARD AND**
16 **FIRE PROTECTION POLICY BOARD**

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

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

28 The state fire ~~((defense board shall develop and maintain))~~
29 protection policy board shall review and make recommendations to the
30 director on the refinement and maintenance of the Washington state fire
31 services mobilization plan, which shall include the procedures to be
32 used during fire and other emergencies for coordinating local,
33 regional, and state fire jurisdiction resources. In carrying out this
34 duty, the fire protection policy board shall consult with and solicit
35 recommendations from representatives of state and local fire and
36 emergency management organizations, regional fire defense boards, and
37 the department of natural resources. The Washington state fire

1 services mobilization plan shall be consistent with, and made part of,
2 the Washington state comprehensive emergency management plan. The
3 director shall review the fire services mobilization plan as submitted
4 by the state fire defense board and after consultation with the fire
5 protection policy board, recommend changes that may be necessary, and
6 approve the fire services mobilization plan for inclusion within the
7 state comprehensive emergency management plan.

8 It is the responsibility of the director to mobilize jurisdictions
9 under the Washington state fire services mobilization plan. The state
10 fire marshal shall serve as the state fire resources coordinator when
11 the Washington state fire services mobilization plan is mobilized.

12 PART 12

13 EMERGENCY MANAGEMENT COUNCIL AND RELATED BOARDS

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

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

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

29 (3) The director shall develop and maintain a comprehensive, all-
30 hazard emergency plan for the state which shall include an analysis of
31 the natural and man-caused hazards which could affect the state of
32 Washington, and shall include the procedures to be used during
33 emergencies for coordinating local resources, as necessary, and the
34 resources of all state agencies, departments, commissions, and boards.
35 The comprehensive emergency management plan shall direct the department
36 in times of state emergency to administer and manage the state's
37 emergency operations center. This will include representation from all

1 appropriate state agencies and be available as a single point of
2 contact for the authorizing of state resources or actions, including
3 emergency permits. The comprehensive, all-hazard emergency plan
4 authorized under this subsection may not include preparation for
5 emergency evacuation or relocation of residents in anticipation of
6 nuclear attack. This plan shall be known as the comprehensive
7 emergency management plan.

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

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

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

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

36 (8) The director shall appoint a state coordinator of search and
37 rescue operations to coordinate those state resources, services and
38 facilities (other than those for which the state director of
39 aeronautics is directly responsible) requested by political

1 subdivisions in support of search and rescue operations, and on request
2 to maintain liaison with and coordinate the resources, services, and
3 facilities of political subdivisions when more than one political
4 subdivision is engaged in joint search and rescue operations.

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

23 (10) The director shall appoint a state coordinator for radioactive
24 and hazardous waste emergency response programs. The coordinator shall
25 consult with the state radiation control officer in matters relating to
26 radioactive materials. The duties of the state coordinator for
27 radioactive and hazardous waste emergency response programs shall
28 include:

29 (a) Assessing the current needs and capabilities of state and local
30 radioactive and hazardous waste emergency response teams on an ongoing
31 basis;

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

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

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

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

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

25 (2) The emergency management council shall advise the governor and
26 the director on all matters pertaining to state and local emergency
27 management. The council may appoint such ad hoc committees,
28 subcommittees, and working groups as are required to develop specific
29 recommendations for the improvement of emergency management practices,
30 standards, policies, or procedures. The council shall ensure that the
31 governor receives an annual assessment of state-wide emergency
32 preparedness including, but not limited to, specific progress on hazard
33 mitigation and reduction efforts, implementation of seismic safety
34 improvements, reduction of flood hazards, and coordination of hazardous
35 materials planning and response activities. The council or a
36 subcommittee thereof shall periodically convene in special session and
37 serve during those sessions as the state emergency response commission
38 required by P.L. 99-499, the emergency planning and community right-to-
39 know act. When sitting in session as the state emergency response

1 commission, the council shall confine its deliberations to those items
2 specified in federal statutes and state administrative rules governing
3 the coordination of hazardous materials policy. The council shall
4 review administrative rules governing state and local emergency
5 management practices and recommend necessary revisions to the director.

6 NEW SECTION. Sec. 1203. By July 1, 1995, the director of
7 community, trade, and economic development shall terminate the state
8 emergency response commission, the disaster assistance council, the
9 hazardous materials advisory committee, the hazardous materials
10 transportation act grant review committee, the flood damage reduction
11 committee, and the hazard mitigation grant review committee. The
12 director shall ensure that the responsibilities of these committees are
13 carried out by the emergency management council or subcommittees
14 thereof.

15 **PART 13**

16 **OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

17 **ADVISORY COMMITTEE**

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

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

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

25 **PART 14**

26 **SUPPLY MANAGEMENT ADVISORY BOARD**

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

29 The director of general administration, through the state
30 purchasing and material control director, shall:

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

1 (2) Purchase all material, supplies, services, and equipment needed
2 for the support, maintenance, and use of all state institutions,
3 colleges, community colleges, technical colleges, college districts,
4 and universities, the offices of the elective state officers, the
5 supreme court, the court of appeals, the administrative and other
6 departments of state government, and the offices of all appointive
7 officers of the state: PROVIDED, That the provisions of RCW 43.19.190
8 through 43.19.1937 do not apply in any manner to the operation of the
9 state legislature except as requested by the legislature: PROVIDED,
10 That any agency may purchase material, supplies, services, and
11 equipment for which the agency has notified the purchasing and material
12 control director that it is more cost-effective for the agency to make
13 the purchase directly from the vendor: PROVIDED, That primary
14 authority for the purchase of specialized equipment, instructional, and
15 research material for their own use shall rest with the colleges,
16 community colleges, and universities: PROVIDED FURTHER, That
17 universities operating hospitals and the state purchasing and material
18 control director, as the agent for state hospitals as defined in RCW
19 72.23.010, and for health care programs provided in state correctional
20 institutions as defined in RCW 72.65.010(3) and veterans' institutions
21 as defined in RCW 72.36.010 and 72.36.070, may make purchases for
22 hospital operation by participating in contracts for materials,
23 supplies, and equipment entered into by nonprofit cooperative hospital
24 group purchasing organizations: PROVIDED FURTHER, That primary
25 authority for the purchase of materials, supplies, and equipment for
26 resale to other than public agencies shall rest with the state agency
27 concerned: PROVIDED FURTHER, That authority to purchase services as
28 included herein does not apply to personal services as defined in
29 chapter 39.29 RCW, unless such organization specifically requests
30 assistance from the division of purchasing in obtaining personal
31 services and resources are available within the division to provide
32 such assistance: PROVIDED FURTHER, That the authority for the purchase
33 of insurance and bonds shall rest with the risk manager under RCW
34 43.19.1935: PROVIDED FURTHER, That, except for the authority of the
35 risk manager to purchase insurance and bonds, the director is not
36 required to provide purchasing services for institutions of higher
37 education that choose to exercise independent purchasing authority
38 under RCW 28B.10.029;

39 (~~3) ((Provide the required staff assistance for the state supply~~

1 ~~management advisory board through the division of purchasing;~~
2 ~~(4))~~ Have authority to delegate to state agencies authorization to
3 purchase or sell, which authorization shall specify restrictions as to
4 dollar amount or to specific types of material, equipment, services,
5 and supplies(~~(:—PROVIDED, That)~~). Acceptance of the purchasing
6 authorization by a state agency does not relieve such agency from
7 conformance with other sections of RCW 43.19.190 through 43.19.1939, or
8 from policies established by the director (~~(after consultation with the~~
9 ~~state supply management advisory board:—PROVIDED FURTHER, That)~~).
10 Also, delegation of such authorization to a state agency, including an
11 educational institution to which this section applies, to purchase or
12 sell material, equipment, services, and supplies shall not be granted,
13 or otherwise continued under a previous authorization, if such agency
14 is not in substantial compliance with overall state purchasing and
15 material control policies as established herein;
16 ~~((+5))~~ (4) Contract for the testing of material, supplies, and
17 equipment with public and private agencies as necessary and advisable
18 to protect the interests of the state;
19 ~~((+6))~~ (5) Prescribe the manner of inspecting all deliveries of
20 supplies, materials, and equipment purchased through the division;
21 ~~((+7))~~ (6) Prescribe the manner in which supplies, materials, and
22 equipment purchased through the division shall be delivered, stored,
23 and distributed;
24 ~~((+8))~~ (7) Provide for the maintenance of a catalogue library,
25 manufacturers' and wholesalers' lists, and current market information;
26 ~~((+9))~~ (8) Provide for a commodity classification system and may,
27 in addition, provide for the adoption of standard specifications
28 (~~(after receiving the recommendation of the supply management advisory~~
29 ~~board)~~);
30 ~~((+10))~~ (9) Provide for the maintenance of inventory records of
31 supplies, materials, and other property;
32 ~~((+11))~~ (10) Prepare rules and regulations governing the
33 relationship and procedures between the division of purchasing and
34 state agencies and vendors;
35 ~~((+12))~~ (11) Publish procedures and guidelines for compliance by
36 all state agencies, including those educational institutions to which
37 this section applies, which implement overall state purchasing and
38 material control policies;
39 ~~((+13))~~ (12) Advise state agencies, including educational

1 institutions, regarding compliance with established purchasing and
2 material control policies under existing statutes.

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

5 The director of general administration(~~(, after consultation with~~
6 ~~the supply management advisory board))~~) shall establish overall state
7 policy for compliance by all state agencies, including educational
8 institutions, regarding the following purchasing and material control
9 functions:

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

12 (2) Determination where consolidations, closures, or additions of
13 stores operated by state agencies and educational institutions should
14 be initiated;

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

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

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

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

25 (7) Standardization of records and forms used state-wide for supply
26 system activities involving purchasing, receiving, inspecting, storing,
27 requisitioning, and issuing functions (~~(under the provisions of RCW~~
28 ~~43.19.510))~~), including a standard notification form for state agencies
29 to report cost-effective direct purchases, which shall at least
30 identify the price of the goods as available through the division of
31 purchasing, the price of the goods as available from the alternative
32 source, the total savings, and the signature of the notifying agency's
33 director or the director's designee;

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

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

1 (10) Establishment of time limit standards for the issuing of
2 material in store and for processing requisitions requiring purchase;
3 (11) Formulation of criteria for determining when centralized
4 rather than decentralized purchasing shall be used to obtain maximum
5 benefit of volume buying of identical or similar items, including
6 procurement from federal supply sources;
7 (12) Development of criteria for use of leased, rather than state
8 owned, warehouse space based on relative cost and accessibility;
9 (13) Institution of standard criteria for purchase and placement of
10 state furnished materials, carpeting, furniture, fixtures, and nonfixed
11 equipment, in newly constructed or renovated state buildings;
12 (14) Determination of how transportation costs incurred by the
13 state for materials, supplies, services, and equipment can be reduced
14 by improved freight and traffic coordination and control;
15 (15) Establishment of a formal certification program for state
16 employees who are authorized to perform purchasing functions as agents
17 for the state under the provisions of chapter 43.19 RCW;
18 (16) Development of performance measures for the reduction of total
19 overall expense for material, supplies, equipment, and services used
20 each biennium by the state;
21 (17) Establishment of a standard system for all state organizations
22 to record and report dollar savings and cost avoidance which are
23 attributable to the establishment and implementation of improved
24 purchasing and material control procedures;
25 (18) Development of procedures for mutual and voluntary cooperation
26 between state agencies, including educational institutions, and
27 political subdivisions for exchange of purchasing and material control
28 services;
29 (19) Resolution of all other purchasing and material matters
30 (~~referred to him by a member of the advisory board~~) which require the
31 establishment of overall state-wide policy for effective and economical
32 supply management;
33 (20) Development of guidelines and criteria for the purchase of
34 vehicles, alternate vehicle fuels and systems, equipment, and materials
35 that reduce overall energy-related costs and energy use by the state,
36 including the requirement that new passenger vehicles purchased by the
37 state meet the minimum standards for passenger automobile fuel economy
38 established by the United States secretary of transportation pursuant
39 to the energy policy and conservation act (15 U.S.C. Sec. 2002).

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

3 Initial policy determinations for the functions described in RCW
4 43.19.1905 shall be developed and published within the 1975-77 biennium
5 by the director(~~(, after consultation with the supply management~~
6 ~~advisory board))~~) for guidance and compliance by all state agencies,
7 including educational institutions, involved in purchasing and material
8 control. Modifications to these initial supply management policies
9 established during the 1975-77 biennium shall be instituted by the
10 director(~~(, after consultation with the advisory board,~~)) in future
11 biennia as required to maintain an efficient and up-to-date state
12 supply management system. The director shall transmit to the governor
13 and the legislature in June 1976 and June 1977 a progress report which
14 indicates the degree of accomplishment of each of these assigned
15 duties, and which summarizes specific achievements obtained in
16 increased effectiveness and dollar savings or cost avoidance within the
17 overall state purchasing and material control system. The second
18 progress report in June 1977 shall include a comprehensive supply
19 management plan which includes the recommended organization of a state-
20 wide purchasing and material control system and development of an
21 orderly schedule for implementing such recommendation. In the interim
22 between these annual progress reports, the director shall furnish
23 periodic reports to the office of financial management for review of
24 progress being accomplished in achieving increased efficiencies and
25 dollar savings or cost avoidance.

26 It is the intention of the legislature that measurable improvements
27 in the effectiveness and economy of supply management in state
28 government shall be achieved during the 1975-77 biennium, and each
29 biennium thereafter. All agencies, departments, offices, divisions,
30 boards, and commissions and educational, correctional, and other types
31 of institutions are required to cooperate with and support the
32 development and implementation of improved efficiency and economy in
33 purchasing and material control. To effectuate this legislative
34 intention, the director, (~~(in consultation with the supply management~~
35 ~~advisory board, and)~~) through the state purchasing and material control
36 director, shall have the authority to direct and require the submittal
37 of data from all state organizations concerning purchasing and material
38 control matters.

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

3 Insofar as practicable, all purchases and sales shall be based on
4 competitive bids, and a formal sealed bid procedure shall be used as
5 standard procedure for all purchases and contracts for purchases and
6 sales executed by the state purchasing and material control director
7 and under the powers granted by RCW 43.19.190 through 43.19.1939. This
8 requirement also applies to purchases and contracts for purchases and
9 sales executed by agencies, including educational institutions, under
10 delegated authority granted in accordance with provisions of RCW
11 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is
12 not necessary for:

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

16 (2) Purchases not exceeding thirty-five thousand dollars, or
17 subsequent limits as calculated by the office of financial management:
18 PROVIDED, That the state director of general administration shall
19 establish procedures to assure that purchases made by or on behalf of
20 the various state agencies shall not be made so as to avoid the thirty-
21 five thousand dollar bid limitation, or subsequent bid limitations as
22 calculated by the office of financial management: PROVIDED FURTHER,
23 That the state purchasing and material control director is authorized
24 to reduce the formal sealed bid limits of thirty-five thousand dollars,
25 or subsequent limits as calculated by the office of financial
26 management, to a lower dollar amount for purchases by individual state
27 agencies if considered necessary to maintain full disclosure of
28 competitive procurement or otherwise to achieve overall state
29 efficiency and economy in purchasing and material control. Quotations
30 from four hundred dollars to thirty-five thousand dollars, or
31 subsequent limits as calculated by the office of financial management,
32 shall be secured from at least three vendors to assure establishment of
33 a competitive price and may be obtained by telephone or written
34 quotations, or both. The agency shall invite at least one quotation
35 each from a certified minority and a certified women-owned vendor who
36 shall otherwise qualify to perform such work. Immediately after the
37 award is made, the bid quotations obtained shall be recorded and open
38 to public inspection and shall be available by telephone inquiry. A
39 record of competition for all such purchases from four hundred dollars

1 to thirty-five thousand dollars, or subsequent limits as calculated by
2 the office of financial management, shall be documented for audit
3 purposes. Purchases up to four hundred dollars may be made without
4 competitive bids based on buyer experience and knowledge of the market
5 in achieving maximum quality at minimum cost: PROVIDED, That this four
6 hundred dollar direct buy limit without competitive bids may be
7 increased incrementally as required to a maximum of eight hundred
8 dollars (~~with the approval of at least ten of the members of the state~~
9 ~~supply management advisory board~~), if warranted by increases in
10 purchasing costs due to inflationary trends;

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

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

17 (5) Purchases and contracts for vocational rehabilitation clients
18 of the department of social and health services: PROVIDED, That this
19 exemption is effective only when the state purchasing and material
20 control director, after consultation with the director of the division
21 of vocational rehabilitation and appropriate department of social and
22 health services procurement personnel, declares that such purchases may
23 be best executed through direct negotiation with one or more suppliers
24 in order to expeditiously meet the special needs of the state's
25 vocational rehabilitation clients;

26 (6) Purchases by universities for hospital operation or biomedical
27 teaching or research purposes and by the state purchasing and material
28 control director, as the agent for state hospitals as defined in RCW
29 72.23.010, and for health care programs provided in state correctional
30 institutions as defined in RCW 72.65.010(3) and veterans' institutions
31 as defined in RCW 72.36.010 and 72.36.070, made by participating in
32 contracts for materials, supplies, and equipment entered into by
33 nonprofit cooperative hospital group purchasing organizations;

34 (7) Purchases by institutions of higher education not exceeding
35 thirty-five thousand dollars: PROVIDED, That for purchases between two
36 thousand five hundred dollars and thirty-five thousand dollars
37 quotations shall be secured from at least three vendors to assure
38 establishment of a competitive price and may be obtained by telephone
39 or written quotations, or both. For purchases between two thousand

1 five hundred dollars and thirty-five thousand dollars, each institution
2 of higher education shall invite at least one quotation each from a
3 certified minority and a certified women-owned vendor who shall
4 otherwise qualify to perform such work. A record of competition for
5 all such purchases made from two thousand five hundred to thirty-five
6 thousand dollars shall be documented for audit purposes; and

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

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

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

18 (1) Advising on or drawing specifications for supplies, equipment,
19 commodities, or services;

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

21 (3) Drawing requisitions for supplies, equipment, commodities, or
22 services;

23 (4) Evaluating specifications or bids and suggesting or determining
24 awards; or

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

27 shall accept or receive, directly or indirectly, a personal financial
28 benefit, or accept any gift, token, membership, or service, as a result
29 of a purchase entered into by the state, from any person, firm, or
30 corporation engaged in the sale, lease, or rental of property,
31 material, supplies, equipment, commodities, or services to the state of
32 Washington.

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

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

3 (1) The director shall adopt standards specifying the minimum
4 content of recycled materials in products or product categories. The
5 standards shall:

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

9 (b) Consider the standards of other states, to encourage
10 consistency of manufacturing standards;

11 (c) Consider regional product manufacturing capability;

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

13 (e) Consider postconsumer waste content and the recyclability of
14 the product.

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

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

20 (a) By July 1, 1992:

21 (i) Paper and paper products;

22 (ii) Organic recovered materials; and

23 (iii) Latex paint products;

24 (b) By July 1, 1993:

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

26 (ii) Retread and remanufactured tires;

27 (iii) Lubricating oils;

28 (iv) Automotive batteries; and

29 (v) Building insulation.

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

36 NEW SECTION. **Sec. 1407.** RCW 43.19.1904 and 1979 c 88 s 2, 1975-
37 '76 2nd ex.s. c 21 s 4, 1967 ex.s. c 104 s 4, & 1965 c 8 s 43.19.1904
38 are each repealed.

1 PART 15

2 PRESCRIPTION DRUG PROGRAM ADVISORY COMMITTEE

3 NEW SECTION. Sec. 1501. By July 1, 1995, the secretary of the
4 department of social and health services shall abolish the prescription
5 drug program advisory committee.

6 PART 16

7 TELECOMMUNICATIONS RELAY SERVICE PROGRAM
8 ADVISORY COMMITTEE

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

11 PART 17

12 LABORATORY ACCREDITATION ADVISORY COMMITTEE

13 NEW SECTION. Sec. 1701. By July 1, 1995, the director of the
14 department of ecology shall abolish the laboratory accreditation
15 advisory committee.

16 PART 18

17 METALS MINING ADVISORY GROUP

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

19 PART 19

20 ECONOMIC RECOVERY COORDINATION BOARD

21 **Sec. 1901.** RCW 43.20A.750 and 1993 c 280 s 38 are each amended to
22 read as follows:

23 (1) The department of social and health services shall help
24 families and workers in timber impact areas make the transition through
25 economic difficulties and shall provide services to assist workers to
26 gain marketable skills. The department, as a member of the agency
27 timber task force (~~and in consultation with the economic recovery~~
28 ~~coordination board,~~) and, where appropriate, under an interagency
29 agreement with the department of community, trade, and economic
30 development, shall provide grants through the office of the secretary

1 for services to the unemployed in timber impact areas, including
2 providing direct or referral services, establishing and operating
3 service delivery programs, and coordinating delivery programs and
4 delivery of services. These grants may be awarded for family support
5 centers, reemployment centers, or other local service agencies.

6 (2) The services provided through the grants may include, but need
7 not be limited to: Credit counseling; social services including
8 marital counseling; psychotherapy or psychological counseling; mortgage
9 foreclosures and utilities problems counseling; drug and alcohol abuse
10 services; medical services; and residential heating and food
11 acquisition.

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

17 (4)(a) Grants for family support centers are intended to provide
18 support to families by responding to needs identified by the families
19 and communities served by the centers. Services provided by family
20 support centers may include parenting education, child development
21 assessments, health and nutrition education, counseling, and
22 information and referral services. Such services may be provided
23 directly by the center or through referral to other agencies
24 participating in the interagency team.

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

27 (5) "Timber impact area" means:

28 ((~~a~~)) A county having a population of less than five hundred
29 thousand, or a city or town located within a county having a population
30 of less than five hundred thousand, and meeting two of the following
31 three criteria, as determined by the employment security department,
32 for the most recent year such data is available: ((~~i~~)) (a) A lumber
33 and wood products employment location quotient at or above the state
34 average; ((~~ii~~)) (b) projected or actual direct lumber and wood
35 products job losses of one hundred positions or more, except counties
36 having a population greater than two hundred thousand but less than
37 five hundred thousand must have direct lumber and wood products job
38 losses of one thousand positions or more; or ((~~iii~~)) (c) an annual
39 unemployment rate twenty percent or more above the state average(~~i~~ or

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

6 NEW SECTION. **Sec. 1902.** RCW 43.31.631 and 1993 c 316 s 3 & 1991
7 c 314 s 6 are each repealed.

8 **PART 20**

9 **JOINT OPERATING AGENCY EXECUTIVE COMMITTEE**

10 NEW SECTION. **Sec. 2001.** RCW 43.52.373 and 1982 1st ex.s. c 43 s
11 6 & 1965 c 8 s 43.52.373 are each repealed.

12 **PART 21**

13 **OFFICE OF CRIME VICTIMS ADVOCACY ADVISORY COMMITTEE**

14 NEW SECTION. **Sec. 2101.** By July 1, 1995, the director of the
15 department of community, trade, and economic development shall abolish
16 the office of crime victims advocacy advisory committee.

17 NEW SECTION. **Sec. 2102.** A new section is added to chapter 43.63A
18 RCW to read as follows:

19 The director of the department of community, trade, and economic
20 development may establish ad hoc advisory committees, as necessary, to
21 obtain advice and guidance regarding the office of crime victims
22 advocacy program.

23 **PART 22**

24 **HEALTH CARE ACCESS AND COST CONTROL COUNCIL**

25 **Sec. 2201.** RCW 43.70.010 and 1994 sp.s. c 7 s 206 are each amended
26 to read as follows:

27 As used in this chapter, unless the context indicates otherwise:

28 (1) "Assessment" means the regular collection, analysis, and
29 sharing of information about health conditions, risks, and resources in
30 a community. Assessment activities identify trends in illness, injury,
31 and death and the factors that may cause these events. They also

1 identify environmental risk factors, community concerns, community
2 health resources, and the use of health services. Assessment includes
3 gathering statistical data as well as conducting epidemiologic and
4 other investigations and evaluations of health emergencies and specific
5 ongoing health problems;

6 (2) "Board" means the state board of health;

7 (3) (~~("Council" means the health care access and cost control~~
8 ~~council~~;

9 ~~(4))~~ "Department" means the department of health;

10 (~~((5))~~) (4) "Policy development" means the establishment of social
11 norms, organizational guidelines, operational procedures, rules,
12 ordinances, or statutes that promote health or prevent injury, illness,
13 or death; and

14 (~~((6))~~) (5) "Secretary" means the secretary of health.

15 **Sec. 2202.** RCW 43.70.070 and 1989 1st ex.s. c 9 s 109 are each
16 amended to read as follows:

17 The department shall evaluate and analyze readily available data
18 and information to determine the outcome and effectiveness of health
19 services, utilization of services, and payment methods. This section
20 should not be construed as allowing the department access to
21 proprietary information.

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

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

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

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

34 **Sec. 2203.** RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each
35 amended to read as follows:

36 As used in this chapter:

37 (1) (~~("Council" means the health care access and cost control~~

1 ~~council created by this chapter.~~

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

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

6 ~~((4))~~ (3) "Secretary" means secretary of health.

7 ~~((5))~~ (4) "Charity care" means necessary hospital health care
8 rendered to indigent persons, to the extent that the persons are unable
9 to pay for the care or to pay deductibles or co-insurance amounts
10 required by a third-party payer, as determined by the department.

11 ~~((6))~~ (5) "Sliding fee schedule" means a hospital-determined,
12 publicly available schedule of discounts to charges for persons deemed
13 eligible for charity care; such schedules shall be established after
14 consideration of guidelines developed by the department.

15 ~~((7))~~ (6) "Special studies" means studies which have not been
16 funded through the department's biennial or other legislative
17 appropriations.

18 NEW SECTION. Sec. 2204. The following acts or parts of acts are
19 each repealed:

20 (1) RCW 70.170.030 and 1989 1st ex.s. c 9 s 503; and

21 (2) RCW 70.170.040 and 1989 1st ex.s. c 9 s 504.

22 **PART 23**

23 **COUNCIL ON VOLUNTEERISM AND CITIZEN SERVICE**

24 **Sec. 2301.** RCW 43.150.030 and 1992 c 66 s 3 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

28 (1) "Volunteer" means a person who is willing to work without
29 expectation of salary or financial reward and who chooses where he or
30 she provides services and the type of services he or she provides.

31 (2) "Center" means the state center for volunteerism and citizen
32 service.

33 ~~((3) "Council" means the Washington state council on volunteerism
34 and citizen service.))~~

35 NEW SECTION. Sec. 2302. RCW 43.150.060 and 1992 c 66 s 6, 1987 c

1 505 s 39, 1985 c 110 s 1, & 1982 1st ex.s. c 11 s 6 are each repealed.

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PART 24
COMMISSION ON EFFICIENCY AND ACCOUNTABILITY
IN GOVERNMENT

5 NEW SECTION. **Sec. 2401.** The following acts or parts of acts are
6 each repealed:

- 7 (1) RCW 43.17.260 and 1987 c 480 s 1;
- 8 (2) RCW 43.17.270 and 1987 c 480 s 2;
- 9 (3) RCW 43.17.280 and 1987 c 480 s 3;
- 10 (4) RCW 43.17.290 and 1987 c 480 s 4;
- 11 (5) RCW 43.17.300 and 1987 c 480 s 5; and
- 12 (6) 1991 c 53 s 1 & 1987 c 480 s 6 (uncodified).

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PART 25
TECHNICAL ADVISORY COMMITTEE ON PUPIL TRANSPORTATION

15 **Sec. 2501.** RCW 46.61.380 and 1984 c 7 s 70 are each amended to
16 read as follows:

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

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PART 26
TRANSPORTATION IMPROVEMENT BOARD AND
MULTIMODAL TRANSPORTATION PROGRAMS
AND PROJECTS SELECTION COMMITTEE

1 **Sec. 2601.** RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393
2 s 1 are each reenacted and amended to read as follows:

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

7 Moneys in the fund may be spent only after appropriation.
8 Expenditures from the fund may be used only for transportation purposes
9 and activities and operations of the Washington state patrol not
10 directly related to the policing of public highways and that are not
11 authorized under Article II, section 40 of the state Constitution.

12 (2) There is hereby created the central Puget Sound public
13 transportation account within the transportation fund. Moneys
14 deposited into the account under RCW 82.44.150(2)(b) shall be
15 appropriated to the (~~department of~~) transportation improvement board
16 and allocated by the (~~multimodal transportation programs and projects~~
17 ~~selection committee created in RCW 47.66.020~~) transportation
18 improvement board to public transportation projects within the region
19 from which the funds are derived, solely for:

- 20 (a) Planning;
21 (b) Development of capital projects;
22 (c) Development of high capacity transportation systems as defined
23 in RCW 81.104.015;
24 (d) Development of high occupancy vehicle lanes and related
25 facilities as defined in RCW 81.100.020; and
26 (e) Public transportation system contributions required to fund
27 projects under federal programs and those approved by the
28 transportation improvement board from other fund sources.

29 (3) There is hereby created the public transportation systems
30 account within the transportation fund. Moneys deposited into the
31 account under RCW 82.44.150(2)(c) shall be appropriated to the
32 (~~department of~~) transportation improvement board and allocated by the
33 (~~multimodal transportation programs and projects selection committee~~)
34 transportation improvement board to public transportation projects
35 submitted by the public transportation systems from which the funds are
36 derived, solely for:

- 37 (a) Planning;
38 (b) Development of capital projects;
39 (c) Development of high capacity transportation systems as defined

1 in RCW 81.104.015;

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

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

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

9 **Sec. 2602.** RCW 81.104.090 and 1993 c 393 s 2 are each amended to
10 read as follows:

11 The department of transportation shall be responsible for
12 distributing amounts appropriated from the high capacity transportation
13 account, which shall be allocated by the (~~multimodal transportation~~
14 ~~programs and projects selection committee~~) department of
15 transportation based on criteria in subsection (2) of this section.
16 The department shall assemble and participate in a committee comprised
17 of transit agencies eligible to receive funds from the high capacity
18 transportation account for the purpose of reviewing fund applications.

19 (1) State high capacity transportation account funds may provide up
20 to eighty percent matching assistance for high capacity transportation
21 planning efforts.

22 (2) Authorizations for state funding for high capacity
23 transportation planning projects shall be subject to the following
24 criteria:

25 (a) Conformance with the designated regional transportation
26 planning organization's regional transportation plan;

27 (b) Local matching funds;

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

29 (d) Conformance with planning requirements prescribed in RCW
30 81.104.100, and if five hundred thousand dollars or more in state
31 funding is requested, conformance with the requirements of RCW
32 81.104.110; and

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

35 (3) The department of transportation shall provide general review
36 and monitoring of the system and project planning process prescribed in
37 RCW 81.104.100.

1 **Sec. 2603.** RCW 47.26.121 and 1994 c 179 s 13 are each amended to
2 read as follows:

3 (1) There is hereby created a transportation improvement board of
4 ~~((eighteen))~~ twenty-one members, six of whom shall be county members
5 and six of whom shall be city members. The remaining members shall be:
6 (a) One representative appointed by the governor who shall be a state
7 employee with responsibility for transportation policy, planning, or
8 funding; (b) ~~((the assistant secretary of the department of~~
9 ~~transportation whose primary responsibilities relate to planning and~~
10 ~~public transportation; (c) the assistant secretary for local programs~~
11 ~~of))~~ two representatives from the department of transportation; ((d)
12 a)) (c) two representatives of ((a)) public transit systems; ((+e))
13 (d) a private sector representative; ((and (f) a public member)) (e) a
14 member representing the ports; (f) a member representing nonmotorized
15 transportation; and (g) a member representing special needs
16 transportation.

17 (2) Of the county members of the board, one shall be a county
18 engineer or public works director; one shall be the executive director
19 of the county road administration board; one shall be a county planning
20 director or planning manager; one shall be a county executive,
21 councilmember, or commissioner from a county with a population of one
22 hundred twenty-five thousand or more; one shall be a county executive,
23 councilmember, or commissioner of a county who serves on the board of
24 a public transit system; and one shall be a county executive,
25 councilmember, or commissioner from a county with a population of less
26 than one hundred twenty-five thousand. All county members of the
27 board, except the executive director of the county road administration
28 board, shall be appointed. Not more than one county member of the
29 board shall be from any one county. No more than two of the three
30 county-elected officials may represent counties located in either the
31 eastern or western part of the state as divided north and south by the
32 summit of the Cascade mountains.

33 (3) Of the city members of the board one shall be a chief city
34 engineer, public works director, or other city employee with
35 responsibility for public works activities, of a city with a population
36 of twenty thousand or more; one shall be a chief city engineer, public
37 works director, or other city employee with responsibility for public
38 works activities, of a city of less than twenty thousand population;
39 one shall be a city planning director or planning manager; one shall be

1 a mayor, commissioner, or city councilmember of a city with a
2 population of twenty thousand or more; one shall be a mayor,
3 commissioner, or city councilmember of a city who serves on the board
4 of a public transit system; and one shall be a mayor, commissioner, or
5 councilmember of a city of less than twenty thousand population. All
6 of the city members shall be appointed. Not more than one city member
7 of the board shall be from any one city. No more than two of the three
8 city-elected officials may represent cities located in either the
9 eastern or western part of the state as divided north and south by the
10 summit of the Cascade mountains.

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

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

19 (6) The public member shall have professional experience in
20 transportation or land use planning, a demonstrated interest in
21 transportation issues, and involvement with community groups or grass
22 roots organizations.

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

25 (8) The nonmotorized transportation member shall be a citizen with
26 a demonstrated interest and involvement with a nonmotorized
27 transportation group.

28 (9) The specialized transportation member shall be a citizen with
29 a demonstrated interest and involvement with a state-wide specialized
30 needs transportation group.

31 (10) Appointments of county, city, Washington department of
32 transportation, transit, port, nonmotorized transportation, special
33 needs transportation, private sector, and public representatives shall
34 be made by the secretary of the department of transportation.
35 Appointees shall be chosen from a list of two persons for each position
36 nominated by the Washington state association of counties for county
37 members, the association of Washington cities for city members, ((and))
38 the Washington state transit association for the transit members, and
39 the Washington public ports association for the port member. The

1 private sector ~~((and))~~, public, nonmotorized transportation, and
2 special needs members shall be sought through classified advertisements
3 in selected newspapers collectively serving all urban areas of the
4 state, and other appropriate means. Persons applying for the private
5 sector, nonmotorized transportation, special needs transportation, or
6 the public member position must provide a letter of interest and a
7 resume to the secretary of the department of transportation. In the
8 case of a vacancy, the appointment shall be only for the remainder of
9 the unexpired term in which the vacancy has occurred. A vacancy shall
10 be deemed to have occurred on the board when any member elected to
11 public office completes that term of office or is removed therefrom for
12 any reason or when any member employed by a political subdivision
13 terminates such employment for whatsoever reason or when a private
14 sector, nonmotorized transportation, special needs transportation, or
15 public member resigns or is unable or unwilling to serve.

16 ~~((+8))~~ (11) Appointments shall be for terms of four years. Terms
17 of all appointed members shall expire on June 30th of even-numbered
18 years. The initial term of appointed members may be for less than four
19 years. No appointed member may serve more than two consecutive four-
20 year terms.

21 ~~((+9))~~ (12) The board shall elect a chair from among its members
22 for a two-year term.

23 ~~((+10))~~ (13) Expenses of the board shall be paid in accordance
24 with RCW 47.26.140.

25 ~~((+11))~~ (14) For purposes of this section, "public transit system"
26 means a city-owned transit system, county transportation authority,
27 metropolitan municipal corporation, public transportation benefit area,
28 or regional transit authority.

29 **Sec. 2604.** RCW 47.66.030 and 1993 c 393 s 5 are each amended to
30 read as follows:

31 (1)(a) The ~~((multimodal transportation programs and projects~~
32 ~~selection committee))~~ transportation improvement board is authorized
33 and responsible for the final selection of programs and projects funded
34 from the central Puget Sound public transportation account; public
35 transportation systems account; high capacity transportation account;
36 and the intermodal surface transportation and efficiency act of 1991,
37 surface transportation program, state-wide competitive.

38 (b) The ~~((committee))~~ board may establish subcommittees ~~((of the~~

1 full-committee)) as well as technical advisory committees to carry out
2 the mandates of this chapter.

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

6 ((b) Members of the committee shall receive no compensation for
7 their services on the committee, but shall be reimbursed for travel
8 expenses incurred while attending meetings of the committee or while
9 engaged on other business of the committee when authorized by the
10 committee in accordance with RCW 43.03.050 and 43.03.060.))

11 **Sec. 2605.** RCW 47.26.140 and 1994 c 179 s 14 are each amended to
12 read as follows:

13 The transportation improvement board shall appoint an executive
14 director, who shall serve at its pleasure and whose salary shall be set
15 by the board, and may employ additional staff as it deems appropriate.
16 All costs associated with staff, together with travel expenses in
17 accordance with RCW 43.03.050 and 43.03.060, shall be paid from the
18 urban arterial trust account, small city account, city hardship
19 assistance account, transportation fund, and the transportation
20 improvement account in the motor vehicle fund as determined by the
21 biennial appropriation.

22 **Sec. 2606.** RCW 47.66.040 and 1993 c 393 s 6 are each amended to
23 read as follows:

24 (1) The ((multimodal transportation programs and projects selection
25 committee)) transportation improvement board shall select programs and
26 projects based on a competitive process consistent with the mandates
27 governing each account or source of funds. The competition shall be
28 consistent with the following criteria:

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

30 (b) Local transit development plans; and

31 (c) Local comprehensive land use plans.

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

34 (a) Objectives of the growth management act, the high capacity
35 transportation act, the commute trip reduction act, transportation
36 demand management programs, federal and state air quality requirements,
37 and federal Americans with disabilities act and related state

1 accessibility requirements; and

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

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

9 **Sec. 2607.** RCW 47.26.160 and 1994 c 179 s 15 are each amended to
10 read as follows:

11 The transportation improvement board shall:

12 (1) Adopt rules necessary to implement the provisions of chapter
13 47.66 RCW and this chapter relating to the allocation of funds;

14 (2) Adopt reasonably uniform design standards for city and county
15 arterials.

16 NEW SECTION. **Sec. 2608.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 47.66.020 and 1993 c 393 s 4;

19 (2) RCW 47.66.050 and 1993 c 393 s 7; and

20 (3) RCW 47.66.060 and 1993 c 393 s 8.

21 **PART 27**

22 **OVERSIGHT COMMITTEE ON LONGSHOREMAN'S AND**
23 **HARBOR WORKER'S COMPENSATION COVERAGE**

24 NEW SECTION. **Sec. 2701.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 48.22.071 and 1992 c 209 s 3; and

27 (2) RCW 48.22.072 and 1993 c 177 s 2 & 1992 c 209 s 4.

28 **PART 28**

29 **BOARD OF ADVISORS FOR SOLID WASTE INCINERATOR**
30 **AND LANDFILL OPERATOR CERTIFICATION**

31 **Sec. 2801.** RCW 70.95D.010 and 1989 c 431 s 65 are each amended to
32 read as follows:

33 Unless the context clearly requires otherwise the definitions in

1 this section apply throughout this chapter.

2 (1) (~~("Board" means the board of advisors for solid waste~~
3 ~~incinerator and landfill operator certification established by RCW~~
4 ~~70.95D.050.~~

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

8 ~~((3))~~ (2) "Department" means the department of ecology.

9 ~~((4))~~ (3) "Director" means the director of ecology.

10 ~~((5))~~ (4) "Incinerator" means a facility which has the primary
11 purpose of burning or which is designed with the primary purpose of
12 burning solid waste or solid waste derived fuel, but excludes
13 facilities that have the primary purpose of burning hog fuel.

14 ~~((6))~~ (5) "Landfill" means a landfill as defined under RCW
15 70.95.030.

16 ~~((7))~~ (6) "Owner" means, in the case of a town or city, the city
17 or town acting through its chief executive officer or the lessee if
18 operated pursuant to a lease or contract; in the case of a county, the
19 chief elected official of the county legislative authority or the chief
20 elected official's designee; in the case of a board of public
21 utilities, association, municipality, or other public body, the
22 president or chief elected official of the body or the president's or
23 chief elected official's designee; in the case of a privately owned
24 landfill or incinerator, the legal owner.

25 ~~((8))~~ (7) "Solid waste" means solid waste as defined under RCW
26 70.95.030.

27 **Sec. 2802.** RCW 70.95D.060 and 1989 c 431 s 70 are each amended to
28 read as follows:

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

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

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

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

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

38 (2) A person whose certificate is revoked under this section shall

1 not be eligible to apply for a certificate for one year from the
2 effective date of the final order (~~(or [of])~~) of revocation.

3 NEW SECTION. **Sec. 2803.** RCW 70.95D.050 and 1989 c 431 s 69 are
4 each repealed.

5 NEW SECTION. **Sec. 2804.** A new section is added to chapter 70.95D
6 RCW to read as follows:

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

10 **PART 29**

11 **WATER AND WASTEWATER OPERATOR CERTIFICATION**

12 **BOARD OF EXAMINERS**

13 **Sec. 2901.** RCW 70.95B.020 and 1987 c 357 s 1 are each amended to
14 read as follows:

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

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

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

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

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

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

30 ~~((+6))~~ (5) "Operator in responsible charge" means an individual
31 who is designated by the owner as the person on-site in responsible
32 charge of the routine operation of a wastewater treatment plant.

33 ~~((+7))~~ (6) "Nationally recognized association of certification
34 authorities" shall mean that organization which serves as an
35 information center for certification activities, recommends minimum

1 standards and guidelines for classification of potable water treatment
2 plants, water distribution systems and wastewater facilities and
3 certification of operators, facilitates reciprocity between state
4 programs and assists authorities in establishing new certification
5 programs and updating existing ones.

6 ~~((+8))~~ (7) "Wastewater collection system" means any system of
7 lines, pipes, manholes, pumps, liftstations, or other facilities used
8 for the purpose of collecting and transporting wastewater.

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

12 ~~((+10))~~ (9) "Owner" means in the case of a town or city, the city
13 or town acting through its chief executive officer or the lessee if
14 operated pursuant to a lease or contract; in the case of a county, the
15 chairman of the county legislative authority or the chairman's
16 designee; in the case of a sewer district, board of public utilities,
17 association, municipality or other public body, the president or
18 chairman of the body or the president's or chairman's designee; in the
19 case of a privately owned wastewater treatment plant, the legal owner.

20 ~~((+11))~~ (10) "Wastewater certification program coordinator" means
21 an employee of the department ~~((who is appointed by the director to
22 serve on the board and))~~ who administers the wastewater treatment plant
23 operators' certification program.

24 **Sec. 2902.** RCW 70.95B.040 and 1987 c 357 s 3 are each amended to
25 read as follows:

26 The director ~~((, with the approval of the board,))~~ shall adopt and
27 enforce such rules and regulations as may be necessary for the
28 administration of this chapter. The rules and regulations shall
29 include, but not be limited to, provisions for the qualification and
30 certification of operators for different classifications of wastewater
31 treatment plants.

32 **Sec. 2903.** RCW 70.95B.100 and 1973 c 139 s 10 are each amended to
33 read as follows:

34 The director may, ~~((with the recommendation of the board and after
35 a hearing before the same))~~ after conducting a hearing, revoke a
36 certificate found to have been obtained by fraud or deceit, or for
37 gross negligence in the operation of a waste treatment plant, or for

1 violating the requirements of this chapter or any lawful rule, order or
2 regulation of the department. No person whose certificate is revoked
3 under this section shall be eligible to apply for a certificate for one
4 year from the effective date of this final order or revocation.

5 **Sec. 2904.** RCW 70.119.020 and 1991 c 305 s 2 are each amended to
6 read as follows:

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

8 (1) (~~("Board" means the board established pursuant to RCW~~
9 ~~70.95B.070 which shall be known as the water and waste water operator~~
10 ~~certification board of examiners.~~

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

14 ~~((3))~~ (2) "Certified operator" means an individual holding a
15 valid certificate and employed or appointed by any county, water
16 district, municipality, public or private corporation, company,
17 institution, person, or the state of Washington and who is designated
18 by the employing or appointing officials as the person responsible for
19 active daily technical operation.

20 ~~((4))~~ (3) "Department" means the department of health.

21 ~~((5))~~ (4) "Distribution system" means that portion of a public
22 water system which stores, transmits, pumps and distributes water to
23 consumers.

24 ~~((6))~~ (5) "Ground water under the direct influence of surface
25 water" means any water beneath the surface of the ground with:

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

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

31 ~~((7))~~ (6) "Group A water system" means a system with fifteen or
32 more service connections, regardless of the number of people; or a
33 system serving an average of twenty-five or more people per day for
34 sixty or more days within a calendar year, regardless of the number of
35 service connections. Group A water system does not include a system
36 serving fewer than fifteen single-family residences, regardless of the
37 number of people.

38 ~~((8))~~ (7) "Nationally recognized association of certification

1 authorities" shall mean an organization which serves as an information
2 center for certification activities, recommends minimum standards and
3 guidelines for classification of potable water treatment plants, water
4 distribution systems and waste water facilities and certification of
5 operators, facilitates reciprocity between state programs and assists
6 authorities in establishing new certification programs and updating
7 existing ones.

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

16 ~~((+10+))~~ (9) "Purification plant" means that portion of a public
17 water system which treats or improves the physical, chemical or
18 bacteriological quality of the system's water to bring the water into
19 compliance with state board of health standards.

20 ~~((+11+))~~ (10) "Secretary" means the secretary of the department of
21 health.

22 ~~((+12+))~~ (11) "Service" means a connection to a public water system
23 designed to serve a single-family residence, dwelling unit, or
24 equivalent use. If the facility has group home or barracks-type
25 accommodations, three persons will be considered equivalent to one
26 service.

27 ~~((+13+))~~ (12) "Surface water" means all water open to the
28 atmosphere and subject to surface runoff.

29 **Sec. 2905.** RCW 70.119.050 and 1983 c 292 s 4 are each amended to
30 read as follows:

31 The secretary shall adopt(~~(, with the approval of the board,)~~) such
32 rules and regulations as may be necessary for the administration of
33 this chapter and shall enforce such rules and regulations. The rules
34 and regulations shall include provisions establishing minimum
35 qualifications and procedures for the certification of operators,
36 criteria for determining the kind and nature of continuing educational
37 requirements for renewal of certification under RCW 70.119.100(2), and
38 provisions for classifying water purification plants and distribution

1 systems.

2 Rules and regulations adopted under the provisions of this section
3 shall be adopted in accordance with the provisions of chapter 34.05
4 RCW.

5 **Sec. 2906.** RCW 70.119.110 and 1991 c 305 s 7 are each amended to
6 read as follows:

7 The secretary may(~~(, with the recommendation of the board and after~~
8 ~~hearing before the same,)~~) after conducting a hearing revoke a
9 certificate found to have been obtained by fraud or deceit; or for
10 gross negligence in the operation of a purification plant or
11 distribution system; or for an intentional violation of the
12 requirements of this chapter or any lawful rules, order, or regulation
13 of the department. No person whose certificate is revoked under this
14 section shall be eligible to apply for a certificate for one year from
15 the effective date of the final order of revocation.

16 NEW SECTION. **Sec. 2907.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 70.95B.070 and 1984 c 287 s 106, 1975-'76 2nd ex.s. c 34 s
19 161, & 1973 c 139 s 7; and

20 (2) RCW 70.119.080 and 1983 c 292 s 6 & 1977 ex.s. c 99 s 8.

21 NEW SECTION. **Sec. 2908.** A new section is added to chapter 70.95B
22 RCW to read as follows:

23 The director, in cooperation with the secretary of health, may
24 establish ad hoc advisory committees, as necessary, to obtain advice
25 and technical assistance regarding the examination and certification of
26 operators of wastewater treatment plants.

27 NEW SECTION. **Sec. 2909.** A new section is added to chapter 70.119
28 RCW to read as follows:

29 The secretary, in cooperation with the director of ecology, may
30 establish ad hoc advisory committees, as necessary, to obtain advice
31 and technical assistance regarding the development of rules
32 implementing this chapter and on the examination and certification of
33 operators of water systems.

1 PART 30

2 TWIN RIVERS CORRECTIONS CENTER

3 VOLUNTEER ADVISORY COMMITTEE

4 NEW SECTION. **Sec. 3001.** By July 1, 1995, the secretary of the
5 department of corrections shall abolish the twin rivers corrections
6 center volunteer advisory committee.

7 PART 31

8 SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARDS

9 **Sec. 3101.** RCW 75.30.050 and 1994 sp.s. c 9 s 807 and 1994 c 260
10 s 18 are each reenacted and amended to read as follows:

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

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

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

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

19 ~~((The commercial sea cucumber fishery in cases involving sea
20 cucumber dive fishery licenses;~~

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

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

28 (2) Members shall serve at the discretion of the director and shall
29 be reimbursed for travel expenses as provided in RCW 43.03.050,
30 43.03.060, and 43.03.065.

31 PART 32

32 ADVISORY BOARD FOR THE PURCHASE OF

33 FISHING VESSELS AND LICENSES

34 **Sec. 3201.** RCW 75.44.140 and 1983 1st ex.s. c 46 s 159 are each

1 amended to read as follows:

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

6 ~~((The director shall appoint an advisory board composed of five
7 individuals who are knowledgeable of the commercial fishing industry to
8 advise the director concerning the values of licenses and permits.
9 Advisory board members shall be reimbursed for travel expenses under
10 RCW 43.03.050 and 43.03.060.))~~

11 **PART 33**

12 **RAIL DEVELOPMENT COMMISSION**

13 NEW SECTION. **Sec. 3301.** The following acts or parts of acts are
14 each repealed:

- 15 (1) RCW 81.62.010 and 1987 c 429 s 1;
- 16 (2) RCW 81.62.020 and 1987 c 429 s 2;
- 17 (3) RCW 81.62.030 and 1987 c 429 s 3;
- 18 (4) RCW 81.62.040 and 1987 c 429 s 4;
- 19 (5) RCW 81.62.050 and 1987 c 429 s 5;
- 20 (6) RCW 81.62.060 and 1987 c 429 s 6;
- 21 (7) RCW 81.62.900 and 1987 c 429 s 7; and
- 22 (8) RCW 81.62.901 and 1987 c 429 s 8.

23 **PART 34**

24 **MARINE OVERSIGHT BOARD**

25 NEW SECTION. **Sec. 3401.** RCW 90.56.450 and 1992 c 73 s 40 & 1991
26 c 200 s 501 are each repealed.

27 **PART 35**

28 **INTERAGENCY COORDINATING COMMITTEE FOR PUGET SOUND**

29 **AMBIENT MONITORING PROGRAM**

30 **Sec. 3501** RCW 90.70.065 and 1994 c 264 s 98 are each amended to
31 read as follows:

- 32 (1) In addition to other powers and duties specified in this
33 chapter, the authority shall ensure implementation and coordination of

1 the Puget Sound ambient monitoring program established in the plan
2 under RCW 90.70.060(12). The program shall:

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

6 (b) Take measurements relating to specific program elements
7 identified in the plan;

8 (c) Measure the progress of the ambient monitoring programs
9 implemented under the plan;

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

12 (e) Help support research on Puget Sound.

13 (2) ~~((To ensure proper coordination of the ambient monitoring
14 program, the authority may establish an interagency coordinating
15 committee consisting of representatives from the departments of
16 ecology, fish and wildlife, natural resources, and health, and such
17 federal, local, tribal, and other organizations as are necessary to
18 implement the program.~~

19 ~~(3))~~ Each state agency with responsibilities for implementing the
20 Puget Sound ambient monitoring program, as specified in the plan, shall
21 participate in the program.

22 PART 36

23 MISCELLANEOUS

24 NEW SECTION. **Sec. 3601.** Part headings as used in this act do not
25 constitute any part of the law.

26 NEW SECTION. **Sec. 3602.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 3603.** Section 301 of this act shall take effect
31 June 30, 1997.

32 NEW SECTION. **Sec. 3604.** Sections 101, 201, 302, 303, 401, 402,
33 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203,
34 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901, 1902,

1 2001, 2101, 2102, 2201 through 2204, 2301, 2302, 2401, 2501, 2601
2 through 2608, 2701, 2801 through 2804, 2901 through 2909, 3001, 3101,
3 3201, 3301, 3401, and 3501 of this act are necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and shall take
6 effect July 1, 1995."

7 **ESHB 1107** - S COMM AMD
8 By Committee on Government Operations

9 ADOPTED AS REAMENDED 4/22/95

10 On page 1, line 2 of the title, after "commissions;" strike the
11 remainder of the title and insert "amending RCW 13.40.025, 9.94A.040,
12 18.16.050, 18.145.030, 18.145.050, 18.145.070, 18.145.080, 28B.10.804,
13 28B.80.575, 38.54.030, 38.52.040, 43.19.190, 43.19.1905, 43.19.19052,
14 43.19.1906, 43.19.1937, 43.19A.020, 43.20A.750, 43.70.010, 43.70.070,
15 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121, 47.66.030,
16 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060, 70.95B.020,
17 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110, 75.44.140,
18 and 90.70.065; reenacting and amending RCW 38.52.030, 82.44.180, and
19 75.30.050; adding a new section to chapter 9.94A RCW; adding a new
20 section to chapter 39.19 RCW; adding a new section to chapter 43.63A
21 RCW; adding a new section to chapter 70.95D RCW; adding a new section
22 to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW;
23 creating new sections; repealing RCW 1.30.010, 1.30.020, 1.30.030,
24 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030, 2.52.035,
25 2.52.040, 2.52.050, 18.145.060, 27.34.300, 27.60.010, 27.60.020,
26 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090, 27.60.900,
27 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730, 43.31.631,
28 43.52.373, 70.170.030, 70.170.040, 43.150.060, 43.17.260, 43.17.270,
29 43.17.280, 43.17.290, 43.17.300, 47.66.020, 47.66.050, 47.66.060,
30 48.22.071, 48.22.072, 70.95D.050, 70.95B.070, 70.119.080, 81.62.010,
31 81.62.020, 81.62.030, 81.62.040, 81.62.050, 81.62.060, 81.62.900,
32 81.62.901, and 90.56.450; repealing 1994 c 232 s 27 (uncodified);
33 repealing 1991 c 53 s 1 and 1987 c 480 s 6 (uncodified); providing
34 effective dates; and declaring an emergency."

--- END ---