

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

4 ADOPTED AS AMENDED 4/13/95

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10 each repealed: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20 each repealed: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 duties of the pollution control hearings board, the forest practices
2 appeals board, and the shorelines hearings board(~~(, and the hydraulic~~
3 ~~appeals board)~~) shall be as provided by law.

4 The chief executive officer of the environmental hearings office
5 may appoint an administrative appeals judge who shall possess the
6 powers and duties conferred by the administrative procedure act,
7 chapter 34.05 RCW, in cases before the boards comprising the office.
8 The administrative appeals judge shall have a demonstrated knowledge of
9 environmental law, and shall be admitted to the practice of law in the
10 state of Washington. Additional administrative appeals judges may also
11 be appointed by the chief executive officer on the same terms.
12 Administrative appeals judges shall not be subject to chapter 41.06
13 RCW.

14 The chief executive officer may appoint, discharge, and fix the
15 compensation of such administrative or clerical staff as may be
16 necessary.

17 The chief executive officer may also contract for required
18 services.

19 **Sec. 1902.** RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended
20 to read as follows:

21 In the event that any person or government agency desires to
22 construct any form of hydraulic project or other work that diverts
23 water for agricultural irrigation or stock watering purposes, or when
24 such hydraulic project or other work is associated with streambank
25 stabilization to protect farm and agricultural land as defined in RCW
26 84.34.020, and when such diversion or streambank stabilization will
27 use, divert, obstruct, or change the natural flow or bed of any river
28 or stream or will utilize any waters of the state or materials from the
29 stream beds, the person or government agency shall, before commencing
30 construction or work thereon and to ensure the proper protection of
31 fish life, secure a written approval from the department as to the
32 adequacy of the means proposed for the protection of fish life. This
33 approval shall not be unreasonably withheld. Except as provided in RCW
34 75.20.1001 (~~and 75.20.1002~~), the department shall grant or deny the
35 approval within forty-five calendar days of the receipt of a complete
36 application and notice of compliance with any applicable requirements
37 of the state environmental policy act, made in the manner prescribed in
38 this section. The applicant may document receipt of application by

1 filing in person or by registered mail. A complete application for an
2 approval shall contain general plans for the overall project, complete
3 plans and specifications of the proposed construction or work within
4 ordinary high water line, and complete plans and specifications for the
5 proper protection of fish life. The forty-five day requirement shall
6 be suspended if (1) after ten working days of receipt of the
7 application, the applicant remains unavailable or unable to arrange for
8 a timely field evaluation of the proposed project; (2) the site is
9 physically inaccessible for inspection; or (3) the applicant requests
10 delay.

11 Immediately upon determination that the forty-five day period is
12 suspended, the department shall notify the applicant in writing of the
13 reasons for the delay.

14 An approval shall remain in effect without need for periodic
15 renewal for projects that divert water for agricultural irrigation or
16 stock watering purposes and that involve seasonal construction or other
17 work. Approval for streambank stabilization projects shall remain in
18 effect without need for periodic renewal if the problem causing the
19 need for the streambank stabilization occurs on an annual or more
20 frequent basis. The permittee must notify the appropriate agency
21 before commencing the construction or other work within the area
22 covered by the approval.

23 The permittee must demonstrate substantial progress on construction
24 of that portion of the project relating to the approval within two
25 years of the date of issuance. If the department denies approval, the
26 department shall provide the applicant, in writing, a statement of the
27 specific reasons why and how the proposed project would adversely
28 affect fish life. Protection of fish life shall be the only ground
29 upon which approval may be denied or conditioned. ~~((Issuance, denial,~~
30 ~~conditioning, or modification shall be appealable to the hydraulic~~
31 ~~appeals board established in RCW 43.21B.005 within thirty days of the~~
32 ~~notice of decision.))~~ The burden shall be upon the department to show
33 that the denial or conditioning of an approval is solely aimed at the
34 protection of fish life.

35 The department may, after consultation with the permittee, modify
36 an approval due to changed conditions. The modifications shall become
37 effective ~~((unless appealed to the hydraulic appeals board))~~ within
38 thirty days from the notice of the proposed modification. The burden
39 is on the department to show that changed conditions warrant the

1 modification in order to protect fish life.

2 A permittee may request modification of an approval due to changed
3 conditions. The request shall be processed within forty-five calendar
4 days of receipt of the written request. (~~A decision by the department
5 may be appealed to the hydraulic appeals board within thirty days of
6 the notice of the decision.~~) The burden is on the permittee to show
7 that changed conditions warrant the requested modification and that
8 such modification will not impair fish life.

9 If any person or government agency commences construction on any
10 hydraulic works or projects subject to this section without first
11 having obtained written approval of the department as to the adequacy
12 of the means proposed for the protection of fish life, or if any person
13 or government agency fails to follow or carry out any of the
14 requirements or conditions as are made a part of such approval, the
15 person or director of the agency is guilty of a gross misdemeanor. If
16 any such person or government agency is convicted of violating any of
17 the provisions of this section and continues construction on any such
18 works or projects without fully complying with the provisions hereof,
19 such works or projects are hereby declared a public nuisance and shall
20 be subject to abatement as such.

21 In case of an emergency arising from weather or stream flow
22 conditions or other natural conditions, the department, through its
23 authorized representatives, shall issue immediately upon request oral
24 approval for removing any obstructions, repairing existing structures,
25 restoring stream banks, or to protect property threatened by the stream
26 or a change in the stream flow without the necessity of obtaining a
27 written approval prior to commencing work. Conditions of an oral
28 approval shall be reduced to writing within thirty days and complied
29 with as provided for in this section.

30 For purposes of this chapter, "streambank stabilization" shall
31 include but not be limited to log and debris removal, bank protection
32 (including riprap, jetties, and groins), gravel removal and erosion
33 control.

34 **Sec. 1903.** RCW 75.20.160 and 1991 c 279 s 1 are each amended to
35 read as follows:

36 (1) In order to protect the property of marine waterfront shoreline
37 owners it is necessary to facilitate issuance of hydraulic permits for
38 bulkheads or rockwalls under certain conditions.

1 (2) The department shall issue a hydraulic permit with or without
2 conditions within forty-five days of receipt of a complete and accurate
3 application which authorizes commencement of construction, replacement,
4 or repair of a marine beach front protective bulkhead or rockwall for
5 single-family type residences or property under the following
6 conditions:

7 (a) The waterward face of a new bulkhead or rockwall shall be
8 located only as far waterward as is necessary to excavate for footings
9 or place base rock for the structure and under no conditions shall be
10 located more than six feet waterward of the ordinary high water line;

11 (b) Any bulkhead or rockwall to replace or repair an existing
12 bulkhead or rockwall shall be placed along the same alignment as the
13 bulkhead or rockwall it is replacing; however, the replaced or repaired
14 bulkhead or rockwall may be placed waterward of and directly abutting
15 the existing structure only in cases where removal of the existing
16 bulkhead or rockwall would result in environmental degradation or
17 removal problems related to geological, engineering, or safety
18 considerations;

19 (c) Construction of a new bulkhead or rockwall, or replacement or
20 repair of an existing bulkhead or rockwall waterward of the existing
21 structure shall not result in the permanent loss of critical food fish
22 or shellfish habitats; and

23 (d) Timing constraints shall be applied on a case-by-case basis for
24 the protection of critical habitats, including but not limited to
25 migration corridors, rearing and feeding areas, and spawning habitats,
26 for the proper protection of fish life.

27 (3) Any bulkhead or rockwall construction, replacement, or repair
28 not meeting the conditions in this section shall be processed under
29 this chapter in the same manner as any other application.

30 (4) (~~Any person aggrieved by the approval, denial, conditioning,~~
31 ~~or modification of a hydraulic permit approval under this section may~~
32 ~~formally appeal the decision to the hydraulic appeals board pursuant to~~
33 ~~this chapter.)) The director shall establish an advisory committee to
34 develop new and review existing technical provisions for hydraulic
35 project permit conditions that would commonly apply to bulkhead
36 construction. The purpose of the advisory committee shall be to
37 develop recommendations for legislative and rule changes that (a)
38 protect against the loss of property of waterfront shoreline owners;
39 (b) facilitate the timely issuance of hydraulic permits and the prompt~~

1 completion of projects; (c) reduce subjective project approval
2 decisions by the department; and (d) foster better working
3 relationships between bulkhead contractors, landowners, and the
4 department. These recommendations shall be based on scientific
5 evidence that demonstrates the association of project activities with
6 impacts on fish life. The advisory committee shall be comprised of
7 technical experts in the field of bulkhead construction, civil
8 engineering, hydrology, and fish biology. By January 1, 1996, the
9 committee shall submit recommendations to the director and the natural
10 resources committees of the house of representatives and senate. The
11 advisory committee shall expire on December 31, 1996.

12 **NEW SECTION. Sec. 1904.** The following acts or parts of acts are
13 each repealed:

14 (1) RCW 75.20.130 and 1993 sp.s. c 2 s 37, 1989 c 175 s 160, 1988
15 c 272 s 3, 1988 c 36 s 37, & 1986 c 173 s 4; and

16 (2) RCW 75.20.140 and 1989 c 175 s 161 & 1986 c 173 s 5.

17 **PART 20**

18 **ECONOMIC RECOVERY COORDINATION BOARD**

19 **Sec. 2001.** RCW 43.20A.750 and 1993 c 280 s 38 are each amended to
20 read as follows:

21 (1) The department of social and health services shall help
22 families and workers in timber impact areas make the transition through
23 economic difficulties and shall provide services to assist workers to
24 gain marketable skills. The department, as a member of the agency
25 timber task force (~~and in consultation with the economic recovery~~
26 ~~coordination board,~~) and, where appropriate, under an interagency
27 agreement with the department of community, trade, and economic
28 development, shall provide grants through the office of the secretary
29 for services to the unemployed in timber impact areas, including
30 providing direct or referral services, establishing and operating
31 service delivery programs, and coordinating delivery programs and
32 delivery of services. These grants may be awarded for family support
33 centers, reemployment centers, or other local service agencies.

34 (2) The services provided through the grants may include, but need
35 not be limited to: Credit counseling; social services including
36 marital counseling; psychotherapy or psychological counseling; mortgage

1 foreclosures and utilities problems counseling; drug and alcohol abuse
2 services; medical services; and residential heating and food
3 acquisition.

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

9 (4)(a) Grants for family support centers are intended to provide
10 support to families by responding to needs identified by the families
11 and communities served by the centers. Services provided by family
12 support centers may include parenting education, child development
13 assessments, health and nutrition education, counseling, and
14 information and referral services. Such services may be provided
15 directly by the center or through referral to other agencies
16 participating in the interagency team.

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

19 (5) "Timber impact area" means:

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

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

37 NEW SECTION. **Sec. 2002.** RCW 43.31.631 and 1993 c 316 s 3 & 1991
38 c 314 s 6 are each repealed.

1 (~~(5)~~) (4) "Policy development" means the establishment of social
2 norms, organizational guidelines, operational procedures, rules,
3 ordinances, or statutes that promote health or prevent injury, illness,
4 or death; and

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

6 **Sec. 2302.** RCW 43.70.070 and 1989 1st ex.s. c 9 s 109 are each
7 amended to read as follows:

8 The department shall evaluate and analyze readily available data
9 and information to determine the outcome and effectiveness of health
10 services, utilization of services, and payment methods. This section
11 should not be construed as allowing the department access to
12 proprietary information.

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

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

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

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

25 **Sec. 2303.** RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each
26 amended to read as follows:

27 As used in this chapter:

28 (1) (~~("Council" means the health care access and cost control~~
29 ~~council created by this chapter.~~

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

31 (~~(3)~~) (2) "Hospital" means any health care institution which is
32 required to qualify for a license under RCW 70.41.020(2); or as a
33 psychiatric hospital under chapter 71.12 RCW.

34 (~~(4)~~) (3) "Secretary" means secretary of health.

35 (~~(5)~~) (4) "Charity care" means necessary hospital health care
36 rendered to indigent persons, to the extent that the persons are unable
37 to pay for the care or to pay deductibles or co-insurance amounts

1 required by a third-party payer, as determined by the department.

2 ((+6)) (5) "Sliding fee schedule" means a hospital-determined,
3 publicly available schedule of discounts to charges for persons deemed
4 eligible for charity care; such schedules shall be established after
5 consideration of guidelines developed by the department.

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

9 NEW SECTION. **Sec. 2304.** The following acts or parts of acts are
10 each repealed:

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

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

13 **PART 24**

14 **COUNCIL ON VOLUNTEERISM AND CITIZEN SERVICE**

15 **Sec. 2401.** RCW 43.150.030 and 1992 c 66 s 3 are each amended to
16 read as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section apply throughout this chapter.

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

22 (2) "Center" means the state center for volunteerism and citizen
23 service.

24 ((-3) "Council" means the Washington state council on volunteerism
25 and citizen service.)

26 NEW SECTION. **Sec. 2402.** RCW 43.150.060 and 1992 c 66 s 6, 1987 c
27 505 s 39, 1985 c 110 s 1, & 1982 1st ex.s. c 11 s 6 are each repealed.

28 **PART 25**

29 **COMMISSION ON EFFICIENCY AND ACCOUNTABILITY**

30 **IN GOVERNMENT**

31 NEW SECTION. **Sec. 2501.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 43.17.260 and 1987 c 480 s 1;

- 1 (2) RCW 43.17.270 and 1987 c 480 s 2;
2 (3) RCW 43.17.280 and 1987 c 480 s 3;
3 (4) RCW 43.17.290 and 1987 c 480 s 4;
4 (5) RCW 43.17.300 and 1987 c 480 s 5; and
5 (6) 1991 c 53 s 1 & 1987 c 480 s 6 (uncodified).

6 **PART 26**

7 **TECHNICAL ADVISORY COMMITTEE ON PUPIL TRANSPORTATION**

8 **Sec. 2601.** RCW 46.61.380 and 1984 c 7 s 70 are each amended to
9 read as follows:

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

24 **PART 27**

25 **TRANSPORTATION IMPROVEMENT BOARD AND**
26 **MULTIMODAL TRANSPORTATION PROGRAMS**
27 **AND PROJECTS SELECTION COMMITTEE**

28 **Sec. 2701.** RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393
29 s 1 are each reenacted and amended to read as follows:

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

34 Moneys in the fund may be spent only after appropriation.
35 Expenditures from the fund may be used only for transportation purposes

1 and activities and operations of the Washington state patrol not
2 directly related to the policing of public highways and that are not
3 authorized under Article II, section 40 of the state Constitution.

4 (2) There is hereby created the central Puget Sound public
5 transportation account within the transportation fund. Moneys
6 deposited into the account under RCW 82.44.150(2)(b) shall be
7 appropriated to the (~~department of~~) transportation improvement board
8 and allocated by the (~~multimodal transportation programs and projects~~
9 ~~selection committee created in RCW 47.66.020~~) transportation
10 improvement board to public transportation projects within the region
11 from which the funds are derived, solely for:

12 (a) Planning;

13 (b) Development of capital projects;

14 (c) Development of high capacity transportation systems as defined
15 in RCW 81.104.015;

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

18 (e) Public transportation system contributions required to fund
19 projects under federal programs and those approved by the
20 transportation improvement board from other fund sources.

21 (3) There is hereby created the public transportation systems
22 account within the transportation fund. Moneys deposited into the
23 account under RCW 82.44.150(2)(c) shall be appropriated to the
24 (~~department of~~) transportation improvement board and allocated by the
25 (~~multimodal transportation programs and projects selection committee~~)
26 transportation improvement board to public transportation projects
27 submitted by the public transportation systems from which the funds are
28 derived, solely for:

29 (a) Planning;

30 (b) Development of capital projects;

31 (c) Development of high capacity transportation systems as defined
32 in RCW 81.104.015;

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

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

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

1 **Sec. 2702.** RCW 81.104.090 and 1993 c 393 s 2 are each amended to
2 read as follows:

3 The department of transportation shall be responsible for
4 distributing amounts appropriated from the high capacity transportation
5 account, which shall be allocated by the (~~multimodal transportation~~
6 ~~programs and projects selection committee~~) department of
7 transportation based on criteria in subsection (2) of this section.
8 The department shall assemble and participate in a committee comprised
9 of transit agencies eligible to receive funds from the high capacity
10 transportation account for the purpose of reviewing fund applications.

11 (1) State high capacity transportation account funds may provide up
12 to eighty percent matching assistance for high capacity transportation
13 planning efforts.

14 (2) Authorizations for state funding for high capacity
15 transportation planning projects shall be subject to the following
16 criteria:

17 (a) Conformance with the designated regional transportation
18 planning organization's regional transportation plan;

19 (b) Local matching funds;

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

21 (d) Conformance with planning requirements prescribed in RCW
22 81.104.100, and if five hundred thousand dollars or more in state
23 funding is requested, conformance with the requirements of RCW
24 81.104.110; and

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

27 (3) The department of transportation shall provide general review
28 and monitoring of the system and project planning process prescribed in
29 RCW 81.104.100.

30 **Sec. 2703.** RCW 47.26.121 and 1994 c 179 s 13 are each amended to
31 read as follows:

32 (1) There is hereby created a transportation improvement board of
33 (~~eighteen~~) twenty-one members, six of whom shall be county members
34 and six of whom shall be city members. The remaining members shall be:

35 (a) One representative appointed by the governor who shall be a state
36 employee with responsibility for transportation policy, planning, or
37 funding; (b) (~~the assistant secretary of the department of~~
38 ~~transportation whose primary responsibilities relate to planning and~~

1 ~~public transportation; (c) the assistant secretary for local programs~~
2 ~~of))~~ two representatives from the department of transportation; ((d)
3 a)) (c) two representatives of ((a)) public transit systems; ((e))
4 (d) a private sector representative; ((and (f) a public member)) (e) a
5 member representing the ports; (f) a member representing nonmotorized
6 transportation; and (g) a member representing special needs
7 transportation.

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

24 (3) Of the city members of the board one shall be a chief city
25 engineer, public works director, or other city employee with
26 responsibility for public works activities, of a city with a population
27 of twenty thousand or more; one shall be a chief city engineer, public
28 works director, or other city employee with responsibility for public
29 works activities, of a city of less than twenty thousand population;
30 one shall be a city planning director or planning manager; one shall be
31 a mayor, commissioner, or city councilmember of a city with a
32 population of twenty thousand or more; one shall be a mayor,
33 commissioner, or city councilmember of a city who serves on the board
34 of a public transit system; and one shall be a mayor, commissioner, or
35 councilmember of a city of less than twenty thousand population. All
36 of the city members shall be appointed. Not more than one city member
37 of the board shall be from any one city. No more than two of the three
38 city-elected officials may represent cities located in either the
39 eastern or western part of the state as divided north and south by the

1 summit of the Cascade mountains.

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

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

10 (6) The public member shall have professional experience in
11 transportation or land use planning, a demonstrated interest in
12 transportation issues, and involvement with community groups or grass
13 roots organizations.

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

16 (8) The nonmotorized transportation member shall be a citizen with
17 a demonstrated interest and involvement with a nonmotorized
18 transportation group.

19 (9) The specialized transportation member shall be a citizen with
20 a demonstrated interest and involvement with a state-wide specialized
21 needs transportation group.

22 (10) Appointments of county, city, Washington department of
23 transportation, transit, port, nonmotorized transportation, special
24 needs transportation, private sector, and public representatives shall
25 be made by the secretary of the department of transportation.
26 Appointees shall be chosen from a list of two persons for each position
27 nominated by the Washington state association of counties for county
28 members, the association of Washington cities for city members, ((and))
29 the Washington state transit association for the transit members, and
30 the Washington public ports association for the port member. The
31 private sector ((and)), public, nonmotorized transportation, and
32 special needs members shall be sought through classified advertisements
33 in selected newspapers collectively serving all urban areas of the
34 state, and other appropriate means. Persons applying for the private
35 sector, nonmotorized transportation, special needs transportation, or
36 the public member position must provide a letter of interest and a
37 resume to the secretary of the department of transportation. In the
38 case of a vacancy, the appointment shall be only for the remainder of
39 the unexpired term in which the vacancy has occurred. A vacancy shall

1 be deemed to have occurred on the board when any member elected to
2 public office completes that term of office or is removed therefrom for
3 any reason or when any member employed by a political subdivision
4 terminates such employment for whatsoever reason or when a private
5 sector, nonmotorized transportation, special needs transportation, or
6 public member resigns or is unable or unwilling to serve.

7 ~~((+8+))~~ (11) Appointments shall be for terms of four years. Terms
8 of all appointed members shall expire on June 30th of even-numbered
9 years. The initial term of appointed members may be for less than four
10 years. No appointed member may serve more than two consecutive four-
11 year terms.

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

14 ~~((+10+))~~ (13) Expenses of the board shall be paid in accordance
15 with RCW 47.26.140.

16 ~~((+11+))~~ (14) For purposes of this section, "public transit system"
17 means a city-owned transit system, county transportation authority,
18 metropolitan municipal corporation, public transportation benefit area,
19 or regional transit authority.

20 **Sec. 2704.** RCW 47.66.030 and 1993 c 393 s 5 are each amended to
21 read as follows:

22 (1)(a) The ~~((multimodal transportation programs and projects
23 selection committee))~~ transportation improvement board is authorized
24 and responsible for the final selection of programs and projects funded
25 from the central Puget Sound public transportation account; public
26 transportation systems account; high capacity transportation account;
27 and the intermodal surface transportation and efficiency act of 1991,
28 surface transportation program, state-wide competitive.

29 (b) The ~~((committee))~~ board may establish subcommittees ~~((of the
30 full committee))~~ as well as technical advisory committees to carry out
31 the mandates of this chapter.

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

35 ~~((+b+))~~ ~~Members of the committee shall receive no compensation for
36 their services on the committee, but shall be reimbursed for travel
37 expenses incurred while attending meetings of the committee or while
38 engaged on other business of the committee when authorized by the~~

1 ~~committee in accordance with RCW 43.03.050 and 43.03.060.)~~)

2 **Sec. 2705.** RCW 47.26.140 and 1994 c 179 s 14 are each amended to
3 read as follows:

4 The transportation improvement board shall appoint an executive
5 director, who shall serve at its pleasure and whose salary shall be set
6 by the board, and may employ additional staff as it deems appropriate.
7 All costs associated with staff, together with travel expenses in
8 accordance with RCW 43.03.050 and 43.03.060, shall be paid from the
9 urban arterial trust account, small city account, city hardship
10 assistance account, transportation fund, and the transportation
11 improvement account in the motor vehicle fund as determined by the
12 biennial appropriation.

13 **Sec. 2706.** RCW 47.66.040 and 1993 c 393 s 6 are each amended to
14 read as follows:

15 (1) The ~~((multimodal transportation programs and projects selection~~
16 ~~committee))~~ transportation improvement board shall select programs and
17 projects based on a competitive process consistent with the mandates
18 governing each account or source of funds. The competition shall be
19 consistent with the following criteria:

- 20 (a) Local, regional, and state transportation plans;
21 (b) Local transit development plans; and
22 (c) Local comprehensive land use plans.

23 (2) The following criteria shall be considered by the ~~((committee))~~
24 board in selecting programs and projects:

25 (a) Objectives of the growth management act, the high capacity
26 transportation act, the commute trip reduction act, transportation
27 demand management programs, federal and state air quality requirements,
28 and federal Americans with disabilities act and related state
29 accessibility requirements; and

30 (b) Energy efficiency issues, freight and goods movement as related
31 to economic development, regional significance, rural isolation, the
32 leveraging of other funds including funds administered by this
33 ~~((committee))~~ board, and safety and security issues.

34 (3) The ~~((committee))~~ board shall determine the appropriate level
35 of local match required for each program and project based on the
36 source of funds.

1 ~~((+5))~~ (4) "Incinerator" means a facility which has the primary
2 purpose of burning or which is designed with the primary purpose of
3 burning solid waste or solid waste derived fuel, but excludes
4 facilities that have the primary purpose of burning hog fuel.

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

7 ~~((+7))~~ (6) "Owner" means, in the case of a town or city, the city
8 or town acting through its chief executive officer or the lessee if
9 operated pursuant to a lease or contract; in the case of a county, the
10 chief elected official of the county legislative authority or the chief
11 elected official's designee; in the case of a board of public
12 utilities, association, municipality, or other public body, the
13 president or chief elected official of the body or the president's or
14 chief elected official's designee; in the case of a privately owned
15 landfill or incinerator, the legal owner.

16 ~~((+8))~~ (7) "Solid waste" means solid waste as defined under RCW
17 70.95.030.

18 **Sec. 2902.** RCW 70.95D.060 and 1989 c 431 s 70 are each amended to
19 read as follows:

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

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

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

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

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

29 (2) A person whose certificate is revoked under this section shall
30 not be eligible to apply for a certificate for one year from the
31 effective date of the final order ~~((or [of]))~~ of revocation.

32 NEW SECTION. **Sec. 2903.** RCW 70.95D.050 and 1989 c 431 s 69 are
33 each repealed.

34 NEW SECTION. **Sec. 2904.** A new section is added to chapter 70.95D
35 RCW to read as follows:

36 The director may establish ad hoc advisory committees, as

1 necessary, to obtain advice and technical assistance on the
2 certification of solid waste incinerator and landfill operators.

3 **PART 30**

4 **WATER AND WASTEWATER OPERATOR CERTIFICATION**

5 **BOARD OF EXAMINERS**

6 **Sec. 3001.** RCW 70.95B.020 and 1987 c 357 s 1 are each amended to
7 read as follows:

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

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

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

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

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

16 ~~((5))~~ (4) "Wastewater treatment plant" means a facility used to
17 treat any liquid or waterborne waste of domestic origin or a
18 combination of domestic, commercial or industrial origin, and which by
19 its design requires the presence of an operator for its operation. It
20 shall not include any facility used exclusively by a single family
21 residence, septic tanks with subsoil absorption, industrial wastewater
22 treatment plants, or wastewater collection systems.

23 ~~((6))~~ (5) "Operator in responsible charge" means an individual
24 who is designated by the owner as the person on-site in responsible
25 charge of the routine operation of a wastewater treatment plant.

26 ~~((7))~~ (6) "Nationally recognized association of certification
27 authorities" shall mean that organization which serves as an
28 information center for certification activities, recommends minimum
29 standards and guidelines for classification of potable water treatment
30 plants, water distribution systems and wastewater facilities and
31 certification of operators, facilitates reciprocity between state
32 programs and assists authorities in establishing new certification
33 programs and updating existing ones.

34 ~~((8))~~ (7) "Wastewater collection system" means any system of
35 lines, pipes, manholes, pumps, liftstations, or other facilities used
36 for the purpose of collecting and transporting wastewater.

37 ~~((9))~~ (8) "Operating experience" means routine performance of

1 duties, on-site in a wastewater treatment plant, that affects plant
2 performance or effluent quality.

3 ~~((10))~~ (9) "Owner" means in the case of a town or city, the city
4 or town acting through its chief executive officer or the lessee if
5 operated pursuant to a lease or contract; in the case of a county, the
6 chairman of the county legislative authority or the chairman's
7 designee; in the case of a sewer district, board of public utilities,
8 association, municipality or other public body, the president or
9 chairman of the body or the president's or chairman's designee; in the
10 case of a privately owned wastewater treatment plant, the legal owner.

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

15 **Sec. 3002.** RCW 70.95B.040 and 1987 c 357 s 3 are each amended to
16 read as follows:

17 The director ~~((, with the approval of the board,))~~ shall adopt and
18 enforce such rules and regulations as may be necessary for the
19 administration of this chapter. The rules and regulations shall
20 include, but not be limited to, provisions for the qualification and
21 certification of operators for different classifications of wastewater
22 treatment plants.

23 **Sec. 3003.** RCW 70.95B.100 and 1973 c 139 s 10 are each amended to
24 read as follows:

25 The director may, ~~((with the recommendation of the board and after
26 a hearing before the same))~~ after conducting a hearing, revoke a
27 certificate found to have been obtained by fraud or deceit, or for
28 gross negligence in the operation of a waste treatment plant, or for
29 violating the requirements of this chapter or any lawful rule, order or
30 regulation of the department. No person whose certificate is revoked
31 under this section shall be eligible to apply for a certificate for one
32 year from the effective date of this final order or revocation.

33 **Sec. 3004.** RCW 70.119.020 and 1991 c 305 s 2 are each amended to
34 read as follows:

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

36 (1) ~~(("Board" means the board established pursuant to RCW~~

1 ~~70.95B.070 which shall be known as the water and waste water operator~~
2 ~~certification board of examiners.~~

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

6 ~~((3))~~ (2) "Certified operator" means an individual holding a
7 valid certificate and employed or appointed by any county, water
8 district, municipality, public or private corporation, company,
9 institution, person, or the state of Washington and who is designated
10 by the employing or appointing officials as the person responsible for
11 active daily technical operation.

12 ~~((4))~~ (3) "Department" means the department of health.

13 ~~((5))~~ (4) "Distribution system" means that portion of a public
14 water system which stores, transmits, pumps and distributes water to
15 consumers.

16 ~~((6))~~ (5) "Ground water under the direct influence of surface
17 water" means any water beneath the surface of the ground with:

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

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

23 ~~((7))~~ (6) "Group A water system" means a system with fifteen or
24 more service connections, regardless of the number of people; or a
25 system serving an average of twenty-five or more people per day for
26 sixty or more days within a calendar year, regardless of the number of
27 service connections. Group A water system does not include a system
28 serving fewer than fifteen single-family residences, regardless of the
29 number of people.

30 ~~((8))~~ (7) "Nationally recognized association of certification
31 authorities" shall mean an organization which serves as an information
32 center for certification activities, recommends minimum standards and
33 guidelines for classification of potable water treatment plants, water
34 distribution systems and waste water facilities and certification of
35 operators, facilitates reciprocity between state programs and assists
36 authorities in establishing new certification programs and updating
37 existing ones.

38 ~~((9))~~ (8) "Public water system" means any system, excluding a
39 system serving only one single-family residence and a system with four

1 or fewer connections all of which serve residences on the same farm,
2 providing piped water for human consumption, including any collection,
3 treatment, storage, or distribution facilities under control of the
4 purveyor and used primarily in connection with the system; and
5 collection or pretreatment storage facilities not under control of the
6 purveyor but primarily used in connection with the system.

7 ~~((10))~~ (9) "Purification plant" means that portion of a public
8 water system which treats or improves the physical, chemical or
9 bacteriological quality of the system's water to bring the water into
10 compliance with state board of health standards.

11 ~~((11))~~ (10) "Secretary" means the secretary of the department of
12 health.

13 ~~((12))~~ (11) "Service" means a connection to a public water system
14 designed to serve a single-family residence, dwelling unit, or
15 equivalent use. If the facility has group home or barracks-type
16 accommodations, three persons will be considered equivalent to one
17 service.

18 ~~((13))~~ (12) "Surface water" means all water open to the
19 atmosphere and subject to surface runoff.

20 **Sec. 3005.** RCW 70.119.050 and 1983 c 292 s 4 are each amended to
21 read as follows:

22 The secretary shall adopt(~~(, with the approval of the board,)~~) such
23 rules and regulations as may be necessary for the administration of
24 this chapter and shall enforce such rules and regulations. The rules
25 and regulations shall include provisions establishing minimum
26 qualifications and procedures for the certification of operators,
27 criteria for determining the kind and nature of continuing educational
28 requirements for renewal of certification under RCW 70.119.100(2), and
29 provisions for classifying water purification plants and distribution
30 systems.

31 Rules and regulations adopted under the provisions of this section
32 shall be adopted in accordance with the provisions of chapter 34.05
33 RCW.

34 **Sec. 3006.** RCW 70.119.110 and 1991 c 305 s 7 are each amended to
35 read as follows:

36 The secretary may(~~(, with the recommendation of the board and after~~
37 ~~hearing before the same,)~~) after conducting a hearing revoke a

1 certificate found to have been obtained by fraud or deceit; or for
2 gross negligence in the operation of a purification plant or
3 distribution system; or for an intentional violation of the
4 requirements of this chapter or any lawful rules, order, or regulation
5 of the department. No person whose certificate is revoked under this
6 section shall be eligible to apply for a certificate for one year from
7 the effective date of the final order of revocation.

8 NEW SECTION. **Sec. 3007.** The following acts or parts of acts are
9 each repealed:

10 (1) RCW 70.95B.070 and 1984 c 287 s 106, 1975-'76 2nd ex.s. c 34 s
11 161, & 1973 c 139 s 7; and

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

13 NEW SECTION. **Sec. 3008.** A new section is added to chapter 70.95B
14 RCW to read as follows:

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

19 NEW SECTION. **Sec. 3009.** A new section is added to chapter 70.119
20 RCW to read as follows:

21 The secretary, in cooperation with the director of ecology, may
22 establish ad hoc advisory committees, as necessary, to obtain advice
23 and technical assistance regarding the development of rules
24 implementing this chapter and on the examination and certification of
25 operators of water systems.

26 **PART 31**

27 **TWIN RIVERS CORRECTIONS CENTER**

28 **VOLUNTEER ADVISORY COMMITTEE**

29 NEW SECTION. **Sec. 3101.** By July 1, 1995, the secretary of the
30 department of corrections shall abolish the twin rivers corrections
31 center volunteer advisory committee.

32 **PART 32**

33 **SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARDS**

1 **PART 34**

2 **RAIL DEVELOPMENT COMMISSION**

3 NEW SECTION. **Sec. 3401.** The following acts or parts of acts are
4 each repealed:

- 5 (1) RCW 81.62.010 and 1987 c 429 s 1;
- 6 (2) RCW 81.62.020 and 1987 c 429 s 2;
- 7 (3) RCW 81.62.030 and 1987 c 429 s 3;
- 8 (4) RCW 81.62.040 and 1987 c 429 s 4;
- 9 (5) RCW 81.62.050 and 1987 c 429 s 5;
- 10 (6) RCW 81.62.060 and 1987 c 429 s 6;
- 11 (7) RCW 81.62.900 and 1987 c 429 s 7; and
- 12 (8) RCW 81.62.901 and 1987 c 429 s 8.

13 **PART 35**

14 **MARINE OVERSIGHT BOARD**

15 NEW SECTION. **Sec. 3501.** RCW 90.56.450 and 1992 c 73 s 40 & 1991
16 c 200 s 501 are each repealed.

17 **PART 36**

18 **INTERAGENCY COORDINATING COMMITTEE FOR PUGET SOUND**
19 **AMBIENT MONITORING PROGRAM**

20 **Sec. 3601.** RCW 90.70.065 and 1994 c 264 s 98 are each amended to
21 read as follows:

22 (1) In addition to other powers and duties specified in this
23 chapter, the authority shall ensure implementation and coordination of
24 the Puget Sound ambient monitoring program established in the plan
25 under RCW 90.70.060(12). The program shall:

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

29 (b) Take measurements relating to specific program elements
30 identified in the plan;

31 (c) Measure the progress of the ambient monitoring programs
32 implemented under the plan;

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

1 (e) Help support research on Puget Sound.

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

8 (3)) Each state agency with responsibilities for implementing the
9 Puget Sound ambient monitoring program, as specified in the plan, shall
10 participate in the program.

11 **PART 37**

12 **PUGET SOUND WATER QUALITY AUTHORITY**

13 **Sec. 3701.** RCW 43.131.369 and 1990 c 115 s 11 are each amended to
14 read as follows:

15 The Puget Sound water quality authority and its powers and duties
16 shall be terminated on June 30, (~~1995~~) 2002, as provided in RCW
17 43.131.370.

18 **Sec. 3702.** RCW 43.131.370 and 1990 c 115 s 12 are each amended to
19 read as follows:

20 The following acts or parts of acts, as now existing or hereafter
21 amended, are each repealed, effective June 30, (~~1996~~) 2003:

22 (1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;

23 (2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;

24 (3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115,
25 Laws of 1990 and RCW 90.70.011;

26 (4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;

27 (5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;

28 (6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36,
29 Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;

30 (7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115,
31 Laws of 1990 and RCW 90.70.055;

32 (8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11,
33 Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;

34 (9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115,
35 Laws of 1990 and RCW 90.70.070;

36 (10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115,

1 Laws of 1990 and RCW 90.70.080; and
2 (11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

3 **PART 38**
4 **MISCELLANEOUS**

5 **Sec. 3801.** RCW 9.94A.060 and 1993 c 11 s 1 are each amended to
6 read as follows:

7 (1) The commission consists of sixteen voting members, one of whom
8 the governor shall designate as chairperson. With the exception of ex
9 officio voting members, the voting members of the commission shall be
10 appointed by the governor(~~(, subject to confirmation by the senate)~~).

11 (2) The voting membership consists of the following:

12 (a) The head of the state agency having general responsibility for
13 adult correction programs, as an ex officio member;

14 (b) The director of financial management or designee, as an ex
15 officio member;

16 (c) Until June 30, 1998, the chair of the indeterminate sentence
17 review board, as an ex officio member;

18 (d) The chair of the clemency and pardons board, as an ex officio
19 member;

20 (e) Two prosecuting attorneys;

21 (f) Two attorneys with particular expertise in defense work;

22 (g) Four persons who are superior court judges;

23 (h) One person who is the chief law enforcement officer of a county
24 or city;

25 (i) Three members of the public who are not and have never been
26 prosecutors, attorneys, judges, or law enforcement officers.

27 In making the appointments, the governor shall seek the recommendations
28 of Washington prosecutors in respect to the prosecuting attorney
29 members, of the Washington state bar association in respect to the
30 attorney members, of the association of superior court judges in
31 respect to the members who are judges, and of the Washington
32 association of sheriffs and police chiefs in respect to the member who
33 is a law enforcement officer.

34 (3) All voting members of the commission, except ex officio voting
35 members, shall serve terms of three years and until their successors
36 are appointed (~~(and confirmed)~~). However, the governor shall stagger
37 the terms by appointing four of the initial members for terms of one

1 year, four for terms of two years, and four for terms of three years.

2 (4) The speaker of the house of representatives and the president
3 of the senate may each appoint two nonvoting members to the commission,
4 one from each of the two largest caucuses in each house. The members
5 so appointed shall serve two-year terms, or until they cease to be
6 members of the house from which they were appointed, whichever occurs
7 first.

8 (5) The members of the commission shall be reimbursed for travel
9 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative
10 members shall be reimbursed by their respective houses as provided
11 under RCW 44.04.120(~~(, as now existing or hereafter amended)~~). Members
12 shall be compensated in accordance with RCW 43.03.250.

13 **Sec. 3802.** RCW 9.94A.250 and 1981 c 137 s 25 are each amended to
14 read as follows:

15 (1) The clemency and pardons board is established as a board within
16 the office of the governor. The board consists of five members
17 appointed by the governor(~~(, subject to confirmation by the senate)~~).

18 (2) Members of the board shall serve terms of four years and until
19 their successors are appointed (~~(and confirmed)~~). However, the
20 governor shall stagger the terms by appointing one of the initial
21 members for a term of one year, one for a term of two years, one for a
22 term of three years, and two for terms of four years.

23 (3) The board shall elect a chairman from among its members and
24 shall adopt bylaws governing the operation of the board.

25 (4) Members of the board shall receive no compensation but shall be
26 reimbursed for travel expenses as provided in RCW 43.03.050 and
27 43.03.060 (~~(as now existing or hereafter amended)~~).

28 (5) The attorney general shall provide a staff as needed for the
29 operation of the board.

30 **Sec. 3803.** RCW 9.95.003 and 1986 c 224 s 3 are each amended to
31 read as follows:

32 The board shall consist of a chairman and six other members, each
33 of whom shall be appointed by the governor (~~(with the consent of the~~
34 ~~senate)~~). Each member shall hold office for a term of five years, and
35 until his or her successor is appointed and qualified. The terms shall
36 expire on April 15th of the expiration year. Vacancies in the
37 membership of the board shall be filled by appointment by the governor

1 (~~with the consent of the senate~~). In the event of the inability of
2 any member to act, the governor shall appoint some competent person to
3 act in his or her stead during the continuance of such inability. The
4 members shall not be removable during their respective terms except for
5 cause determined by the superior court of Thurston county. The
6 governor in appointing the members shall designate one of them to serve
7 as chairman at the governor's pleasure.

8 The members of the board and its officers and employees shall not
9 engage in any other business or profession or hold any other public
10 office; nor shall they, at the time of appointment or employment or
11 during their incumbency, serve as the representative of any political
12 party on an executive committee or other governing body thereof, or as
13 an executive officer or employee of any political committee or
14 association. The members of the board shall each severally receive
15 salaries fixed by the governor in accordance with the provisions of RCW
16 43.03.040, and in addition shall receive travel expenses incurred in
17 the discharge of their official duties in accordance with RCW 43.03.050
18 and 43.03.060.

19 The board may employ, and fix, with the approval of the governor,
20 the compensation of and prescribe the duties of a secretary and such
21 officers, employees, and assistants as may be necessary, and provide
22 necessary quarters, supplies, and equipment.

23 **Sec. 3804.** RCW 13.40.025 and 1986 c 288 s 8 are each amended to
24 read as follows:

25 (1) There is established a juvenile disposition standards
26 commission to propose disposition standards to the legislature in
27 accordance with RCW 13.40.030 and perform the other responsibilities
28 set forth in this chapter.

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

1 association of superior court judges in respect to the member who is a
2 superior court judge; of Washington prosecutors in respect to the
3 prosecuting attorney or deputy prosecuting attorney member; of the
4 Washington association of sheriffs and police chiefs in respect to the
5 member who is a law enforcement officer; of juvenile court
6 administrators in respect to the member who is a juvenile court
7 administrator; and of the state bar association in respect to the
8 public defender member; and of the Washington association of counties
9 in respect to the member who is either a county legislative official or
10 county executive.

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

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

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

24 (6) The commission shall meet at least once every three months.

25 **Sec. 3805.** RCW 18.64.001 and 1984 c 153 s 1 are each amended to
26 read as follows:

27 There shall be a state board of pharmacy consisting of seven
28 members, to be appointed by the governor (~~by and with the advice and~~
29 ~~consent of the senate~~). Five of the members shall be designated as
30 pharmacist members and two of the members shall be designated a public
31 member.

32 Each pharmacist member shall be a citizen of the United States and
33 a resident of this state, and at the time of his or her appointment
34 shall have been a duly registered pharmacist under the laws of this
35 state for a period of at least five consecutive years immediately
36 preceding his or her appointment and shall at all times during his or
37 her incumbency continue to be a duly licensed pharmacist: PROVIDED,
38 That subject to the availability of qualified candidates the governor

1 shall appoint pharmacist members representative of the areas of
2 practice and geographically representative of the state of Washington.

3 The public member shall be a citizen of the United States and a
4 resident of this state. The public member shall be appointed from the
5 public at large, but shall not be affiliated with any aspect of
6 pharmacy.

7 Members of the board shall hold office for a term of four years,
8 and the terms shall be staggered so that the terms of office of not
9 more than two members will expire simultaneously on the third Monday in
10 January of each year.

11 No person who has been appointed to and served for two four year
12 terms shall be eligible for appointment to the board.

13 Each member shall qualify by taking the usual oath of a state
14 officer, which shall be filed with the secretary of state, and each
15 member shall hold office for the term of his or her appointment and
16 until his or her successor is appointed and qualified.

17 In case of the resignation or disqualification of a member, or a
18 vacancy occurring from any cause, the governor shall appoint a
19 successor for the unexpired term.

20 **Sec. 3806.** RCW 28B.07.030 and 1985 c 370 s 48 are each amended to
21 read as follows:

22 (1) The Washington higher education facilities authority is hereby
23 established as a public body corporate and politic, with perpetual
24 corporate succession, constituting an agency of the state of Washington
25 exercising essential governmental functions. The authority is a
26 "public body" within the meaning of RCW 39.53.010.

27 (2) The authority shall consist of seven members as follows: The
28 governor, lieutenant governor, executive director of the higher
29 education coordinating board, and four public members, one of whom
30 shall be the president of a higher education institution at the time of
31 appointment. The public members shall be residents of the state and
32 appointed by the governor(~~(, subject to confirmation by the senate,)~~)
33 on the basis of their interest or expertise in the provision of higher
34 education and the financing of higher education. The public members of
35 the authority shall serve for terms of four years. The initial terms
36 of the public members shall be staggered in a manner determined by the
37 governor. In the event of a vacancy on the authority due to death,
38 resignation, or removal of one of the public members, and upon the

1 expiration of the term of any public member, the governor shall appoint
2 a successor for a term expiring on the fourth anniversary of the
3 successor's date of the appointment. If any of the state offices are
4 abolished, the resulting vacancy on the authority shall be filled by
5 the state officer who shall succeed substantially to the power and
6 duties of the abolished office. Any public member of the authority may
7 be removed by the governor for misfeasance, malfeasance, wilful neglect
8 of duty, or any other cause after notice and a public hearing, unless
9 such notice and hearing shall be expressly waived in writing.

10 (3) The governor shall serve as chairperson of the authority. The
11 authority shall elect annually one of its members as secretary. If the
12 governor shall be absent from a meeting of the authority, the secretary
13 shall preside. However, the governor may designate an employee of the
14 governor's office to act on the governor's behalf in all other respects
15 during the absence of the governor at any meeting of the authority. If
16 the designation is in writing and is presented to the person presiding
17 at the meetings of the authority who is included in the designation,
18 the vote of the designee has the same effect as if cast by the
19 governor.

20 (4) Any person designated by resolution of the authority shall keep
21 a record of the proceedings of the authority and shall be the custodian
22 of all books, documents, and papers filed with the authority, the
23 minute book or a journal of the authority, and the authority's official
24 seal, if any. The person may cause copies to be made of all minutes
25 and other records and documents of the authority, and may give
26 certificates to the effect that such copies are true copies. All
27 persons dealing with the authority may rely upon the certificates.

28 (5) Four members of the authority constitute a quorum. The
29 authority may act on the basis of a motion except when authorizing the
30 issuance and sale of bonds, in which case the authority shall act by
31 resolution. Bond resolutions and other resolutions shall be adopted
32 upon the affirmative vote of four members of the authority, and shall
33 be signed by those members voting yes. Motions shall be adopted upon
34 the affirmative vote of a majority of a quorum of members present at
35 any meeting of the authority. All actions taken by the authority shall
36 take effect immediately without need for publication or other public
37 notice. A vacancy in the membership of the authority does not impair
38 the power of the authority to act under this chapter.

39 (6) The members of the authority shall be compensated in accordance

1 with RCW 43.03.240 and shall be entitled to reimbursement, solely from
2 the funds of the authority, for travel expenses as determined by the
3 authority incurred in the discharge of their duties under this chapter.

4 **Sec. 3807.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to
5 read as follows:

6 (1) There is hereby created the work force training and education
7 coordinating board as a state agency and as the successor agency to the
8 state board for vocational education. Once the coordinating board has
9 convened, all references to the state board for vocational education in
10 the Revised Code of Washington shall be construed to mean the work
11 force training and education coordinating board, except that reference
12 to the state board for vocational education in RCW 49.04.030 shall mean
13 the state board for community and technical colleges.

14 (2)(a) The board shall consist of nine voting members appointed by
15 the governor (~~((with the consent of the senate,))~~) as follows: Three
16 representatives of business, three representatives of labor, and,
17 serving as ex officio members, the superintendent of public
18 instruction, the executive director of the state board for community
19 and technical colleges, and the commissioner of the employment security
20 department. The chair of the board shall be a nonvoting member
21 selected by the governor (~~((with the consent of the senate))~~), and shall
22 serve at the pleasure of the governor. In selecting the chair, the
23 governor shall seek a person who understands the future economic needs
24 of the state and nation and the role that the state's training system
25 has in meeting those needs. Each voting member of the board may
26 appoint a designee to function in his or her place with the right to
27 vote. In making appointments to the board, the governor shall seek to
28 ensure geographic, ethnic, and gender diversity and balance. The
29 governor shall also seek to ensure diversity and balance by the
30 appointment of persons with disabilities.

31 (b) The business representatives shall be selected from among
32 nominations provided by a state-wide business organization representing
33 a cross-section of industries. However, the governor may request, and
34 the organization shall provide, an additional list or lists from which
35 the governor shall select the business representatives. The
36 nominations and selections shall reflect the cultural diversity of the
37 state, including women, people with disabilities, and racial and ethnic
38 minorities, and diversity in sizes of businesses.

1 (c) The labor representatives shall be selected from among
2 nominations provided by state-wide labor organizations. However, the
3 governor may request, and the organizations shall provide, an
4 additional list or lists from which the governor shall select the labor
5 representatives. The nominations and selections shall reflect the
6 cultural diversity of the state, including women, people with
7 disabilities, and racial and ethnic minorities.

8 (d) Each business member may cast a proxy vote or votes for any
9 business member who is not present and who authorizes in writing the
10 present member to cast such vote.

11 (e) Each labor member may cast a proxy vote for any labor member
12 who is not present and who authorizes in writing the present member to
13 cast such vote.

14 (f) The chair shall appoint to the board one nonvoting member to
15 represent racial and ethnic minorities, women, and people with
16 disabilities. The nonvoting member appointed by the chair shall serve
17 for a term of four years with the term expiring on June 30th of the
18 fourth year of the term.

19 (g) The business members of the board shall serve for terms of four
20 years, the terms expiring on June 30th of the fourth year of the term
21 except that in the case of initial members, one shall be appointed to
22 a two-year term and one appointed to a three-year term.

23 (h) The labor members of the board shall serve for terms of four
24 years, the terms expiring on June 30th of the fourth year of the term
25 except that in the case of initial members, one shall be appointed to
26 a two-year term and one appointed to a three-year term.

27 (i) Any vacancies among board members representing business or
28 labor shall be filled by the governor with nominations provided by
29 state-wide organizations representing business or labor, respectively.

30 (j) The board shall adopt bylaws and shall meet at least bimonthly
31 and at such other times as determined by the chair who shall give
32 reasonable prior notice to the members or at the request of a majority
33 of the voting members.

34 (k) Members of the board shall be compensated in accordance with
35 RCW 43.03.040 and shall receive travel expenses in accordance with RCW
36 43.03.050 and 43.03.060.

37 (l) The board shall be formed and ready to assume its
38 responsibilities under this chapter by October 1, 1991.

39 (m) The director of the board shall be appointed by the governor

1 from a list of three names submitted by a committee made up of the
2 business and labor members of the board. However, the governor may
3 request, and the committee shall provide, an additional list or lists
4 from which the governor shall select the director. The lists compiled
5 by the committee shall not be subject to public disclosure. The
6 governor may dismiss the director only with the approval of a majority
7 vote of the board. The board, by a majority vote, may dismiss the
8 director with the approval of the governor.

9 (3) The state board for vocational education is hereby abolished
10 and its powers, duties, and functions are hereby transferred to the
11 work force training and education coordinating board. All references
12 to the director or the state board for vocational education in the
13 Revised Code of Washington shall be construed to mean the director or
14 the work force training and education coordinating board.

15 **Sec. 3808.** RCW 41.64.010 and 1981 c 311 s 1 are each amended to
16 read as follows:

17 (1) There is hereby created a "personnel appeals board,"
18 hereinafter in this chapter referred to as the "board," which shall
19 consist of three members to be appointed by the governor(~~(, subject to~~
20 ~~confirmation by the senate)~~). The first board shall be appointed
21 within thirty days after May 19, 1981, for terms of two, four, and six
22 years. Thereafter, appointments shall be made for six-year terms. A
23 vacancy shall be filled by appointment by the governor for the
24 unexpired term in which the vacancy exists. Each member shall continue
25 to hold office after the expiration of the member's term until a
26 successor has been appointed. Members may be reappointed to the board
27 for successive terms. Persons appointed to the board shall be
28 qualified by experience and training in the field of administrative
29 procedures and merit principles. Such members:

30 (a) May not hold any other employment with the state;

31 (b) May not during the terms to which they are appointed be or
32 become candidates for public office, hold any other public office or
33 trust, engage in any occupation or business which interferes, or is
34 inconsistent, with their duties as members of the board, serve on or
35 under any committee of any political party, and may not have been
36 officers of a political party for a period of one year immediately
37 prior to their appointment; and

38 (c) May not for a period of one year after the termination of their

1 membership on the board, act in a representative capacity before the
2 board on any matter.

3 (2) Unless the context clearly indicates otherwise, the following
4 definitions apply to this chapter:

5 (a) "Agency" means any agency as defined in RCW 41.06.020;

6 (b) For appeals filed on or after July 1, 1981, under RCW
7 41.64.090, "board" or "personnel appeals board" means the personnel
8 appeals board created by subsection (1) of this section;

9 (c) For purposes of RCW 41.64.080 through 41.64.140 for appeals
10 filed before July 1, 1981, under RCW 41.06.170, as it existed prior to
11 or after May 19, 1981, "board" or "personnel appeals board" means the
12 state personnel board created by RCW 41.06.110.

13 **Sec. 3809.** RCW 43.97.025 and 1987 c 499 s 2 are each amended to
14 read as follows:

15 (1) The governor, the Columbia River Gorge commission, and all
16 state agencies and counties are hereby directed and provided authority
17 to carry out their respective functions and responsibilities in
18 accordance with the compact executed pursuant to RCW 43.97.015, the
19 Columbia River Gorge National Scenic Area Act, and the provisions of
20 this chapter.

21 (2) The governor shall appoint three members of the Columbia River
22 Gorge commission who reside in the state of Washington, at least one of
23 whom shall be a resident of the scenic area as defined in the act.

24 (3)(a) The governing bodies of Clark, Klickitat, and Skamania
25 counties shall each appoint one member of the Columbia River Gorge
26 commission.

27 (b) In the event the governing body of a county fails to make the
28 appointments prescribed in section 5(a)(c)(1) of that act and (a) of
29 this subsection, the governor shall appoint any such member.

30 (4) Each member appointed by the governor (~~shall be subject to~~
31 ~~confirmation by the Washington state senate and~~) shall serve at the
32 pleasure of the governor until their term shall expire or until a
33 disqualifying change in residence.

34 (5) Of those members appointed to the Columbia River Gorge
35 commission by the governing body of the counties of Clark, Klickitat,
36 and Skamania, the governor shall designate one member to serve for a
37 term of five years and one to serve for six years. Of those members
38 appointed directly by the governor pursuant to RCW 43.97.015, the

1 governor shall designate one to serve a term of five years and one to
2 serve a term of six years. All other members shall serve a period of
3 four years.

4 Neither the governor nor governing body of any of the counties may
5 appoint federal, state, or local elected or appointed officials as
6 members to the Columbia River Gorge commission.

7 Vacancies shall be filled in accordance with the appointing
8 procedure for the commission member occupying the seat before its
9 vacancy.

10 **Sec. 3810.** RCW 43.99.110 and 1994 c 264 s 31 are each amended to
11 read as follows:

12 There is created the interagency committee for outdoor recreation
13 consisting of the commissioner of public lands, the director of parks
14 and recreation, and the director of fish and wildlife, or their
15 designees, and, by appointment of the governor (~~with the advice and~~
16 ~~consent of the senate~~), five members from the public at large who have
17 a demonstrated interest in and a general knowledge of outdoor
18 recreation in the state. The terms of members appointed from the
19 public at large shall commence on January 1st of the year of
20 appointment and shall be for three years or until a successor is
21 appointed, except in the case of appointments to fill vacancies which
22 shall be for the remainder of the unexpired term; provided the first
23 such members shall be appointed for terms as follows: One member for
24 one year, two members for two years, and two members for three years.
25 The governor shall appoint one of the members from the public at large
26 to serve as chairman of the committee for the duration of the member's
27 term. Members employed by the state shall serve without additional pay
28 and participation in the work of the committee shall be deemed
29 performance of their employment. Members from the public at large
30 shall be compensated in accordance with RCW 43.03.240 and shall be
31 entitled to reimbursement individually for travel expenses incurred in
32 performance of their duties as members of the committee in accordance
33 with RCW 43.03.050 and 43.03.060.

34 **Sec. 3811.** RCW 43.180.040 and 1985 c 6 s 14 are each amended to
35 read as follows:

36 (1) There is hereby established a public body corporate and
37 politic, with perpetual corporate succession, to be known as the

1 Washington state housing finance commission. The commission is an
2 instrumentality of the state exercising essential government functions
3 and, for purposes of the code, acts as a constituted authority on
4 behalf of the state when it issues bonds pursuant to this chapter. The
5 commission is a "public body" within the meaning of RCW 39.53.010.

6 (2) The commission shall consist of the following voting members:

7 (a) The state treasurer, ex officio;

8 (b) The director of community, trade, and economic development, ex
9 officio;

10 (c) An elected local government official, ex officio, with
11 experience in local housing programs, who shall be appointed by the
12 governor (~~((with the consent of the senate))~~);

13 (d) A representative of housing consumer interests, appointed by
14 the governor (~~((with the consent of the senate))~~);

15 (e) A representative of labor interests, appointed by the governor,
16 (~~((with the consent of the senate,))~~) after consultation with
17 representatives of organized labor;

18 (f) A representative of low-income persons, appointed by the
19 governor (~~((with the consent of the senate))~~);

20 (g) Five members of the public appointed by the governor(~~(, with~~
21 ~~the consent of the senate,))~~) on the basis of geographic distribution
22 and their expertise in housing, real estate, finance, energy
23 efficiency, or construction, one of whom shall be appointed by the
24 governor as chair of the commission and who shall serve on the
25 commission and as chair of the commission at the pleasure of the
26 governor.

27 The term of the persons appointed by the governor, other than the
28 chair, shall be four years from the date of their appointment, except
29 that the terms of three of the initial appointees shall be for two
30 years from the date of their appointment. The governor shall designate
31 the appointees who will serve the two-year terms. An appointee may be
32 removed by the governor for cause pursuant to RCW 43.06.070 and
33 43.06.080. The governor shall fill any vacancy in an appointed
34 position by appointment for the remainder of the unexpired term. If
35 the department of community, trade, and economic development is
36 abolished, the resulting vacancy shall be filled by a state official
37 who shall be appointed to the commission by the governor. (~~((If this~~
38 ~~official occupies an office or position for which senate confirmation~~
39 ~~is not required, then his appointment to the commission shall be~~

1 ~~subject to the consent of the senate.))~~ The members of the commission
2 shall be compensated in accordance with RCW 43.03.240 and may be
3 reimbursed, solely from the funds of the commission, for expenses
4 incurred in the discharge of their duties under this chapter, subject
5 to the provisions of RCW 43.03.050 and 43.03.060. A majority of the
6 commission constitutes a quorum. Designees shall be appointed in such
7 manner and shall exercise such powers as are specified by the rules of
8 the commission.

9 (3) The commission may adopt an official seal and may select from
10 its membership a vice chair, a secretary, and a treasurer. The
11 commission shall establish rules concerning its exercise of the powers
12 authorized by this chapter. The rules shall be adopted in conformance
13 with chapter 34.05 RCW.

14 **Sec. 3812.** RCW 43.210.030 and 1991 c 314 s 15 are each amended to
15 read as follows:

16 The small business export finance assistance center and its
17 branches shall be governed and managed by a board of nineteen directors
18 appointed by the governor (~~and confirmed by the senate~~). The
19 directors shall serve terms of six years except that two of the
20 original directors shall serve for two years and two of the original
21 directors shall serve for four years. The directors may provide for
22 the payment of their expenses. The directors shall include a
23 representative of a not-for-profit corporation formed for the purpose
24 of facilitating economic development, at least two representatives of
25 state financial institutions engaged in the financing of export
26 transactions, a representative of a port district, and a representative
27 of organized labor. Of the remaining board members, there shall be one
28 representative of business from the area west of Puget Sound, one
29 representative of business from the area east of Puget Sound and west
30 of the Cascade range, one representative of business from the area east
31 of the Cascade range and west of the Columbia river, one representative
32 of business from the area east of the Columbia river, the director of
33 the department of community, trade, and economic development, and the
34 director of the department of agriculture. One of the directors shall
35 be a representative of the public selected from the area in the state
36 west of the Cascade mountain range and one director shall be a
37 representative of the public selected from that area of the state east
38 of the Cascade mountain range. One director shall be a representative

1 of the public at large. The directors shall be broadly representative
2 of geographic areas of the state, and the representatives of businesses
3 shall represent at least four different industries in different sized
4 businesses as follows: (a) One representative of a company employing
5 fewer than one hundred persons; (b) one representative of a company
6 employing between one hundred and five hundred persons; (c) one
7 representative of a company employing more than five hundred persons;
8 (d) one representative from an export management company; and (e) one
9 representative from an agricultural or food processing company. Any
10 vacancies on the board due to the expiration of a term or for any other
11 reason shall be filled by appointment by the governor for the unexpired
12 term.

13 **Sec. 3813.** RCW 49.04.010 and 1984 c 287 s 97 are each amended to
14 read as follows:

15 The director of labor and industries shall appoint an
16 apprenticeship council, composed of three representatives each from
17 employer and employee organizations, respectively. The terms of office
18 of the members of the apprenticeship council first appointed by the
19 director of labor and industries shall be as follows: One
20 representative each of employers and employees shall be appointed for
21 one year, two years, and three years, respectively. Thereafter, each
22 member shall be appointed for a term of three years. The governor
23 shall appoint a public member to the apprenticeship council for a
24 three-year term. (~~The appointment of the public member is subject to~~
25 ~~confirmation by the senate.~~) Each member shall hold office until his
26 or her successor is appointed and has qualified and any vacancy shall
27 be filled by appointment for the unexpired portion of the term. The
28 state official who has been designated by the commission for vocational
29 education as being in charge of trade and industrial education and the
30 state official who has immediate charge of the state public employment
31 service shall ex officio be members of (~~said~~) the council, without
32 vote. Each member of the council, not otherwise compensated by public
33 moneys, shall be reimbursed for travel expenses in accordance with RCW
34 43.03.050 and 43.03.060 and shall be compensated in accordance with RCW
35 43.03.240. The apprenticeship council with the consent of employee and
36 employer groups shall: (1) Establish standards for apprenticeship
37 agreements in conformity with the provisions of this chapter; (2) issue
38 such rules and regulations as may be necessary to carry out the intent

1 and purposes of this chapter, including a procedure to resolve an
2 impasse should a tie vote of the council occur; and (3) perform such
3 other duties as are hereinafter imposed. Not less than once a year the
4 apprenticeship council shall make a report to the director of labor and
5 industries of its activities and findings which shall be available to
6 the public.

7 **Sec. 3814.** RCW 70.37.030 and 1989 1st ex.s. c 9 s 261 are each
8 amended to read as follows:

9 There is hereby established a public body corporate and politic,
10 with perpetual corporate succession, to be known as the Washington
11 health care facilities authority. The authority shall constitute a
12 political subdivision of the state established as an instrumentality
13 exercising essential governmental functions. The authority is a
14 "public body" within the meaning of RCW 39.53.010(~~(, as now or~~
15 ~~hereafter amended)~~). The authority shall consist of the governor who
16 shall serve as chairman, the lieutenant governor, the insurance
17 commissioner, the secretary of health, and one member of the public who
18 shall be appointed by the governor(~~(, subject to confirmation by the~~
19 ~~senate,~~) on the basis of the member's interest or expertise in health
20 care delivery, for a term expiring on the fourth anniversary of the
21 date of appointment. In the event that any of the offices referred to
22 shall be abolished the resulting vacancy on the authority shall be
23 filled by the officer who shall succeed substantially to the powers and
24 duties thereof. The members of the authority shall be compensated in
25 accordance with RCW 43.03.240 and shall be entitled to reimbursement,
26 solely from the funds of the authority, for travel expenses incurred in
27 the discharge of their duties under this chapter, subject to the
28 provisions of RCW 43.03.050 and 43.03.060. A majority shall constitute
29 a quorum.

30 The governor may designate an employee of the governor's office to
31 act on behalf of the governor during the absence of the governor at one
32 or more of the meetings of the authority. The vote of the designee
33 shall have the same effect as if cast by the governor if the
34 designation is in writing and is presented to the person presiding at
35 the meetings included within the designation.

36 The governor may designate a member to preside during the
37 governor's absence.

1 **Sec. 3815.** RCW 72.23.025 and 1992 c 230 s 1 are each amended to
2 read as follows:

3 (1) It is the intent of the legislature to improve the quality of
4 service at state hospitals, eliminate overcrowding, and more
5 specifically define the role of the state hospitals. The legislature
6 intends that eastern and western state hospitals shall become clinical
7 centers for handling the most complicated long-term care needs of
8 patients with a primary diagnosis of mental disorder. Over the next
9 six years, their involvement in providing short-term, acute care, and
10 less complicated long-term care shall be diminished in accordance with
11 the revised responsibilities for mental health care under chapter 71.24
12 RCW. To this end, the legislature intends that funds appropriated for
13 mental health programs, including funds for regional support networks
14 and the state hospitals be used for persons with primary diagnosis of
15 mental disorder. The legislature finds that establishment of the
16 eastern state hospital board, the western state hospital board, and
17 institutes for the study and treatment of mental disorders at both
18 eastern state hospital and western state hospital will be instrumental
19 in implementing the legislative intent.

20 (2)(a) The eastern state hospital board and the western state
21 hospital board are each established. Members of the boards shall be
22 appointed by the governor (~~with the consent of the senate~~). Each
23 board shall include:

24 (i) The director of the institute for the study and treatment of
25 mental disorders established at the hospital;

26 (ii) One family member of a current or recent hospital resident;

27 (iii) One consumer of services;

28 (iv) One community mental health service provider;

29 (v) Two citizens with no financial or professional interest in
30 mental health services;

31 (vi) One representative of the regional support network in which
32 the hospital is located;

33 (vii) One representative from the staff who is a physician;

34 (viii) One representative from the nursing staff;

35 (ix) One representative from the other professional staff;

36 (x) One representative from the nonprofessional staff; and

37 (xi) One representative of a minority community.

38 (b) At least one representative listed in (a) (viii), (ix), or (x)
39 of this subsection shall be a union member.

1 (c) Members shall serve four-year terms. Members of the board
2 shall be reimbursed for travel expenses as provided in RCW 43.03.050
3 and 43.03.060 and shall receive compensation as provided in RCW
4 43.03.240.

5 (3) The boards established under this section shall:

6 (a) Monitor the operation and activities of the hospital;

7 (b) Review and advise on the hospital budget;

8 (c) Make recommendations to the governor and the legislature for
9 improving the quality of service provided by the hospital;

10 (d) Monitor and review the activities of the hospital in
11 implementing the intent of the legislature set forth in this section;

12 (e) Report periodically to the governor and the legislature on the
13 implementation of the legislative intent set forth in this section; and

14 (f) Consult with the secretary regarding persons the secretary may
15 select as the superintendent of the hospital whenever a vacancy occurs.

16 (4)(a) There is established at eastern state hospital and western
17 state hospital, institutes for the study and treatment of mental
18 disorders. The institutes shall be operated by joint operating
19 agreements between state colleges and universities and the department
20 of social and health services. The institutes are intended to conduct
21 training, research, and clinical program development activities that
22 will directly benefit mentally ill persons receiving treatment in
23 Washington state by performing the following activities:

24 (i) Promote recruitment and retention of highly qualified
25 professionals at the state hospitals and community mental health
26 programs;

27 (ii) Improve clinical care by exploring new, innovative, and
28 scientifically based treatment models for persons presenting
29 particularly difficult and complicated clinical syndromes;

30 (iii) Provide expanded training opportunities for existing staff at
31 the state hospitals and community mental health programs;

32 (iv) Promote bilateral understanding of treatment orientation,
33 possibilities, and challenges between state hospital professionals and
34 community mental health professionals.

35 (b) To accomplish these purposes the institutes may, within funds
36 appropriated for this purpose:

37 (i) Enter joint operating agreements with state universities or
38 other institutions of higher education to accomplish the placement and
39 training of students and faculty in psychiatry, psychology, social

1 work, occupational therapy, nursing, and other relevant professions at
2 the state hospitals and community mental health programs;

3 (ii) Design and implement clinical research projects to improve the
4 quality and effectiveness of state hospital services and operations;

5 (iii) Enter into agreements with community mental health service
6 providers to accomplish the exchange of professional staff between the
7 state hospitals and community mental health service providers;

8 (iv) Establish a student loan forgiveness and conditional
9 scholarship program to retain qualified professionals at the state
10 hospitals and community mental health providers when the secretary has
11 determined a shortage of such professionals exists.

12 (c) Notwithstanding any other provisions of law to the contrary,
13 the institutes may enter into agreements with the department or the
14 state hospitals which may involve changes in staffing necessary to
15 implement improved patient care programs contemplated by this section.

16 (d) The institutes are authorized to seek and accept public or
17 private gifts, grants, contracts, or donations to accomplish their
18 purposes under this section.

19 **Sec. 3816.** RCW 75.40.040 and 1983 1st ex.s. c 46 s 152 are each
20 amended to read as follows:

21 The director, ex officio, and two appointees of the governor
22 representing the fishing industry shall act as the representatives of
23 this state on the Pacific Marine Fisheries Commission. ((The
24 appointees of the governor are subject to confirmation by the state
25 senate.))

26 **Sec. 3817.** RCW 80.50.030 and 1994 c 264 s 75 and 1994 c 154 s 315
27 are each reenacted and amended to read as follows:

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

30 (2)(a) The chairman of the council shall be appointed by the
31 governor ((with the advice and consent of the senate)), shall have a
32 vote on matters before the council, shall serve for a term coextensive
33 with the term of the governor, and is removable for cause. The
34 chairman may designate a member of the council to serve as acting
35 chairman in the event of the chairman's absence. The chairman is a
36 "state employee" for the purposes of chapter 42.52 RCW. As applicable,
37 when attending meetings of the council, members may receive

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

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

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

13 (a) Department of ecology;

14 (b) Department of fish and wildlife;

15 (c) Parks and recreation commission;

16 (d) Department of health;

17 (e) State energy office;

18 (f) Department of community, trade, and economic development;

19 (g) Utilities and transportation commission;

20 (h) Office of financial management;

21 (i) Department of natural resources;

22 (j) Department of agriculture;

23 (k) Department of transportation.

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

31 (5) The city legislative authority of every city within whose
32 corporate limits an energy plant is proposed to be located shall
33 appoint a member or designee as a voting member to the council. The
34 member or designee so appointed shall sit with the council only at such
35 times as the council considers the proposed site for the city which he
36 or she represents, and such member or designee shall serve until there
37 has been a final acceptance or rejection of the proposed site.

38 (6) For any port district wherein an application for a proposed
39 port facility is filed subject to this chapter, the port district shall

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

9 **Sec. 3818.** RCW 88.16.010 and 1991 c 200 s 1001 are each amended to
10 read as follows:

11 (1) The board of pilotage commissioners of the state of Washington
12 is hereby created and shall consist of the assistant secretary of
13 marine transportation of the department of transportation of the state
14 of Washington, or the assistant secretary's designee who shall be an
15 employee of the marine division, who shall be chairperson, the
16 administrator of the office of marine safety, or the administrator's
17 designee, and seven members appointed by the governor (~~and confirmed~~
18 ~~by the senate~~). Each of the appointed commissioners shall be
19 appointed for a term of four years from the date of the member's
20 commission. No person shall be eligible for appointment to the board
21 unless that person is at the time of appointment eighteen years of age
22 or over and a citizen of the United States and of the state of
23 Washington. Two of the appointed commissioners shall be pilots
24 licensed under this chapter and actively engaged in piloting upon the
25 waters covered by this chapter for at least three years immediately
26 preceding the time of appointment and while serving on the board. One
27 pilot shall be from the Puget Sound pilotage district and one shall be
28 from the Grays Harbor pilotage district. Two of the appointed
29 commissioners shall be actively engaged in the ownership, operation, or
30 management of deep sea cargo and/or passenger carrying vessels for at
31 least three years immediately preceding the time of appointment and
32 while serving on the board(~~(-)~~), with one (~~(of said shipping~~
33 ~~commissioners shall be a representative of)~~) representing American and
34 one (~~(of)~~) representing foreign shipping. One of the commissioners
35 shall be a representative from a recognized environmental organization
36 concerned with marine waters. The remaining commissioners shall be
37 persons interested in and concerned with pilotage, maritime safety, and
38 marine affairs, with broad experience related to the maritime industry

1 exclusive of experience as either a state licensed pilot or as a
2 shipping representative.

3 (2) Any vacancy in an appointed position on the board shall be
4 filled by the governor for the remainder of the unfilled term(~~(7~~
5 ~~subject to confirmation by the senate))~~).

6 (3) Five members of the board shall constitute a quorum. At least
7 one pilot, one shipping representative, and one public member must be
8 present at every meeting. All commissioners and the chairperson shall
9 have a vote.

10 NEW SECTION. **Sec. 3819.** Part headings as used in this act do not
11 constitute any part of the law.

12 NEW SECTION. **Sec. 3820.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 3821.** Section 301 of this act shall take effect
17 June 30, 1997.

18 NEW SECTION. **Sec. 3822.** Sections 3701 and 3702 of this act are
19 necessary for the immediate preservation of the public peace, health,
20 or safety, or support of the state government and its existing public
21 institutions, and shall take effect immediately.

22 NEW SECTION. **Sec. 3823.** Sections 101, 201, 302, 303, 401, 402,
23 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203,
24 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901 through
25 1904, 2001, 2002, 2101, 2201, 2202, 2301 through 2304, 2401, 2402,
26 2501, 2601, 2701 through 2708, 2801, 2901 through 2904, 3001 through
27 3009, 3101, 3201, 3301, 3401, 3501, and 3601 of this act are necessary
28 for the immediate preservation of the public peace, health, or safety,
29 or support of the state government and its existing public
30 institutions, and shall take effect July 1, 1995."

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

3 ADOPTED AS AMENDED 4/13/95

4 On page 1, line 2 of the title, after "commissions;" strike the
5 remainder of the title and insert "amending RCW 13.40.025, 9.94A.040,
6 18.16.050, 18.145.030, 18.145.050, 18.145.070, 18.145.080, 28B.10.804,
7 28B.80.575, 38.54.030, 38.52.040, 43.19.190, 43.19.1905, 43.19.19052,
8 43.19.1906, 43.19.1937, 43.19A.020, 43.21B.005, 75.20.103, 75.20.160,
9 43.20A.750, 43.70.010, 43.70.070, 70.170.020, 43.150.030, 46.61.380,
10 81.104.090, 47.26.121, 47.66.030, 47.26.140, 47.66.040, 47.26.160,
11 70.95D.010, 70.95D.060, 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020,
12 70.119.050, 70.119.110, 75.44.140, 90.70.065, 43.131.369, 43.131.370,
13 9.94A.060, 9.94A.250, 9.95.003, 13.40.025, 18.64.001, 28B.07.030,
14 28C.18.020, 41.64.010, 43.97.025, 43.99.110, 43.180.040, 43.210.030,
15 49.04.010, 70.37.030, 72.23.025, 75.40.040, and 88.16.010; reenacting
16 and amending RCW 38.52.030, 82.44.180, 75.30.050, and 80.50.030; adding
17 a new section to chapter 9.94A RCW; adding a new section to chapter
18 39.19 RCW; adding a new section to chapter 43.63A RCW; adding a new
19 section to chapter 70.95D RCW; adding a new section to chapter 70.95B
20 RCW; adding a new section to chapter 70.119 RCW; creating new sections;
21 repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050,
22 1.30.060, 2.52.010, 2.52.020, 2.52.030, 2.52.035, 2.52.040, 2.52.050,
23 18.145.060, 27.34.300, 27.60.010, 27.60.020, 27.60.030, 27.60.040,
24 27.60.050, 27.60.070, 27.60.090, 27.60.900, 28B.80.550, 28B.80.555,
25 39.19.040, 43.19.1904, 43.20A.730, 75.20.130, 75.20.140, 43.31.631,
26 43.52.373, 70.170.030, 70.170.040, 43.150.060, 43.17.260, 43.17.270,
27 43.17.280, 43.17.290, 43.17.300, 47.66.020, 47.66.050, 47.66.060,
28 48.22.071, 48.22.072, 70.95D.050, 70.95B.070, 70.119.080, 81.62.010,
29 81.62.020, 81.62.030, 81.62.040, 81.62.050, 81.62.060, 81.62.900,
30 81.62.901, and 90.56.450; repealing 1994 c 232 s 27 (uncodified);
31 repealing 1991 c 53 s 1 and 1987 c 480 s 6 (uncodified); providing
32 effective dates; and declaring an emergency."

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