
SUBSTITUTE SENATE BILL 5199 - CC

State of Washington**54th Legislature****1995 Regular Session**

By Senate Committee on Government Operations (originally sponsored by Senators Quigley, Winsley, Haugen, Snyder, Sheldon, McAuliffe, Franklin and Drew; by request of Governor Lowry)

Read first time 02/24/95.

1 AN ACT Relating to the elimination and consolidation of boards and
2 commissions; amending RCW 13.40.025, 9.94A.040, 18.16.050, 18.145.030,
3 18.145.050, 18.145.070, 18.145.080, 28B.10.804, 28B.80.575, 38.54.030,
4 38.52.040, 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1937,
5 43.19A.020, 43.21B.005, 75.20.103, 75.20.160, 43.20A.750, 43.70.010,
6 43.70.070, 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121,
7 47.66.030, 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060,
8 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110,
9 75.44.140, and 90.70.065; reenacting and amending RCW 38.52.030,
10 82.44.180, and 75.30.050; adding a new section to chapter 9.94A RCW;
11 adding a new section to chapter 39.19 RCW; adding a new section to
12 chapter 43.63A RCW; adding a new section to chapter 70.95D RCW; adding
13 a new section to chapter 70.95B RCW; adding a new section to chapter
14 70.119 RCW; creating new sections; repealing RCW 1.30.010, 1.30.020,
15 1.30.030, 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030,
16 2.52.035, 2.52.040, 2.52.050, 18.145.060, 27.34.300, 27.60.010,
17 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090,
18 27.60.900, 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730,
19 75.20.130, 75.20.140, 43.31.631, 43.52.373, 70.170.030, 70.170.040,
20 43.150.060, 43.17.260, 43.17.270, 43.17.280, 43.17.290, 43.17.300,
21 47.66.020, 47.66.050, 47.66.060, 48.22.071, 48.22.072, 70.95D.050,

1 70.95B.070, 70.119.080, 81.62.010, 81.62.020, 81.62.030, 81.62.040,
2 81.62.050, 81.62.060, 81.62.900, 81.62.901, and 90.56.450; repealing
3 1994 c 232 s 27 (uncodified); repealing 1991 c 53 s 1 and 1987 c 480 s
4 6 (uncodified); providing effective dates; and declaring an emergency.

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

6 **PART 1**
7 **LAW REVISION COMMISSION**

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9 each repealed:

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

16 **PART 2**
17 **JUDICIAL COUNCIL**

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

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

29 **PART 3**
30 **JUVENILE DISPOSITION STANDARDS COMMISSION**

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

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

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

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

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

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

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

38 (5) The transfer of the powers, duties, functions, and personnel of
39 the juvenile disposition standards commission shall not affect the

1 validity of any act performed before the effective date of this
2 section.

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

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

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

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

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

1 in respect to the member who is either a county legislative official or
2 county executive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 adult felons; and (c) conduct ongoing research regarding sentencing
2 guidelines, use of total confinement and alternatives to total
3 confinement, plea bargaining, and other matters relating to the
4 improvement of the criminal justice system.

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

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

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

14 PART 4

15 COSMETOLOGY, BARBERING, ESTHETICS, AND MANICURING ADVISORY BOARD

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

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

28 (1) There is created a state cosmetology, barbering, esthetics, and
29 manicuring advisory board consisting of ~~((five))~~ seven members
30 appointed by the governor ~~((who shall advise the director concerning~~
31 ~~the administration of this chapter. Four members of the board shall~~
32 ~~include a minimum of two instructors with the balance made up of~~
33 ~~currently practicing licensees who have been engaged in the practice of~~
34 ~~manicuring, esthetics, barbering, or cosmetology for at least three~~
35 ~~years))~~. The seven members of the board shall include: One
36 administrator with vocational employment experience from the employment

1 security department; one representative with employee supervisory
2 experience from a salon chain having ten or more salons; one salon
3 owner with substantial experience in booth rental operations, who owns
4 three or fewer salons; one salon owner with substantial experience in
5 employee-based salon ownership, who owns three or fewer salons; one
6 cosmetology school owner with substantial experience in school
7 operations with fewer than thirty students average enrollment, who owns
8 two or fewer schools; one cosmetology school owner with substantial
9 experience in school operations with more than thirty students average
10 enrollment, who owns two or fewer schools; and one member of the board
11 shall be a consumer who is unaffiliated with the cosmetology,
12 barbering, esthetics, or manicuring industry. The term of office for
13 all board members ((is three years)) serving as of the effective date
14 of this act expires June 30, 1995. On June 30, 1995, the governor
15 shall appoint seven new members to the board. These new members shall
16 serve a term of two years, at the conclusion of which the board shall
17 cease to exist. Any members serving on the advisory board as of the
18 effective date of this act are eligible to be reappointed. Any board
19 member may be removed for just cause. The ((director)) governor may
20 appoint a new member to fill any vacancy on the ((committee)) board for
21 the remainder of the unexpired term. ((No board member may serve more
22 than two consecutive terms, whether full or partial.))

23 (2) The board appointed on June 30, 1995, shall conduct a thorough
24 review of educational requirements, licensing requirements, and
25 enforcement and health standards for persons engaged in cosmetology,
26 barbering, esthetics, or manicuring and shall prepare a report to be
27 delivered to the governor and to the chairpersons of the government
28 operations committees of the house of representatives and the senate.
29 The report must summarize their findings and make recommendations,
30 including, if appropriate, recommendations for legislation reforming
31 and restructuring the regulation of cosmetology, barbering, esthetics,
32 and manicuring.

33 (3) Board members shall be entitled to compensation pursuant to RCW
34 43.03.240 for each day spent conducting official business and to
35 reimbursement for travel expenses as provided by RCW 43.03.050 and
36 43.03.060 which compensation and reimbursement shall be disbursed by
37 the director.

38 (4) Meetings of the board shall be called by the director, or at
39 the request of any four members of the board, and may be held at such

1 locations within the state as determined by the board. The director
2 shall provide staff and technical support to the board as needed.

3 **PART 5**

4 **SHORTHAND REPORTERS ADVISORY BOARD**

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

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

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

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

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

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

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

17 In addition to any other authority provided by law, the director
18 may:

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

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

23 (3) Establish the forms and procedures necessary to administer this
24 chapter;

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

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

29 (6) Investigate complaints or reports of unprofessional conduct as
30 defined in this chapter and hold hearings pursuant to chapter 34.05
31 RCW;

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

1 (8) Maintain the official departmental record of all applicants and
2 certificate holders;

3 (9) Delegate, in writing to a designee, the authority to issue
4 subpoenas, statements of charges, and statements of intent to deny
5 certification;

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

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

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

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

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

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

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

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

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

29 (b) Good moral character;

30 (c) Not engaged in unprofessional conduct; and

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

33 (2) A one-year temporary certificate may be issued, at the
34 discretion of the director, to a person holding one of the following:
35 National shorthand reporters association certificate of proficiency,
36 registered professional reporter certificate, or certificate of merit;
37 a current court or shorthand reporter certification, registration, or

1 license of another state; or a certificate of graduation of a court
2 reporting school. To continue to be certified under this chapter, a
3 person receiving a temporary certificate shall successfully complete
4 the examination under subsection (1)(a) of this section within one year
5 of receiving the temporary certificate, except that the director may
6 renew the temporary certificate if extraordinary circumstances are
7 shown.

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

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

13 **PART 6**

14 **MARITIME BICENTENNIAL ADVISORY COMMITTEE**

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

17 **PART 7**

18 **CENTENNIAL COMMISSION**

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

- 21 (1) RCW 27.60.010 and 1982 c 90 s 1;
22 (2) RCW 27.60.020 and 1985 c 291 s 1, 1984 c 120 s 1, & 1982 c 90
23 s 2;
24 (3) RCW 27.60.030 and 1982 c 90 s 3;
25 (4) RCW 27.60.040 and 1987 c 195 s 1, 1985 c 291 s 2, & 1982 c 90
26 s 4;
27 (5) RCW 27.60.050 and 1982 c 90 s 5;
28 (6) RCW 27.60.070 and 1985 c 291 s 4;
29 (7) RCW 27.60.090 and 1986 c 157 s 2; and
30 (8) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s
31 6.

32 **PART 8**

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

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

3 The commission shall be cognizant of the following guidelines in
4 the performance of its duties:

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

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

10 (3) The commission shall take the initiative and responsibility for
11 coordinating all federal student financial aid programs to insure that
12 the state recognizes the maximum potential effect of these programs,
13 and shall design the state program which complements existing federal,
14 state and institutional programs.

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

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

27 (6)) The "package" approach of combining loans, grants and
28 employment for student financial aid shall be the conceptual element
29 of the state's involvement.

30 **PART 9**

31 **ADVISORY COMMITTEE ON ACCESS TO EDUCATION**

32 **FOR STUDENTS WITH DISABILITIES**

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

35 (1) RCW 28B.80.550 and 1991 c 228 s 7; and

36 (2) RCW 28B.80.555 and 1991 c 228 s 8.

1 PART 10

2 ADVISORY COMMITTEE FOR PROGRAM FOR
3 DISLOCATED FOREST PRODUCTS WORKERS

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

6 The board shall administer a program designed to provide upper
7 division higher education opportunities to dislocated forest products
8 workers, their spouses, and others in timber impact areas. In
9 administering the program, the board shall have the following powers
10 and duties:

11 (1) Distribute funding for institutions of higher education to
12 service placebound students in the timber impact areas meeting the
13 following criteria, as determined by the employment security
14 department: (a) A lumber and wood products employment location
15 quotient at or above the state average; (b) a direct lumber and wood
16 products job loss of one hundred positions or more; and (c) an annual
17 unemployment rate twenty percent above the state average; and

18 ~~((Appoint an advisory committee to assist the board in program
19 design and future project selection;~~

20 ~~(3)) Monitor the program and report on student progress and
21 outcome(;~~ and

22 ~~(4) Report to the legislature by December 1, 1993, on the status of
23 the program)).~~

24 PART 11

25 STATE FIRE DEFENSE BOARD AND
26 FIRE PROTECTION POLICY BOARD

27 Sec. 1101. RCW 38.54.030 and 1992 c 117 s 11 are each amended to
28 read as follows:

29 ~~((There is created the state fire defense board consisting of the
30 state fire marshal, a representative from the department of natural
31 resources appointed by the commissioner of public lands, the assistant
32 director of the emergency management division of the department of
33 community development, and one representative selected by each regional
34 fire defense board in the state. Members of the state fire defense
35 board shall select from among themselves a chairperson. Members~~

1 ~~serv~~ing on the board do so in a voluntary capacity and are not eligible
2 for reimbursement for meeting related expenses from the state.)

3 The state fire ((defense board shall develop and maintain))
4 protection policy board shall review and make recommendations to the
5 director on the refinement and maintenance of the Washington state fire
6 services mobilization plan, which shall include the procedures to be
7 used during fire and other emergencies for coordinating local,
8 regional, and state fire jurisdiction resources. In carrying out this
9 duty, the fire protection policy board shall consult with and solicit
10 recommendations from representatives of state and local fire and
11 emergency management organizations, regional fire defense boards, and
12 the department of natural resources. The Washington state fire
13 services mobilization plan shall be consistent with, and made part of,
14 the Washington state comprehensive emergency management plan. The
15 director shall review the fire services mobilization plan as submitted
16 by the state fire defense board and after consultation with the fire
17 protection policy board, recommend changes that may be necessary, and
18 approve the fire services mobilization plan for inclusion within the
19 state comprehensive emergency management plan.

20 It is the responsibility of the director to mobilize jurisdictions
21 under the Washington state fire services mobilization plan. The state
22 fire marshal shall serve as the state fire resources coordinator when
23 the Washington state fire services mobilization plan is mobilized.

24 **PART 12**

25 **EMERGENCY MANAGEMENT COUNCIL AND RELATED BOARDS**

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

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

32 (2) The director, subject to the direction and control of the
33 governor, shall be responsible to the governor for carrying out the
34 program for emergency management of this state. The director shall
35 coordinate the activities of all organizations for emergency management
36 within the state, and shall maintain liaison with and cooperate with
37 emergency management agencies and organizations of other states and of

1 the federal government, and shall have such additional authority,
2 duties, and responsibilities authorized by this chapter, as may be
3 prescribed by the governor.

4 (3) The director shall develop and maintain a comprehensive, all-
5 hazard emergency plan for the state which shall include an analysis of
6 the natural and man-caused hazards which could affect the state of
7 Washington, and shall include the procedures to be used during
8 emergencies for coordinating local resources, as necessary, and the
9 resources of all state agencies, departments, commissions, and boards.
10 The comprehensive emergency management plan shall direct the department
11 in times of state emergency to administer and manage the state's
12 emergency operations center. This will include representation from all
13 appropriate state agencies and be available as a single point of
14 contact for the authorizing of state resources or actions, including
15 emergency permits. The comprehensive, all-hazard emergency plan
16 authorized under this subsection may not include preparation for
17 emergency evacuation or relocation of residents in anticipation of
18 nuclear attack. This plan shall be known as the comprehensive
19 emergency management plan.

20 (4) In accordance with the comprehensive emergency management plans
21 and the programs for the emergency management of this state, the
22 director shall procure supplies and equipment, institute training
23 programs and public information programs, and shall take all other
24 preparatory steps, including the partial or full mobilization of
25 emergency management organizations in advance of actual disaster, to
26 insure the furnishing of adequately trained and equipped forces of
27 emergency management personnel in time of need.

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

32 ~~(6) ((The director may appoint a communications coordinating~~
33 ~~committee consisting of six to eight persons with the director, or his~~
34 ~~or her designee, as chairman thereof. Three of the members shall be~~
35 ~~appointed from qualified, trained and experienced telephone~~
36 ~~communications administrators or engineers actively engaged in such~~
37 ~~work within the state of Washington at the time of appointment, and~~
38 ~~three of the members shall be appointed from qualified, trained and~~
39 ~~experienced radio communication administrators or engineers actively~~

1 engaged in such work within the state of Washington at the time of
2 appointment. ~~This committee~~) The emergency management council shall
3 advise the director on all aspects of the communications and warning
4 systems and facilities operated or controlled under the provisions of
5 this chapter.

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

9 (8) The director shall appoint a state coordinator of search and
10 rescue operations to coordinate those state resources, services and
11 facilities (other than those for which the state director of
12 aeronautics is directly responsible) requested by political
13 subdivisions in support of search and rescue operations, and on request
14 to maintain liaison with and coordinate the resources, services, and
15 facilities of political subdivisions when more than one political
16 subdivision is engaged in joint search and rescue operations.

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

35 (10) The director shall appoint a state coordinator for radioactive
36 and hazardous waste emergency response programs. The coordinator shall
37 consult with the state radiation control officer in matters relating to
38 radioactive materials. The duties of the state coordinator for

1 radioactive and hazardous waste emergency response programs shall
2 include:

3 (a) Assessing the current needs and capabilities of state and local
4 radioactive and hazardous waste emergency response teams on an ongoing
5 basis;

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

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

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

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

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

37 (2) The emergency management council shall advise the governor and
38 the director on all matters pertaining to state and local emergency

1 management. The council may appoint such ad hoc committees,
2 subcommittees, and working groups as are required to develop specific
3 recommendations for the improvement of emergency management practices,
4 standards, policies, or procedures. The council shall ensure that the
5 governor receives an annual assessment of state-wide emergency
6 preparedness including, but not limited to, specific progress on hazard
7 mitigation and reduction efforts, implementation of seismic safety
8 improvements, reduction of flood hazards, and coordination of hazardous
9 materials planning and response activities. The council or a
10 subcommittee thereof shall periodically convene in special session and
11 serve during those sessions as the state emergency response commission
12 required by P.L. 99-499, the emergency planning and community right-to-
13 know act. When sitting in session as the state emergency response
14 commission, the council shall confine its deliberations to those items
15 specified in federal statutes and state administrative rules governing
16 the coordination of hazardous materials policy. The council shall
17 review administrative rules governing state and local emergency
18 management practices and recommend necessary revisions to the director.

19 NEW SECTION. Sec. 1203. By July 1, 1995, the director of
20 community, trade, and economic development shall terminate the state
21 emergency response commission, the disaster assistance council, the
22 hazardous materials advisory committee, the hazardous materials
23 transportation act grant review committee, the flood damage reduction
24 committee, and the hazard mitigation grant review committee. The
25 director shall ensure that the responsibilities of these committees are
26 carried out by the emergency management council or subcommittees
27 thereof.

28 **PART 13**

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

30 **ADVISORY COMMITTEE**

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

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

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

4 **PART 14**

5 **SUPPLY MANAGEMENT ADVISORY BOARD**

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

8 The director of general administration, through the state
9 purchasing and material control director, shall:

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

13 (2) Purchase all material, supplies, services, and equipment needed
14 for the support, maintenance, and use of all state institutions,
15 colleges, community colleges, technical colleges, college districts,
16 and universities, the offices of the elective state officers, the
17 supreme court, the court of appeals, the administrative and other
18 departments of state government, and the offices of all appointive
19 officers of the state: PROVIDED, That the provisions of RCW 43.19.190
20 through 43.19.1937 do not apply in any manner to the operation of the
21 state legislature except as requested by the legislature: PROVIDED,
22 That any agency may purchase material, supplies, services, and
23 equipment for which the agency has notified the purchasing and material
24 control director that it is more cost-effective for the agency to make
25 the purchase directly from the vendor: PROVIDED, That primary
26 authority for the purchase of specialized equipment, instructional, and
27 research material for their own use shall rest with the colleges,
28 community colleges, and universities: PROVIDED FURTHER, That
29 universities operating hospitals and the state purchasing and material
30 control director, as the agent for state hospitals as defined in RCW
31 72.23.010, and for health care programs provided in state correctional
32 institutions as defined in RCW 72.65.010(3) and veterans' institutions
33 as defined in RCW 72.36.010 and 72.36.070, may make purchases for
34 hospital operation by participating in contracts for materials,
35 supplies, and equipment entered into by nonprofit cooperative hospital
36 group purchasing organizations: PROVIDED FURTHER, That primary
37 authority for the purchase of materials, supplies, and equipment for

1 resale to other than public agencies shall rest with the state agency
2 concerned: PROVIDED FURTHER, That authority to purchase services as
3 included herein does not apply to personal services as defined in
4 chapter 39.29 RCW, unless such organization specifically requests
5 assistance from the division of purchasing in obtaining personal
6 services and resources are available within the division to provide
7 such assistance: PROVIDED FURTHER, That the authority for the purchase
8 of insurance and bonds shall rest with the risk manager under RCW
9 43.19.1935: PROVIDED FURTHER, That, except for the authority of the
10 risk manager to purchase insurance and bonds, the director is not
11 required to provide purchasing services for institutions of higher
12 education that choose to exercise independent purchasing authority
13 under RCW 28B.10.029;

14 ~~(3) ((Provide the required staff assistance for the state supply~~
15 ~~management advisory board through the division of purchasing;~~

16 ~~(4))~~ Have authority to delegate to state agencies authorization to
17 purchase or sell, which authorization shall specify restrictions as to
18 dollar amount or to specific types of material, equipment, services,
19 and supplies(~~(:—PROVIDED, That)~~). Acceptance of the purchasing
20 authorization by a state agency does not relieve such agency from
21 conformance with other sections of RCW 43.19.190 through 43.19.1939, or
22 from policies established by the director (~~(after consultation with the~~
23 ~~state supply management advisory board:—PROVIDED FURTHER, That)~~).
24 Also, delegation of such authorization to a state agency, including an
25 educational institution to which this section applies, to purchase or
26 sell material, equipment, services, and supplies shall not be granted,
27 or otherwise continued under a previous authorization, if such agency
28 is not in substantial compliance with overall state purchasing and
29 material control policies as established herein;

30 ~~((+5))~~ (4) Contract for the testing of material, supplies, and
31 equipment with public and private agencies as necessary and advisable
32 to protect the interests of the state;

33 ~~((+6))~~ (5) Prescribe the manner of inspecting all deliveries of
34 supplies, materials, and equipment purchased through the division;

35 ~~((+7))~~ (6) Prescribe the manner in which supplies, materials, and
36 equipment purchased through the division shall be delivered, stored,
37 and distributed;

38 ~~((+8))~~ (7) Provide for the maintenance of a catalogue library,
39 manufacturers' and wholesalers' lists, and current market information;

1 (~~(9)~~) (8) Provide for a commodity classification system and may,
2 in addition, provide for the adoption of standard specifications
3 (~~after receiving the recommendation of the supply management advisory~~
4 ~~board~~);

5 (~~(10)~~) (9) Provide for the maintenance of inventory records of
6 supplies, materials, and other property;

7 (~~(11)~~) (10) Prepare rules and regulations governing the
8 relationship and procedures between the division of purchasing and
9 state agencies and vendors;

10 (~~(12)~~) (11) Publish procedures and guidelines for compliance by
11 all state agencies, including those educational institutions to which
12 this section applies, which implement overall state purchasing and
13 material control policies;

14 (~~(13)~~) (12) Advise state agencies, including educational
15 institutions, regarding compliance with established purchasing and
16 material control policies under existing statutes.

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

19 The director of general administration(~~(, after consultation with~~
20 ~~the supply management advisory board)~~) shall establish overall state
21 policy for compliance by all state agencies, including educational
22 institutions, regarding the following purchasing and material control
23 functions:

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

26 (2) Determination where consolidations, closures, or additions of
27 stores operated by state agencies and educational institutions should
28 be initiated;

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

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

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

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

1 (7) Standardization of records and forms used state-wide for supply
2 system activities involving purchasing, receiving, inspecting, storing,
3 requisitioning, and issuing functions (~~((under the provisions of RCW~~
4 ~~43.19.510))~~), including a standard notification form for state agencies
5 to report cost-effective direct purchases, which shall at least
6 identify the price of the goods as available through the division of
7 purchasing, the price of the goods as available from the alternative
8 source, the total savings, and the signature of the notifying agency's
9 director or the director's designee;

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

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

15 (10) Establishment of time limit standards for the issuing of
16 material in store and for processing requisitions requiring purchase;

17 (11) Formulation of criteria for determining when centralized
18 rather than decentralized purchasing shall be used to obtain maximum
19 benefit of volume buying of identical or similar items, including
20 procurement from federal supply sources;

21 (12) Development of criteria for use of leased, rather than state
22 owned, warehouse space based on relative cost and accessibility;

23 (13) Institution of standard criteria for purchase and placement of
24 state furnished materials, carpeting, furniture, fixtures, and nonfixed
25 equipment, in newly constructed or renovated state buildings;

26 (14) Determination of how transportation costs incurred by the
27 state for materials, supplies, services, and equipment can be reduced
28 by improved freight and traffic coordination and control;

29 (15) Establishment of a formal certification program for state
30 employees who are authorized to perform purchasing functions as agents
31 for the state under the provisions of chapter 43.19 RCW;

32 (16) Development of performance measures for the reduction of total
33 overall expense for material, supplies, equipment, and services used
34 each biennium by the state;

35 (17) Establishment of a standard system for all state organizations
36 to record and report dollar savings and cost avoidance which are
37 attributable to the establishment and implementation of improved
38 purchasing and material control procedures;

1 (18) Development of procedures for mutual and voluntary cooperation
2 between state agencies, including educational institutions, and
3 political subdivisions for exchange of purchasing and material control
4 services;

5 (19) Resolution of all other purchasing and material matters
6 (~~referred to him by a member of the advisory board~~) which require the
7 establishment of overall state-wide policy for effective and economical
8 supply management;

9 (20) Development of guidelines and criteria for the purchase of
10 vehicles, alternate vehicle fuels and systems, equipment, and materials
11 that reduce overall energy-related costs and energy use by the state,
12 including the requirement that new passenger vehicles purchased by the
13 state meet the minimum standards for passenger automobile fuel economy
14 established by the United States secretary of transportation pursuant
15 to the energy policy and conservation act (15 U.S.C. Sec. 2002).

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

18 Initial policy determinations for the functions described in RCW
19 43.19.1905 shall be developed and published within the 1975-77 biennium
20 by the director(~~(, after consultation with the supply management~~
21 ~~advisory board)~~) for guidance and compliance by all state agencies,
22 including educational institutions, involved in purchasing and material
23 control. Modifications to these initial supply management policies
24 established during the 1975-77 biennium shall be instituted by the
25 director(~~(, after consultation with the advisory board,~~) in future
26 biennia as required to maintain an efficient and up-to-date state
27 supply management system. The director shall transmit to the governor
28 and the legislature in June 1976 and June 1977 a progress report which
29 indicates the degree of accomplishment of each of these assigned
30 duties, and which summarizes specific achievements obtained in
31 increased effectiveness and dollar savings or cost avoidance within the
32 overall state purchasing and material control system. The second
33 progress report in June 1977 shall include a comprehensive supply
34 management plan which includes the recommended organization of a state-
35 wide purchasing and material control system and development of an
36 orderly schedule for implementing such recommendation. In the interim
37 between these annual progress reports, the director shall furnish
38 periodic reports to the office of financial management for review of

1 progress being accomplished in achieving increased efficiencies and
2 dollar savings or cost avoidance.

3 It is the intention of the legislature that measurable improvements
4 in the effectiveness and economy of supply management in state
5 government shall be achieved during the 1975-77 biennium, and each
6 biennium thereafter. All agencies, departments, offices, divisions,
7 boards, and commissions and educational, correctional, and other types
8 of institutions are required to cooperate with and support the
9 development and implementation of improved efficiency and economy in
10 purchasing and material control. To effectuate this legislative
11 intention, the director, (~~in consultation with the supply management~~
12 ~~advisory board, and~~) through the state purchasing and material control
13 director, shall have the authority to direct and require the submittal
14 of data from all state organizations concerning purchasing and material
15 control matters.

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

18 Insofar as practicable, all purchases and sales shall be based on
19 competitive bids, and a formal sealed bid procedure shall be used as
20 standard procedure for all purchases and contracts for purchases and
21 sales executed by the state purchasing and material control director
22 and under the powers granted by RCW 43.19.190 through 43.19.1939. This
23 requirement also applies to purchases and contracts for purchases and
24 sales executed by agencies, including educational institutions, under
25 delegated authority granted in accordance with provisions of RCW
26 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is
27 not necessary for:

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

31 (2) Purchases not exceeding thirty-five thousand dollars, or
32 subsequent limits as calculated by the office of financial management:
33 PROVIDED, That the state director of general administration shall
34 establish procedures to assure that purchases made by or on behalf of
35 the various state agencies shall not be made so as to avoid the thirty-
36 five thousand dollar bid limitation, or subsequent bid limitations as
37 calculated by the office of financial management: PROVIDED FURTHER,
38 That the state purchasing and material control director is authorized

1 to reduce the formal sealed bid limits of thirty-five thousand dollars,
2 or subsequent limits as calculated by the office of financial
3 management, to a lower dollar amount for purchases by individual state
4 agencies if considered necessary to maintain full disclosure of
5 competitive procurement or otherwise to achieve overall state
6 efficiency and economy in purchasing and material control. Quotations
7 from four hundred dollars to thirty-five thousand dollars, or
8 subsequent limits as calculated by the office of financial management,
9 shall be secured from at least three vendors to assure establishment of
10 a competitive price and may be obtained by telephone or written
11 quotations, or both. The agency shall invite at least one quotation
12 each from a certified minority and a certified women-owned vendor who
13 shall otherwise qualify to perform such work. Immediately after the
14 award is made, the bid quotations obtained shall be recorded and open
15 to public inspection and shall be available by telephone inquiry. A
16 record of competition for all such purchases from four hundred dollars
17 to thirty-five thousand dollars, or subsequent limits as calculated by
18 the office of financial management, shall be documented for audit
19 purposes. Purchases up to four hundred dollars may be made without
20 competitive bids based on buyer experience and knowledge of the market
21 in achieving maximum quality at minimum cost: PROVIDED, That this four
22 hundred dollar direct buy limit without competitive bids may be
23 increased incrementally as required to a maximum of eight hundred
24 dollars (~~with the approval of at least ten of the members of the state~~
25 ~~supply management advisory board~~), if warranted by increases in
26 purchasing costs due to inflationary trends;

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

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

33 (5) Purchases and contracts for vocational rehabilitation clients
34 of the department of social and health services: PROVIDED, That this
35 exemption is effective only when the state purchasing and material
36 control director, after consultation with the director of the division
37 of vocational rehabilitation and appropriate department of social and
38 health services procurement personnel, declares that such purchases may
39 be best executed through direct negotiation with one or more suppliers

1 in order to expeditiously meet the special needs of the state's
2 vocational rehabilitation clients;

3 (6) Purchases by universities for hospital operation or biomedical
4 teaching or research purposes and by the state purchasing and material
5 control director, as the agent for state hospitals as defined in RCW
6 72.23.010, and for health care programs provided in state correctional
7 institutions as defined in RCW 72.65.010(3) and veterans' institutions
8 as defined in RCW 72.36.010 and 72.36.070, made by participating in
9 contracts for materials, supplies, and equipment entered into by
10 nonprofit cooperative hospital group purchasing organizations;

11 (7) Purchases by institutions of higher education not exceeding
12 thirty-five thousand dollars: PROVIDED, That for purchases between two
13 thousand five hundred dollars and thirty-five thousand dollars
14 quotations shall be secured from at least three vendors to assure
15 establishment of a competitive price and may be obtained by telephone
16 or written quotations, or both. For purchases between two thousand
17 five hundred dollars and thirty-five thousand dollars, each institution
18 of higher education shall invite at least one quotation each from a
19 certified minority and a certified women-owned vendor who shall
20 otherwise qualify to perform such work. A record of competition for
21 all such purchases made from two thousand five hundred to thirty-five
22 thousand dollars shall be documented for audit purposes; and

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

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

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

34 (1) Advising on or drawing specifications for supplies, equipment,
35 commodities, or services;

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

37 (3) Drawing requisitions for supplies, equipment, commodities, or
38 services;

1 (4) Evaluating specifications or bids and suggesting or determining
2 awards; or

3 (5) Accepting the receipt of supplies, equipment, and commodities
4 or approving the performance of services or contracts;
5 shall accept or receive, directly or indirectly, a personal financial
6 benefit, or accept any gift, token, membership, or service, as a result
7 of a purchase entered into by the state, from any person, firm, or
8 corporation engaged in the sale, lease, or rental of property,
9 material, supplies, equipment, commodities, or services to the state of
10 Washington.

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

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

19 (1) The director shall adopt standards specifying the minimum
20 content of recycled materials in products or product categories. The
21 standards shall:

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

25 (b) Consider the standards of other states, to encourage
26 consistency of manufacturing standards;

27 (c) Consider regional product manufacturing capability;

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

29 (e) Consider postconsumer waste content and the recyclability of
30 the product.

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

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

36 (a) By July 1, 1992:

37 (i) Paper and paper products;

38 (ii) Organic recovered materials; and

- 1 (iii) Latex paint products;
2 (b) By July 1, 1993:
3 (i) Products for lower value uses containing recycled plastics;
4 (ii) Retread and remanufactured tires;
5 (iii) Lubricating oils;
6 (iv) Automotive batteries; and
7 (v) Building insulation.

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

14 NEW SECTION. **Sec. 1407.** RCW 43.19.1904 and 1979 c 88 s 2, 1975-
15 '76 2nd ex.s. c 21 s 4, 1967 ex.s. c 104 s 4, & 1965 c 8 s 43.19.1904
16 are each repealed.

17 **PART 15**

18 **PRESCRIPTION DRUG PROGRAM ADVISORY COMMITTEE**

19 NEW SECTION. **Sec. 1501.** By July 1, 1995, the secretary of the
20 department of social and health services shall abolish the prescription
21 drug program advisory committee.

22 **PART 16**

23 **TELECOMMUNICATIONS RELAY SERVICE PROGRAM**
24 **ADVISORY COMMITTEE**

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

27 **PART 17**

28 **LABORATORY ACCREDITATION ADVISORY COMMITTEE**

29 NEW SECTION. **Sec. 1701.** By July 1, 1995, the director of the
30 department of ecology shall abolish the laboratory accreditation
31 advisory committee.

1 PART 18

2 METALS MINING ADVISORY GROUP

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

4 PART 19

5 HYDRAULIC APPEALS BOARD

6 **Sec. 1901.** RCW 43.21B.005 and 1990 c 65 s 1 are each amended to
7 read as follows:

8 There is created an environmental hearings office of the state of
9 Washington. The environmental hearings office shall consist of the
10 pollution control hearings board created in RCW 43.21B.010, the forest
11 practices appeals board created in RCW 76.09.210, and the shorelines
12 hearings board created in RCW 90.58.170(~~(, and the hydraulic appeals~~
13 ~~board created in RCW 75.20.130)~~). The chairman of the pollution
14 control hearings board shall be the chief executive officer of the
15 environmental hearings office. Membership, powers, functions, and
16 duties of the pollution control hearings board, the forest practices
17 appeals board, and the shorelines hearings board(~~(, and the hydraulic~~
18 ~~appeals board)~~) shall be as provided by law.

19 The chief executive officer of the environmental hearings office
20 may appoint an administrative appeals judge who shall possess the
21 powers and duties conferred by the administrative procedure act,
22 chapter 34.05 RCW, in cases before the boards comprising the office.
23 The administrative appeals judge shall have a demonstrated knowledge of
24 environmental law, and shall be admitted to the practice of law in the
25 state of Washington. Additional administrative appeals judges may also
26 be appointed by the chief executive officer on the same terms.
27 Administrative appeals judges shall not be subject to chapter 41.06
28 RCW.

29 The chief executive officer may appoint, discharge, and fix the
30 compensation of such administrative or clerical staff as may be
31 necessary.

32 The chief executive officer may also contract for required
33 services.

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

1 In the event that any person or government agency desires to
2 construct any form of hydraulic project or other work that diverts
3 water for agricultural irrigation or stock watering purposes, or when
4 such hydraulic project or other work is associated with streambank
5 stabilization to protect farm and agricultural land as defined in RCW
6 84.34.020, and when such diversion or streambank stabilization will
7 use, divert, obstruct, or change the natural flow or bed of any river
8 or stream or will utilize any waters of the state or materials from the
9 stream beds, the person or government agency shall, before commencing
10 construction or work thereon and to ensure the proper protection of
11 fish life, secure a written approval from the department as to the
12 adequacy of the means proposed for the protection of fish life. This
13 approval shall not be unreasonably withheld. Except as provided in RCW
14 75.20.1001 ((and 75.20.1002)), the department shall grant or deny the
15 approval within forty-five calendar days of the receipt of a complete
16 application and notice of compliance with any applicable requirements
17 of the state environmental policy act, made in the manner prescribed in
18 this section. The applicant may document receipt of application by
19 filing in person or by registered mail. A complete application for an
20 approval shall contain general plans for the overall project, complete
21 plans and specifications of the proposed construction or work within
22 ordinary high water line, and complete plans and specifications for the
23 proper protection of fish life. The forty-five day requirement shall
24 be suspended if (1) after ten working days of receipt of the
25 application, the applicant remains unavailable or unable to arrange for
26 a timely field evaluation of the proposed project; (2) the site is
27 physically inaccessible for inspection; or (3) the applicant requests
28 delay.

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

32 An approval shall remain in effect without need for periodic
33 renewal for projects that divert water for agricultural irrigation or
34 stock watering purposes and that involve seasonal construction or other
35 work. Approval for streambank stabilization projects shall remain in
36 effect without need for periodic renewal if the problem causing the
37 need for the streambank stabilization occurs on an annual or more
38 frequent basis. The permittee must notify the appropriate agency

1 before commencing the construction or other work within the area
2 covered by the approval.

3 The permittee must demonstrate substantial progress on construction
4 of that portion of the project relating to the approval within two
5 years of the date of issuance. If the department denies approval, the
6 department shall provide the applicant, in writing, a statement of the
7 specific reasons why and how the proposed project would adversely
8 affect fish life. Protection of fish life shall be the only ground
9 upon which approval may be denied or conditioned. (~~Issuance, denial,~~
10 ~~conditioning, or modification shall be appealable to the hydraulic~~
11 ~~appeals board established in RCW 43.21B.005 within thirty days of the~~
12 ~~notice of decision.)) The burden shall be upon the department to show
13 that the denial or conditioning of an approval is solely aimed at the
14 protection of fish life.~~

15 The department may, after consultation with the permittee, modify
16 an approval due to changed conditions. The modifications shall become
17 effective (~~unless appealed to the hydraulic appeals board~~) within
18 thirty days from the notice of the proposed modification. The burden
19 is on the department to show that changed conditions warrant the
20 modification in order to protect fish life.

21 A permittee may request modification of an approval due to changed
22 conditions. The request shall be processed within forty-five calendar
23 days of receipt of the written request. (~~A decision by the department~~
24 ~~may be appealed to the hydraulic appeals board within thirty days of~~
25 ~~the notice of the decision.)) The burden is on the permittee to show
26 that changed conditions warrant the requested modification and that
27 such modification will not impair fish life.~~

28 If any person or government agency commences construction on any
29 hydraulic works or projects subject to this section without first
30 having obtained written approval of the department as to the adequacy
31 of the means proposed for the protection of fish life, or if any person
32 or government agency fails to follow or carry out any of the
33 requirements or conditions as are made a part of such approval, the
34 person or director of the agency is guilty of a gross misdemeanor. If
35 any such person or government agency is convicted of violating any of
36 the provisions of this section and continues construction on any such
37 works or projects without fully complying with the provisions hereof,
38 such works or projects are hereby declared a public nuisance and shall
39 be subject to abatement as such.

1 In case of an emergency arising from weather or stream flow
2 conditions or other natural conditions, the department, through its
3 authorized representatives, shall issue immediately upon request oral
4 approval for removing any obstructions, repairing existing structures,
5 restoring stream banks, or to protect property threatened by the stream
6 or a change in the stream flow without the necessity of obtaining a
7 written approval prior to commencing work. Conditions of an oral
8 approval shall be reduced to writing within thirty days and complied
9 with as provided for in this section.

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

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

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

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

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

29 (b) Any bulkhead or rockwall to replace or repair an existing
30 bulkhead or rockwall shall be placed along the same alignment as the
31 bulkhead or rockwall it is replacing; however, the replaced or repaired
32 bulkhead or rockwall may be placed waterward of and directly abutting
33 the existing structure only in cases where removal of the existing
34 bulkhead or rockwall would result in environmental degradation or
35 removal problems related to geological, engineering, or safety
36 considerations;

37 (c) Construction of a new bulkhead or rockwall, or replacement or
38 repair of an existing bulkhead or rockwall waterward of the existing

1 structure shall not result in the permanent loss of critical food fish
2 or shellfish habitats; and

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

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

10 ~~((4) Any person aggrieved by the approval, denial, conditioning,
11 or modification of a hydraulic permit approval under this section may
12 formally appeal the decision to the hydraulic appeals board pursuant to
13 this chapter.))~~

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

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

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

19 **PART 20**

20 **ECONOMIC RECOVERY COORDINATION BOARD**

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

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

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

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

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

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

22 (5) "Timber impact area" means:

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

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

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

3 **PART 21**
4 **JOINT OPERATING AGENCY EXECUTIVE COMMITTEE**

5 NEW SECTION. **Sec. 2101.** RCW 43.52.373 and 1982 1st ex.s. c 43 s
6 6 & 1965 c 8 s 43.52.373 are each repealed.

7 **PART 22**
8 **OFFICE OF CRIME VICTIMS ADVOCACY ADVISORY COMMITTEE**

9 NEW SECTION. **Sec. 2201.** By July 1, 1995, the director of the
10 department of community, trade, and economic development shall abolish
11 the office of crime victims advocacy advisory committee.

12 NEW SECTION. **Sec. 2202.** A new section is added to chapter 43.63A
13 RCW to read as follows:

14 The director of the department of community, trade, and economic
15 development may establish ad hoc advisory committees, as necessary, to
16 obtain advice and guidance regarding the office of crime victims
17 advocacy program.

18 **PART 23**
19 **HEALTH CARE ACCESS AND COST CONTROL COUNCIL**

20 **Sec. 2301.** RCW 43.70.010 and 1994 sp.s. c 7 s 206 are each amended
21 to read as follows:

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

23 (1) "Assessment" means the regular collection, analysis, and
24 sharing of information about health conditions, risks, and resources in
25 a community. Assessment activities identify trends in illness, injury,
26 and death and the factors that may cause these events. They also
27 identify environmental risk factors, community concerns, community
28 health resources, and the use of health services. Assessment includes
29 gathering statistical data as well as conducting epidemiologic and
30 other investigations and evaluations of health emergencies and specific
31 ongoing health problems;

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

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

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

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

8 (~~(6))~~ (5) "Secretary" means the secretary of health.

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

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

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

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

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

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

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

30 As used in this chapter:

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

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

34 (~~(3))~~ (2) "Hospital" means any health care institution which is
35 required to qualify for a license under RCW 70.41.020(2); or as a
36 psychiatric hospital under chapter 71.12 RCW.

37 (~~(4))~~ (3) "Secretary" means secretary of health.

1 ((+5+)) (4) "Charity care" means necessary hospital health care
2 rendered to indigent persons, to the extent that the persons are unable
3 to pay for the care or to pay deductibles or co-insurance amounts
4 required by a third-party payer, as determined by the department.

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

9 ((+7+)) (6) "Special studies" means studies which have not been
10 funded through the department's biennial or other legislative
11 appropriations.

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

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

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

16 **PART 24**

17 **COUNCIL ON VOLUNTEERISM AND CITIZEN SERVICE**

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

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

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

25 (2) "Center" means the state center for volunteerism and citizen
26 service.

27 ((-3-) "Council" means the Washington state council on volunteerism
28 and citizen service.)

29 NEW SECTION. **Sec. 2402.** RCW 43.150.060 and 1992 c 66 s 6, 1987 c
30 505 s 39, 1985 c 110 s 1, & 1982 1st ex.s. c 11 s 6 are each repealed.

31 **PART 25**

32 **COMMISSION ON EFFICIENCY AND ACCOUNTABILITY**

33 **IN GOVERNMENT**

1 surcharge under RCW 82.50.510 shall be deposited into the fund as
2 provided in those sections.

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

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

16 (a) Planning;

17 (b) Development of capital projects;

18 (c) Development of high capacity transportation systems as defined
19 in RCW 81.104.015;

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

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

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

33 (a) Planning;

34 (b) Development of capital projects;

35 (c) Development of high capacity transportation systems as defined
36 in RCW 81.104.015;

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

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

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

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

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

16 (1) State high capacity transportation account funds may provide up
17 to eighty percent matching assistance for high capacity transportation
18 planning efforts.

19 (2) Authorizations for state funding for high capacity
20 transportation planning projects shall be subject to the following
21 criteria:

22 (a) Conformance with the designated regional transportation
23 planning organization's regional transportation plan;

24 (b) Local matching funds;

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

26 (d) Conformance with planning requirements prescribed in RCW
27 81.104.100, and if five hundred thousand dollars or more in state
28 funding is requested, conformance with the requirements of RCW
29 81.104.110; and

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

32 (3) The department of transportation shall provide general review
33 and monitoring of the system and project planning process prescribed in
34 RCW 81.104.100.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 ((+8)) (11) Appointments shall be for terms of four years. Terms
15 of all appointed members shall expire on June 30th of even-numbered
16 years. The initial term of appointed members may be for less than four
17 years. No appointed member may serve more than two consecutive four-
18 year terms.

19 ((+9)) (12) The board shall elect a chair from among its members
20 for a two-year term.

21 ((+10)) (13) Expenses of the board shall be paid in accordance
22 with RCW 47.26.140.

23 ((+11)) (14) For purposes of this section, "public transit system"
24 means a city-owned transit system, county transportation authority,
25 metropolitan municipal corporation, public transportation benefit area,
26 or regional transit authority.

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

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

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

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

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

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

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

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

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

- 27 (a) Local, regional, and state transportation plans;
- 28 (b) Local transit development plans; and
- 29 (c) Local comprehensive land use plans.

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

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

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

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

8 **Sec. 2707.** RCW 47.26.160 and 1994 c 179 s 15 are each amended to
9 read as follows:

10 The transportation improvement board shall:

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

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

15 NEW SECTION. **Sec. 2708.** The following acts or parts of acts are
16 each repealed:

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

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

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

20 **PART 28**

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

23 NEW SECTION. **Sec. 2801.** The following acts or parts of acts are
24 each repealed:

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

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

27 **PART 29**

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

30 **Sec. 2901.** RCW 70.95D.010 and 1989 c 431 s 65 are each amended to
31 read as follows:

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

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

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

7 ~~((3))~~ (2) "Department" means the department of ecology.

8 ~~((4))~~ (3) "Director" means the director of ecology.

9 ~~((5))~~ (4) "Incinerator" means a facility which has the primary
10 purpose of burning or which is designed with the primary purpose of
11 burning solid waste or solid waste derived fuel, but excludes
12 facilities that have the primary purpose of burning hog fuel.

13 ~~((6))~~ (5) "Landfill" means a landfill as defined under RCW
14 70.95.030.

15 ~~((7))~~ (6) "Owner" means, in the case of a town or city, the city
16 or town acting through its chief executive officer or the lessee if
17 operated pursuant to a lease or contract; in the case of a county, the
18 chief elected official of the county legislative authority or the chief
19 elected official's designee; in the case of a board of public
20 utilities, association, municipality, or other public body, the
21 president or chief elected official of the body or the president's or
22 chief elected official's designee; in the case of a privately owned
23 landfill or incinerator, the legal owner.

24 ~~((8))~~ (7) "Solid waste" means solid waste as defined under RCW
25 70.95.030.

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

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

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

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

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

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

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

4 NEW SECTION. Sec. 2903. RCW 70.95D.050 and 1989 c 431 s 69 are
5 each repealed.

6 NEW SECTION. Sec. 2904. A new section is added to chapter 70.95D
7 RCW to read as follows:

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

11 **PART 30**

12 **WATER AND WASTEWATER OPERATOR CERTIFICATION**

13 **BOARD OF EXAMINERS**

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

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

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

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

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

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

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

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

34 ~~((7))~~ (6) "Nationally recognized association of certification
35 authorities" shall mean that organization which serves as an

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (~~(4))~~ (3) "Department" means the department of health.

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

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

- 27 (a) Significant occurrence of insects or other macroorganisms,
28 algae, or large diameter pathogens such as giardia lamblia; or
29 (b) Significant and relatively rapid shifts in water
30 characteristics such as turbidity, temperature, conductivity, or pH
31 which closely correlate to climatological or surface water conditions.

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

1 (~~(8)~~) (7) "Nationally recognized association of certification
2 authorities" shall mean an organization which serves as an information
3 center for certification activities, recommends minimum standards and
4 guidelines for classification of potable water treatment plants, water
5 distribution systems and waste water facilities and certification of
6 operators, facilitates reciprocity between state programs and assists
7 authorities in establishing new certification programs and updating
8 existing ones.

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

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

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

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

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

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

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

1 provisions for classifying water purification plants and distribution
2 systems.

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

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

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

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

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

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

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

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

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

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

1 PART 31

2 TWIN RIVERS CORRECTIONS CENTER

3 VOLUNTEER ADVISORY COMMITTEE

4 NEW SECTION. Sec. 3101. By July 1, 1995, the secretary of the
5 department of corrections shall abolish the twin rivers corrections
6 center volunteer advisory committee.

7 PART 32

8 SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARDS

9 Sec. 3201. RCW 75.30.050 and 1994 sp.s. c 9 s 807 and 1994 c 260
10 s 18 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

31 PART 33

32 ADVISORY BOARD FOR THE PURCHASE OF

33 FISHING VESSELS AND LICENSES

1 **Sec. 3301.** RCW 75.44.140 and 1983 1st ex.s. c 46 s 159 are each
2 amended to read as follows:

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

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

12 **PART 34**

13 **RAIL DEVELOPMENT COMMISSION**

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

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

24 **PART 35**

25 **MARINE OVERSIGHT BOARD**

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

28 **PART 36**

29 **INTERAGENCY COORDINATING COMMITTEE FOR PUGET SOUND**
30 **AMBIENT MONITORING PROGRAM**

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

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

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

8 (b) Take measurements relating to specific program elements
9 identified in the plan;

10 (c) Measure the progress of the ambient monitoring programs
11 implemented under the plan;

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

14 (e) Help support research on Puget Sound.

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

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

24 **Part 37**

25 **MISCELLANEOUS**

26 NEW SECTION. **Sec. 3701.** Part headings as used in this act do not
27 constitute any part of the law.

28 NEW SECTION. **Sec. 3702.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 3703.** Section 301 of this act shall take effect
33 June 30, 1997.

1 NEW SECTION. **Sec. 3704.** Sections 101, 201, 302, 303, 401, 402,
2 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203,
3 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901 through
4 1904, 2001, 2002, 2101, 2201, 2202, 2301 through 2304, 2401, 2402,
5 2501, 2601, 2701 through 2708, 2801, 2901 through 2904, 3001 through
6 3009, 3101, 3201, 3301, 3401, 3501, and 3601 of this act are necessary
7 for the immediate preservation of the public peace, health, or safety,
8 or support of the state government and its existing public
9 institutions, and shall take effect July 1, 1995.

--- END ---