
HOUSE BILL 1107

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

By Representatives Reams, Rust, Goldsmith, Kremen, Wolfe, R. Fisher and Chopp; by request of Governor Lowry

Read first time 01/12/95. Referred to Committee on Government Operations.

1 AN ACT Relating to the elimination and consolidation of boards and
2 commissions; amending RCW 13.40.025, 9.94A.040, 18.16.020, 18.39.010,
3 18.39.173, 18.39.175, 18.39.217, 18.39.800, 18.130.095, 68.05.020,
4 68.05.095, 68.05.105, 68.05.175, 68.05.195, 68.05.205, 68.05.285,
5 68.24.090, 68.40.040, 68.44.115, 68.46.010, 68.46.090, 68.46.110,
6 68.46.130, 68.50.230, 68.60.030, 68.60.050, 68.60.060, 18.44.010,
7 18.44.240, 18.44.360, 18.44.380, 18.145.030, 18.145.050, 18.145.070,
8 18.145.080, 19.16.100, 19.16.360, 19.16.380, 19.16.420, 28B.10.804,
9 28B.80.575, 38.54.030, 38.52.040, 43.19.190, 43.19.1905, 43.19.19052,
10 43.19.1906, 43.19.1937, 43.19A.020, 43.21B.005, 75.20.103, 75.20.160,
11 43.20A.750, 43.70.010, 43.70.070, 70.170.020, 43.150.030, 46.61.380,
12 81.104.090, 47.26.121, 47.66.030, 47.26.140, 47.66.040, 47.26.160,
13 70.95D.010, 70.95D.060, 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020,
14 70.119.050, 70.119.110, 75.44.140, and 90.70.065; reenacting and
15 amending RCW 38.52.030, 82.44.180, and 75.30.050; adding a new section
16 to chapter 9.94A RCW; adding a new section to chapter 18.44 RCW; adding
17 a new section to chapter 43.63A RCW; adding a new section to chapter
18 70.95D RCW; adding a new section to chapter 70.95B RCW; adding a new
19 section to chapter 70.119 RCW; creating new sections; repealing RCW
20 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 2.52.010,
21 2.52.020, 2.52.030, 2.52.035, 2.52.040, 2.52.050, 18.16.050, 68.05.040,

1 68.05.050, 68.05.060, 68.05.080, 68.05.100, 18.44.208, 18.44.215,
2 18.145.060, 19.16.280, 19.16.290, 19.16.300, 19.16.310, 19.16.320,
3 19.16.330, 19.16.340, 19.16.351, 27.34.300, 27.60.010, 27.60.020,
4 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090, 27.60.900,
5 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730, 75.20.130,
6 75.20.140, 43.31.631, 43.52.373, 70.170.030, 70.170.040, 43.150.060,
7 43.17.260, 43.17.270, 43.17.280, 43.17.290, 43.17.300, 47.66.020,
8 47.66.050, 47.66.060, 48.22.071, 48.22.072, 70.95D.050, 70.95B.070,
9 70.119.080, 81.62.010, 81.62.020, 81.62.030, 81.62.040, 81.62.050,
10 81.62.060, 81.62.900, 81.62.901, and 90.56.450; repealing 1994 c 232 s
11 27 (uncodified); repealing 1991 c 53 s 1 and 1987 c 480 s 6
12 (uncodified); providing effective dates; and declaring an emergency.

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

14 **PART 1**
15 **LAW REVISION COMMISSION**

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

- 18 (1) RCW 1.30.010 and 1982 c 183 s 1;
19 (2) RCW 1.30.020 and 1982 c 183 s 2;
20 (3) RCW 1.30.030 and 1982 c 183 s 3;
21 (4) RCW 1.30.040 and 1987 c 505 s 2 & 1982 c 183 s 4;
22 (5) RCW 1.30.050 and 1982 c 183 s 5; and
23 (6) RCW 1.30.060 and 1982 c 183 s 9.

24 **PART 2**
25 **JUDICIAL COUNCIL**

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

- 28 (1) RCW 2.52.010 and 1994 c 32 s 1, 1987 c 322 s 1, 1977 ex.s. c
29 112 s 1, 1973 c 18 s 1, 1971 c 40 s 1, 1967 c 124 s 1, 1961 c 271 s 1,
30 1955 c 40 s 1, & 1925 ex.s. c 45 s 1;
31 (2) RCW 2.52.020 and 1925 ex.s. c 45 s 2;
32 (3) RCW 2.52.030 and 1987 c 322 s 2 & 1925 ex.s. c 45 s 3;
33 (4) RCW 2.52.035 and 1987 c 322 s 4;

1 (5) RCW 2.52.040 and 1977 ex.s. c 112 s 2 & 1925 ex.s. c 45 s 4;
2 and
3 (6) RCW 2.52.050 and 1987 c 322 s 3 & 1981 c 260 s 1.

4 **PART 3**

5 **JUVENILE DISPOSITION STANDARDS COMMISSION**

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

8 (1) The juvenile disposition standards commission is hereby
9 abolished and its powers, duties, and functions are hereby transferred
10 to the sentencing guidelines commission. All references to the
11 director or the juvenile disposition standards commission in the
12 Revised Code of Washington shall be construed to mean the director or
13 the sentencing guidelines commission.

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

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

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

32 (3) All employees of the juvenile disposition standards commission
33 are transferred to the jurisdiction of the sentencing guidelines
34 commission. All employees classified under chapter 41.06 RCW, the
35 state civil service law, are assigned to the sentencing guidelines
36 commission to perform their usual duties upon the same terms as
37 formerly, without any loss of rights, subject to any action that may be

1 appropriate thereafter in accordance with the laws and rules governing
2 state civil service.

3 (4) All rules and all pending business before the juvenile
4 disposition standards commission shall be continued and acted upon by
5 the sentencing guidelines commission. All existing contracts and
6 obligations shall remain in full force and shall be performed by the
7 sentencing guidelines commission.

8 (5) The transfer of the powers, duties, functions, and personnel of
9 the juvenile disposition standards commission shall not affect the
10 validity of any act performed before the effective date of this
11 section.

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

18 (7) Nothing contained in this section may be construed to alter any
19 existing collective bargaining unit or the provisions of any existing
20 collective bargaining agreement until the agreement has expired or
21 until the bargaining unit has been modified by action of the personnel
22 board as provided by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (a) If the maximum term in the range is one year or less, the
10 minimum term in the range shall be no less than one-third of the
11 maximum term in the range, except that if the maximum term in the range
12 is ninety days or less, the minimum term may be less than one-third of
13 the maximum;

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

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

19 (5) In carrying out its duties under subsection (2) of this
20 section, the commission shall give consideration to the existing
21 guidelines adopted by the association of superior court judges and the
22 Washington association of prosecuting attorneys and the experience
23 gained through use of those guidelines. The commission shall emphasize
24 confinement for the violent offender and alternatives to total
25 confinement for the nonviolent offender.

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

34 (7) The commission may recommend to the legislature revisions or
35 modifications to the standard sentence ranges and other standards. If
36 implementation of the revisions or modifications would result in
37 exceeding the capacity of correctional facilities, then the commission
38 shall accompany its recommendation with an additional list of standard
39 sentence ranges which are consistent with correction capacity.

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

3 (9) The commission may (a) serve as a clearinghouse and information
4 center for the collection, preparation, analysis, and dissemination of
5 information on state and local sentencing practices; (b) develop and
6 maintain a computerized sentencing information system by individual
7 superior court judge consisting of offender, offense, history, and
8 sentence information entered from judgment and sentence forms for all
9 adult felons; and (c) conduct ongoing research regarding sentencing
10 guidelines, use of total confinement and alternatives to total
11 confinement, plea bargaining, and other matters relating to the
12 improvement of the criminal justice system.

13 (10) The staff and executive officer of the commission may provide
14 staffing and services to the juvenile disposition standards commission,
15 if authorized by RCW 13.40.025 and 13.40.027. The commission may
16 conduct joint meetings with the juvenile disposition standards
17 commission.

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

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

22 PART 4

23 COSMETOLOGY, BARBERING, ESTHETICS, AND MANICURING ADVISORY BOARD

24 **Sec. 401.** RCW 18.16.020 and 1991 c 324 s 1 are each amended to
25 read as follows:

26 As used in this chapter, the following terms have the meanings
27 indicated unless the context clearly requires otherwise:

28 (1) (~~"Board" means the cosmetology, barbering, esthetics, and~~
29 ~~manicuring advisory board.~~

30 ~~(2))~~ "Director" means the director of the department of licensing
31 or the director's designee.

32 ~~((3))~~ (2) "The practice of cosmetology" means the practice of
33 cutting, trimming, styling, shampooing, permanent waving, chemical
34 relaxing or straightening, bleaching, or coloring of the hair of the
35 face, neck, and scalp and manicuring and esthetics.

36 ~~((4))~~ (3) "Cosmetologist" means a person licensed under this
37 chapter to engage in the practice of cosmetology and who has completed

1 sixteen hundred hours of instruction at a school licensed under this
2 chapter.

3 ~~((+5))~~ (4) "The practice of barbering" means the cutting,
4 trimming, arranging, dressing, curling, waving and shampooing hair of
5 the face, neck and scalp.

6 ~~((+6))~~ (5) "Barber" means a person licensed under this chapter to
7 engage in the practice of barbering.

8 ~~((+7))~~ (6) "Practice of manicuring" means the cleaning, shaping,
9 or polishing of the nails of the hands or feet, and the application and
10 removal of artificial nails.

11 ~~((+8))~~ (7) "Manicurist" means a person licensed under this chapter
12 to engage in the practice of manicuring.

13 ~~((+9))~~ (8) "Practice of esthetics" means skin care of the face,
14 neck, and hands involving hot compresses, massage, or the use of
15 approved electrical appliances or nonabrasive chemical compounds
16 formulated for professional application only, and the temporary removal
17 of superfluous hair by means of lotions, creams, or mechanical or
18 electrical apparatus or appliance on another person.

19 ~~((+10))~~ (9) "Esthetician" means a person licensed under this
20 chapter to engage in the practice of esthetics.

21 ~~((+11))~~ (10) "Instructor-trainee" means a person who is currently
22 licensed in this state as a cosmetologist, barber, manicurist, or
23 esthetician, and is enrolled in an approved instructor-trainee program
24 in a school licensed under this chapter.

25 ~~((+12))~~ (11) "School" means any establishment offering instruction
26 in the practice of cosmetology, or barbering, or esthetics, or
27 manicuring, or instructor-trainee to students and licensed under this
28 chapter.

29 ~~((+13))~~ (12) "Student" means a person sixteen years of age or
30 older who is enrolled in a school licensed under this chapter and
31 receives any phase of cosmetology, barbering, esthetics or manicuring
32 instruction with or without tuition, fee, or cost, and who does not
33 receive any wage or commission.

34 ~~((+14))~~ (13) "Instructor-operator-cosmetology" means a person who
35 gives instruction in the practice of cosmetology and instructor-
36 training in a school and who has the same qualifications as a
37 cosmetologist, has completed at least five hundred hours of instruction
38 in teaching techniques and lesson planning in a school, and has passed
39 an examination prepared or selected ~~((by the board))~~ and administered

1 by the director. An applicant who holds a degree in education from an
2 accredited postsecondary institution and who is otherwise qualified
3 shall upon application be licensed as an instructor-operator with a
4 cosmetology endorsement.

5 ~~((15))~~ (14) "Instructor-operator-barber" means a person who gives
6 instruction in the practice of barbering and instructor training in a
7 school, has the same qualifications as a barber, has completed at least
8 five hundred hours of instruction in teaching techniques and lesson
9 planning in a school, and has passed an examination prepared or
10 selected ~~((by the board))~~ and administered by the director. An
11 applicant who holds a degree in education from an accredited
12 postsecondary institution and who is otherwise qualified shall upon
13 application be licensed as an instructor-operator with a barber
14 endorsement.

15 ~~((16))~~ (15) "Instructor-operator-manicure" means a person who
16 gives instruction in the practice of manicuring and instructor training
17 in a school, has the same qualifications as a manicurist, has completed
18 at least five hundred hours of instruction in teaching techniques and
19 lesson planning in a school, and has passed an examination prepared or
20 selected ~~((by the board))~~ and administered by the director. An
21 applicant who holds a degree in education from an accredited
22 postsecondary institution and who is otherwise qualified shall upon
23 application be licensed as an instructor-operator with a manicurist
24 endorsement.

25 ~~((17))~~ (16) "Instructor-operator-esthetics" means a person who
26 gives instruction in the practice of esthetics and instructor training
27 in a school, has the same qualifications as an esthetician, has
28 completed at least five hundred hours of instruction in teaching
29 techniques and lesson planning in a school, and has passed an
30 examination prepared or selected ~~((by the board))~~ and administered by
31 the director. An applicant who holds a degree in education from an
32 accredited postsecondary institution and who is otherwise qualified
33 shall upon application be licensed as an instructor-operator with an
34 esthetics endorsement.

35 ~~((18))~~ (17) "Vocational student" is a person who in cooperation
36 with any senior high, vocational technical institute, community
37 college, or prep school, attends a cosmetology school and participates
38 in its student course of instruction and has the same rights and duties
39 as a student as defined in this chapter. The person must have

1 academically completed the eleventh grade of high school. Every such
2 vocational student shall receive credit for all creditable hours of the
3 approved course of instruction received in the school of cosmetology
4 upon graduation from high school. Hours shall be credited to a
5 vocational student if the student graduates from an accredited high
6 school or receives a certificate of educational competence.

7 ~~((19))~~ (18) "Booth renter" means a person who performs
8 cosmetology, barbering, esthetics, or manicuring services where the use
9 of the salon/shop facilities is contingent upon compensation to the
10 owner of the salon/shop facilities and the person receives no
11 compensation or other consideration from the owner for the services
12 performed.

13 ~~((20))~~ (19) "Person" means any individual, partnership,
14 professional service corporation, joint stock association, joint
15 venture, or any other entity authorized to do business in this state.

16 ~~((21))~~ (20) "Salon/shop" means any building, structure, or motor
17 home or any part thereof, other than a school, where the commercial
18 practice of cosmetology, barbering, esthetics, or manicuring is
19 conducted.

20 ~~((22))~~ (21) "Crossover training" means training approved by the
21 director as training hours that may be credited to current licensees
22 for similar training received in another profession licensed under this
23 chapter.

24 ~~((23))~~ (22) "Approved security" means surety bond, savings
25 assignment, or irrevocable letter of credit.

26 ~~((24))~~ (23) "Mobile operator" means any person possessing a valid
27 cosmetology, barbering, manicuring, or esthetician's license that
28 provides services in a mobile salon/shop.

29 ~~((25))~~ (24) "Personal service operator" means any person
30 possessing a valid cosmetology, barbering, manicuring, or esthetician's
31 license that provides services for clients in the client's home,
32 office, or other location that is convenient for the client.

33 NEW SECTION. **Sec. 402.** RCW 18.16.050 and 1991 c 324 s 3 & 1984 c
34 208 s 9 are each repealed.

35 **PART 5**
36 **FUNERAL AND CEMETERY BOARDS**

1 **Sec. 501.** RCW 18.39.010 and 1989 c 390 s 1 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Funeral director" means a person engaged in the profession or
6 business of conducting funerals and supervising or directing the burial
7 and disposal of dead human bodies.

8 (2) "Embalmer" means a person engaged in the profession or business
9 of disinfecting, preserving or preparing for disposal or transportation
10 of dead human bodies.

11 (3) "Two-year college course" means the completion of sixty
12 semester hours or ninety quarter hours of college credit, including the
13 satisfactory completion of certain college courses, as set forth in
14 this chapter.

15 (4) "Funeral establishment" means a place of business licensed in
16 accordance with RCW 18.39.145, conducted at a specific street address
17 or location, and devoted to the care and preparation for burial or
18 disposal of dead human bodies and includes all areas of such business
19 premises and all tools, instruments, and supplies used in preparation
20 and embalming of dead human bodies for burial or disposal.

21 (5) "Director" means the director of licensing.

22 (6) "Board" means the ((state)) funeral and cemetery board ((of
23 ~~funeral directors and embalmers~~)) created pursuant to RCW 18.39.173.

24 (7) "Prearrangement funeral service contract" means any contract
25 under which, for a specified consideration, a funeral establishment
26 promises, upon the death of the person named or implied in the
27 contract, to furnish funeral merchandise or services.

28 (8) "Funeral merchandise or services" means those services normally
29 performed and merchandise normally provided by funeral establishments,
30 including the sale of burial supplies and equipment, but excluding the
31 sale by a cemetery of lands or interests therein, services incidental
32 thereto, markers, memorials, monuments, equipment, crypts, niches, or
33 vaults.

34 (9) "Qualified public depository" means a depository defined by RCW
35 39.58.010, a credit union as governed by chapter 31.12 RCW, a mutual
36 savings bank as governed by Title 32 RCW, a savings and loan
37 association as governed by Title 33 RCW, or a federal credit union or
38 a federal savings and loan association organized, operated, and

1 governed by any act of congress, in which prearrangement funeral
2 service contract funds are deposited by any funeral establishment.

3 Words used in this chapter importing the singular may be applied to
4 the plural of the person or thing, words importing the plural may be
5 applied to the singular, and words importing the masculine gender may
6 be applied to the female.

7 **Sec. 502.** RCW 18.39.173 and 1977 ex.s. c 93 s 8 are each amended
8 to read as follows:

9 (~~There is hereby established a state board of funeral directors
10 and embalmers to be composed of five members appointed by the governor
11 in accordance with this section, one of whom shall be a public member.
12 The three members of the state examining committee for funeral
13 directors and embalmers, which was created pursuant to RCW 43.24.060,
14 as of September 21, 1977 are hereby appointed as members of the board
15 to serve for initial terms. The governor shall appoint two additional
16 members of the board. Each professional member of the board shall be
17 licensed in this state as a funeral director and embalmer and a
18 resident of the state of Washington for a period of at least five years
19 next preceding appointment, during which time such member shall have
20 been continuously engaged in the practice as a funeral director or
21 embalmer as defined in this chapter. No person shall be eligible for
22 appointment to the board of funeral directors and embalmers who is
23 financially interested, directly or indirectly, in any embalming
24 college, wholesale funeral supply business, or casket manufacturing
25 business.~~

26 All members of the board of funeral directors and embalmers shall
27 be appointed to serve for a term of five years, to expire on July 1 of
28 the year of termination of their term, and until their successors have
29 been appointed and qualified: PROVIDED, That the governor is granted
30 the power to fix the terms of office of the members of the board first
31 appointed so that the term of office of not more than one member of the
32 board shall terminate in any one year. In case of a vacancy occurring
33 on the board, the governor shall appoint a qualified member for the
34 remainder of the unexpired term of the vacant office. Any member of
35 the board of funeral directors and embalmers who fails to properly
36 discharge the duties of a member may be removed by the governor.)) A
37 funeral and cemetery board is created to consist of seven members to be
38 appointed by the governor in accordance with this section. The three

1 funeral director and embalmer members of the board of funeral directors
2 and embalmers whose terms expire after 1996 are hereby appointed to
3 serve for initial terms with their year of expiration of term remaining
4 the same. The three members of the cemetery board who have had
5 experience in this state in the active administrative management of a
6 cemetery authority or as a member of the board of directors of a
7 cemetery authority are hereby appointed to serve for initial terms with
8 their year of expiration of term remaining the same. The governor
9 shall appoint a public member of the board with an initial term to
10 expire on July 1, 1997. These appointments may cause no more than two
11 terms to expire in any given year.

12 A member of the board must be appointed to serve for a term of four
13 years, to expire on July 1 of the year of termination of the member's
14 term. A member shall hold office until the expiration of the term for
15 which the member is appointed or until a successor has been appointed
16 and qualified. In case of a vacancy occurring on the board, the
17 governor shall appoint a qualified member for the remainder of the
18 unexpired term of the vacant office. A member of the board who fails
19 to properly discharge the duties of a member may be removed by the
20 governor.

21 Three members of the board must be persons who have had experience
22 in this state in the active administrative management of a cemetery
23 authority or as a member of the board of directors of a cemetery
24 authority. Three members of the board must be licensed in this state
25 as a funeral director and embalmer and must have been continuously
26 engaged in the practice as a funeral director and embalmer for a period
27 of the five years preceding appointment. The seventh member must
28 represent the general public and may not have a connection with the
29 funeral and cemetery business. A member of the board must have been a
30 resident of the state of Washington for a period of at least the five
31 years preceding appointment.

32 The board shall meet once annually to conduct its business and to
33 elect a chairman, vice chairman, and ~~((secretary and take official~~
34 ~~board action on pending matters by majority vote of all the members of~~
35 ~~the board of funeral directors and embalmers)) such other officers as~~
36 the board determines, and at other times when called by the director,
37 the chairman, or a majority of the members. A majority of the members
38 of ~~((said)) the board ~~((shall))~~ at all times constitutes a quorum.~~

1 A member of the board shall be compensated in accordance with RCW
2 43.03.240 and shall receive travel expenses in accordance with RCW
3 43.03.050 and 43.03.060.

4 **Sec. 503.** RCW 18.39.175 and 1994 c 17 s 1 are each amended to read
5 as follows:

6 ~~((Each member of the board of funeral directors and embalmers shall~~
7 ~~be compensated in accordance with RCW 43.03.240 and shall be reimbursed~~
8 ~~for travel expenses in connection with board duties in accordance with~~
9 ~~RCW 43.03.050 and 43.03.060.))~~

10 The ~~((state))~~ board ~~((of funeral directors and embalmers shall~~
11 ~~have))~~ has the following duties and responsibilities under this
12 chapter:

13 (1) To be responsible for the preparation, conducting, and grading
14 of examinations of applicants for funeral director and embalmer
15 licenses;

16 (2) To certify to the director the results of examinations of
17 applicants and certify the applicant as having "passed" or "failed";

18 (3) To make findings and recommendations to the director on any and
19 all matters relating to the enforcement of this chapter;

20 (4) To adopt ~~((, promulgate,))~~ and enforce reasonable rules ~~((-~~
21 ~~Rules regulating the cremation of human remains and establishing fees~~
22 ~~and permit requirements shall be adopted in consultation with the~~
23 ~~cemetery board))~~;

24 (5) To examine or audit or to direct the examination and audit of
25 prearrangement funeral service trust fund records for compliance with
26 this chapter and rules adopted by the board; and

27 (6) To adopt rules establishing mandatory continuing education
28 requirements to be met by persons applying for license renewal.

29 **Sec. 504.** RCW 18.39.217 and 1985 c 402 s 7 are each amended to
30 read as follows:

31 A permit or endorsement issued by the board or under chapter 68.05
32 RCW is required in order to operate a crematory or conduct a cremation.
33 Conducting a cremation without a permit or endorsement is a
34 misdemeanor. Each such cremation is a separate violation.
35 ~~((Crematories owned or operated by or located on property licensed as~~
36 ~~a funeral establishment shall be regulated by the board of funeral~~

1 ~~directors and embalmers.—Crematories not affiliated with a funeral~~
2 ~~establishment shall be regulated by the cemetery board.))~~

3 **Sec. 505.** RCW 18.39.800 and 1993 c 43 s 2 are each amended to read
4 as follows:

5 The funeral ~~((directors))~~ and ~~((embalmers))~~ cemetery account is
6 created in the ~~((custody of the))~~ state ~~((treasurer))~~ treasury. All
7 fees received by the department for licenses, registrations, renewals,
8 certificates, endorsements, license examinations, trust fund
9 examinations, and ~~((audits))~~ regulatory charges shall be forwarded to
10 the state treasurer who shall credit the money to the account. All
11 fines and civil penalties ordered by the superior court or fines
12 ordered pursuant to RCW ~~((18.130.160(8)))~~ 18.39.500 and 68.05.105
13 against holders of licenses or registrations issued under the
14 provisions of this chapter shall be paid to the account. All expenses
15 incurred in carrying out the licensing and registration activities of
16 the department of licensing and the ~~((state funeral directors and~~
17 ~~embalmers))~~ board under this chapter shall be paid from the account as
18 authorized by legislative appropriation. Any residue in the account
19 shall be accumulated and shall not revert to the general fund at the
20 end of the biennium. All earnings of investments of balances in the
21 account shall be credited to the general fund. Any fund balance
22 remaining in the ~~((health professions))~~ funeral directors and embalmers
23 account ~~((attributable to the funeral director and embalmer~~
24 ~~professions))~~ and in the cemetery account as of July 1, ~~((1993))~~ 1995,
25 shall be transferred to the funeral ~~((directors))~~ and ~~((embalmers))~~
26 cemetery account.

27 **Sec. 506.** RCW 18.130.095 and 1993 c 367 s 2 are each amended to
28 read as follows:

29 (1) The secretary shall develop uniform procedural rules to respond
30 to public inquiries concerning complaints and their disposition, active
31 investigations, statement of charges, findings of fact, and final
32 orders involving a licensee, applicant, or unlicensed person. The
33 uniform procedural rules adopted under this subsection apply to all
34 adjudicative proceedings conducted under this chapter and shall include
35 provisions for the establishing time lines for discovery, settlement,
36 and scheduling hearings.

1 (2) The uniform procedures for conducting investigations shall
2 provide that prior to taking a written statement:

3 (a) For violation of this chapter, the investigator shall inform
4 such person, in writing of: (i) The nature of the complaint; (ii) that
5 the person may consult with legal counsel at his or her expense prior
6 to making a statement; and (iii) that any statement that the person
7 makes may be used in an adjudicative proceeding conducted under this
8 chapter; and

9 (b) From a witness or potential witness in an investigation under
10 this chapter, the investigator shall inform the person, in writing,
11 that the statement may be released to the licensee, applicant, or
12 unlicensed person under investigation if a statement of charges is
13 issued.

14 (3) Only upon the authorization of a disciplinary authority
15 identified in RCW 18.130.040(2)(b), the secretary, or his or her
16 designee, may serve as the presiding officer for any disciplinary
17 proceedings of the disciplinary authority authorized under this
18 chapter. The presiding officer shall not vote on any final decision.
19 All functions performed by the presiding officer shall be subject to
20 chapter 34.05 RCW. The secretary, in consultation with the
21 disciplinary authorities, shall adopt procedures for implementing this
22 subsection. This subsection shall not apply to the funeral and
23 cemetery board (~~((of funeral directors and embalmers))~~).

24 **Sec. 507.** RCW 68.05.020 and 1953 c 290 s 27 are each amended to
25 read as follows:

26 The term "board" used in this chapter means the funeral and
27 cemetery board created under RCW 18.39.173.

28 **Sec. 508.** RCW 68.05.095 and 1987 c 331 s 8 are each amended to
29 read as follows:

30 (~~((The board shall elect annually a chairman and vice chairman and
31 such other officers as it shall determine from among its members.))~~)
32 The director, in consultation with the board, may employ and prescribe
33 the duties of the (~~((executive secretary))~~) program administrator. The
34 (~~((executive secretary shall))~~) program administrator must have a minimum
35 of five years' experience in either cemetery or funeral management, or
36 both, unless this requirement is waived by the board.

1 **Sec. 509.** RCW 68.05.105 and 1987 c 331 s 10 are each amended to
2 read as follows:

3 The board has the following authority under this chapter:

4 (1) To adopt, amend, and rescind such rules as are deemed necessary
5 to carry out this title;

6 (2) To investigate all complaints or reports of unprofessional
7 conduct as defined in this chapter and to hold hearings;

8 (3) To issue subpoenas and administer oaths in connection with any
9 investigation, hearing, or proceeding held under this title;

10 (4) To take or cause depositions to be taken and use other
11 discovery procedures as needed in any investigation, hearing, or
12 proceeding held under this title;

13 (5) To compel attendance of witnesses at hearings;

14 (6) In the course of investigating a complaint, to conduct practice
15 reviews;

16 (7) To take emergency action pending proceedings by the board;

17 (8) To use the office of administrative hearings as authorized in
18 chapter 34.12 RCW to conduct hearings. However, the board shall make
19 the final decision;

20 (9) To use consultants or individual members of the board to assist
21 in the direction of investigations and issuance of statements of
22 charges. However, those board members shall not subsequently
23 participate in the hearing of the case;

24 (10) To enter into contracts for professional services determined
25 to be necessary for adequate enforcement of this title;

26 (11) To contract with persons or organizations to provide services
27 necessary for the monitoring and supervision of licensees, or
28 authorities who are for any authorized purpose subject to monitoring by
29 the board;

30 (12) To adopt standards of professional conduct or practice;

31 (13) To grant or deny authorities or license applications, and in
32 the event of a finding of unprofessional conduct by an applicant,
33 authority, or license holder, to impose any sanction against a license
34 applicant, authority, or license holder provided by this title;

35 (14) To enter into an assurance of discontinuance in lieu of
36 issuing a statement of charges or conducting a hearing. The assurance
37 shall consist of a statement of the law in question and an agreement to
38 not violate the stated provision. The applicant, holder of an
39 authority to operate, or license holder shall not be required to admit

1 to any violation of the law, nor shall the assurance be construed as
2 such an admission. Violation of an assurance under this subsection is
3 grounds for disciplinary action;

4 (15) To revoke the license or authority;

5 (16) To suspend the license or authority for a fixed or indefinite
6 term;

7 (17) To restrict or limit the license or authority;

8 (18) To censure or reprimand;

9 (19) To cause compliance with conditions of probation for a
10 designated period of time;

11 (20) To fine for each violation of this title, not to exceed one
12 thousand dollars per violation. Funds received shall be placed in the
13 cemetery account;

14 (21) To order corrective action.

15 Any of the actions under this section may be totally or partly
16 stayed by the board. In determining what action is appropriate, the
17 board must first consider what sanctions are necessary to protect or
18 compensate the public. All costs associated with compliance with
19 orders issued under this section are the obligation of the license or
20 authority holder or applicant.

21 **Sec. 510.** RCW 68.05.175 and 1987 c 331 s 13 are each amended to
22 read as follows:

23 A permit or endorsement issued by the ((cemetery)) board or under
24 chapter 18.39 RCW is required in order to operate a crematory or
25 conduct a cremation. (~~Crematories owned or operated by or located on
26 property licensed as a funeral establishment shall be regulated by the
27 board of funeral directors and embalmers. Crematories not affiliated
28 with a funeral establishment shall be regulated by the cemetery
29 board.~~)

30 **Sec. 511.** RCW 68.05.195 and 1987 c 331 s 15 are each amended to
31 read as follows:

32 Any person other than persons defined in RCW 68.50.160 who buries
33 or otherwise disposes of cremated remains by land, by air, or by sea
34 shall have a permit or endorsement issued in accordance with RCW
35 ((68.05.100)) 18.39.175 and shall be subject to that section.

1 **Sec. 512.** RCW 68.05.205 and 1993 c 43 s 4 are each amended to read
2 as follows:

3 The director with the consent of the ((cemetery)) board shall set
4 all fees for chapters 68.05, 68.20, 68.24, 68.28, 68.32, 68.36, 68.40,
5 68.44, and 68.46 RCW in accordance with RCW 43.24.086, including fees
6 for licenses, certificates, regulatory charges, permits, or
7 endorsements, and the department shall collect the fees.

8 **Sec. 513.** RCW 68.05.285 and 1953 c 290 s 29 are each amended to
9 read as follows:

10 ~~((There shall be, in the office of the state treasurer, a fund to
11 be known and designated as the "cemetery fund." All regulatory fees or
12 other moneys to be paid under this chapter, unless provision be made
13 otherwise, shall be paid at least once a month to the state treasurer
14 to be credited to the cemetery fund. All moneys credited to the
15 cemetery fund shall be used, when appropriated by the legislature, by
16 the cemetery board to carry out the provisions of this chapter.))~~ The
17 funeral and cemetery account is created in the state treasury under RCW
18 18.39.800.

19 **Sec. 514.** RCW 68.24.090 and 1987 c 331 s 34 are each amended to
20 read as follows:

21 Property dedicated to cemetery purposes shall be held and used
22 exclusively for cemetery purposes, unless and until the dedication is
23 removed from all or any part of it by an order and decree of the
24 superior court of the county in which the property is situated, in a
25 proceeding brought by the cemetery authority for that purpose and upon
26 notice of hearing and proof satisfactory to the court:

27 (1) That no interments were made in or that all interments have
28 been removed from that portion of the property from which dedication is
29 sought to be removed.

30 (2) That the portion of the property from which dedication is
31 sought to be removed is not being used for interment of human remains.

32 (3) That notice of the proposed removal of dedication has been
33 given the funeral and cemetery board in writing at least sixty days
34 before filing the proceedings in superior court.

35 **Sec. 515.** RCW 68.40.040 and 1987 c 331 s 37 are each amended to
36 read as follows:

1 A cemetery authority not exempt under this chapter shall file in
2 its principal office for review by plot owners the previous seven
3 fiscal years' endowment care reports as filed with the funeral and
4 cemetery board in accordance with RCW 68.44.150.

5 **Sec. 516.** RCW 68.44.115 and 1987 c 331 s 44 are each amended to
6 read as follows:

7 To be considered qualified as a trustee, each trustee of an
8 endowment care fund appointed in accordance with this chapter shall
9 file with the board a statement of acceptance of fiduciary
10 responsibility, on a form approved by the board, before assuming the
11 duties of trustee. The trustee shall remain in the trustee's fiduciary
12 capacity until such time as the trustee advises the funeral and
13 cemetery board in writing of the trustee's resignation of trusteeship.

14 **Sec. 517.** RCW 68.46.010 and 1979 c 21 s 22 are each amended to
15 read as follows:

16 Unless the context clearly indicates otherwise, the following terms
17 as used only in this chapter have the meaning given in this section:

18 (1) "Prearrangement contract" means a contract for purchase of
19 cemetery merchandise or services, unconstructed crypts or niches, or
20 undeveloped graves to be furnished at a future date for a specific
21 consideration which is paid in advance by one or more payments in one
22 sum or by installment payments.

23 (2) "Cemetery authority" shall have the same meaning as in RCW
24 68.04.190, and shall also include any individual, partnership, firm,
25 joint venture, corporation, company, association, or (~~join~~ joint)
26 joint stock company, any of which sells cemetery services or
27 merchandise, unconstructed crypts or niches, or undeveloped graves
28 through a prearrangement contract, but shall not include insurance
29 companies licensed under chapter 48.05 RCW.

30 (3) "Cemetery merchandise or services" and "merchandise or
31 services" mean those services normally performed by cemetery
32 authorities, including the sale of monuments, markers, memorials,
33 nameplates, liners, vaults, boxes, urns, vases, interment services, or
34 any one or more of them.

35 (4) "Prearrangement trust fund" means all funds required to be
36 maintained in one or more funds for the benefit of beneficiaries by

1 either this chapter or by the terms of a prearrangement contract, as
2 herein defined.

3 (5) "Depository" means a qualified public depository as defined by
4 RCW 39.58.010, a credit union as governed by chapter 31.12 RCW, a
5 mutual savings bank as governed by Title 32 RCW, a savings and loan
6 association as governed by Title 33 RCW, and a federal credit union or
7 a federal savings and loan association organized, operated, and
8 governed by any act of congress, in which prearrangement funds are
9 deposited by any cemetery authority.

10 (6) "Board" means the funeral and cemetery board established under
11 (~~chapter 68.05~~) RCW 18.39.173 or its authorized representative.

12 (7) "Undeveloped grave" means any grave in an area which a cemetery
13 authority has not landscaped and groomed to the extent customary in the
14 cemetery industry in that community.

15 **Sec. 518.** RCW 68.46.090 and 1983 c 190 s 1 are each amended to
16 read as follows:

17 Any cemetery authority selling prearrangement merchandise or other
18 prearrangement services shall file in its office or offices and with
19 the (~~cemetery~~) board a written report upon forms prepared by the
20 (~~cemetery~~) board which shall state the amount of the principle of the
21 prearrangement trust fund or funds, the depository of such fund or
22 funds, and cash on hand which is or may be due to such fund as well as
23 such other information the board may deem appropriate. All information
24 appearing on such written reports shall be revised at least annually.
25 These reports shall be verified by the president, or the vice
26 president, and one other officer of the cemetery authority, the
27 accountant or auditor who prepared the report, and, if required by the
28 board for good cause, a certified public accountant in accordance with
29 generally accepted auditing standards. Verification of these reports
30 by a certified public accountant in accordance with generally accepted
31 auditing standards shall be required on reports from cemetery
32 authorities which manage prearrangement trust funds totaling in excess
33 of five hundred thousand dollars.

34 **Sec. 519.** RCW 68.46.110 and 1973 1st ex.s. c 68 s 11 are each
35 amended to read as follows:

36 No cemetery authority shall sell, offer to sell or authorize the
37 sale of cemetery merchandise or services or accept funds in payment of

1 any prearrangement contract, either directly or indirectly, unless such
2 acts are performed in compliance with (~~this act~~) chapter 68, Laws of
3 1973 1st ex. sess., and under the authority of a valid, subsisting and
4 unsuspended certificate of authority to operate a cemetery in this
5 state by the (~~Washington state cemetery~~) board.

6 **Sec. 520.** RCW 68.46.130 and 1979 c 21 s 43 are each amended to
7 read as follows:

8 The (~~cemetery~~) board may grant an exemption from any or all of
9 the requirements of this chapter relating to prearrangement contracts
10 to any cemetery authority which:

- 11 (1) Sells less than twenty prearrangement contracts per year; and
12 (2) Deposits one hundred percent of all funds received into a trust
13 fund under RCW 68.46.030(~~(, as now or hereafter amended)~~).

14 **Sec. 521.** RCW 68.50.230 and 1985 c 402 s 9 are each amended to
15 read as follows:

16 Whenever any dead human body shall have been in the lawful
17 possession of any person, firm, corporation or association for a period
18 of one year or more, or whenever the incinerated remains of any dead
19 human body have been in the lawful possession of any person, firm,
20 corporation or association for a period of two years or more, and the
21 relatives of, or persons interested in, the deceased person shall fail,
22 neglect or refuse for such periods of time, respectively, to direct the
23 disposition to be made of such body or remains, such body or remains
24 may be disposed of by the person, firm, corporation or association
25 having such lawful possession thereof, under and in accordance with
26 rules adopted by the funeral and cemetery board (~~and the board of~~
27 ~~funeral directors and embalmers~~), not inconsistent with any statute of
28 the state of Washington or rule (~~or regulation prescribed~~) adopted by
29 the state board of health.

30 **Sec. 522.** RCW 68.60.030 and 1993 c 67 s 1 are each amended to read
31 as follows:

32 (1)(a) The archaeological and historical division of the department
33 of community, trade, and economic development may grant by
34 nontransferable certificate authority to maintain and protect an
35 abandoned cemetery upon application made by a preservation organization
36 which has been incorporated for the purpose of restoring, maintaining,

1 and protecting an abandoned cemetery. Such authority shall be limited
2 to the care, maintenance, restoration, protection, and historical
3 preservation of the abandoned cemetery, and shall not include authority
4 to make burials, unless specifically granted by the cemetery board.

5 (b) Those preservation and maintenance corporations that are
6 granted authority to maintain and protect an abandoned cemetery shall
7 be entitled to hold and possess burial records, maps, and other
8 historical documents as may exist. Maintenance and preservation
9 corporations that are granted authority to maintain and protect an
10 abandoned cemetery shall not be liable to those claiming burial rights,
11 ancestral ownership, or to any other person or organization alleging to
12 have control by any form of conveyance not previously recorded at the
13 county auditor's office within the county in which the abandoned
14 cemetery exists. Such organizations shall not be liable for any
15 reasonable alterations made during restoration work on memorials,
16 roadways, walkways, features, plantings, or any other detail of the
17 abandoned cemetery.

18 (c) Should the maintenance and preservation corporation be
19 dissolved, the archaeological and historical division of the department
20 of community, trade, and economic development shall revoke the
21 certificate of authority.

22 (d) Maintenance and preservation corporations that are granted
23 authority to maintain and protect an abandoned cemetery may establish
24 care funds pursuant to chapter 68.44 RCW, and shall report in
25 accordance with chapter 68.44 RCW to the ((state)) funeral and cemetery
26 board.

27 (2) Except as provided in subsection (1) of this section, the
28 department of community, trade, and economic development may, in its
29 sole discretion, authorize any Washington nonprofit corporation that is
30 not expressly incorporated for the purpose of restoring, maintaining,
31 and protecting an abandoned cemetery, to restore, maintain, and protect
32 one or more abandoned cemeteries. The authorization may include the
33 right of access to any burial records, maps, and other historical
34 documents, but shall not include the right to be the permanent
35 custodian of original records, maps, or documents. This authorization
36 shall be granted by a nontransferable certificate of authority. Any
37 nonprofit corporation authorized and acting under this subsection is
38 immune from liability to the same extent as if it were a preservation

1 organization holding a certificate of authority under subsection (1) of
2 this section.

3 (3) The department of community, trade, and economic development
4 shall establish standards and guidelines for granting certificates of
5 authority under subsections (1) and (2) of this section to assure that
6 any restoration, maintenance, and protection activities authorized
7 under this subsection are conducted and supervised in an appropriate
8 manner.

9 **Sec. 523.** RCW 68.60.050 and 1989 c 44 s 5 are each amended to read
10 as follows:

11 (1) Any person who knowingly removes, mutilates, defaces, injures,
12 or destroys any historic grave shall be guilty of a class C felony
13 punishable under chapter 9A.20 RCW. Persons disturbing historic graves
14 through inadvertence, including disturbance through construction, shall
15 reinter the human remains under the supervision of the funeral and
16 cemetery board. Expenses to reinter such human remains are to be
17 provided by the office of archaeology and historic preservation.

18 (2) This section does not apply to actions taken in the performance
19 of official law enforcement duties.

20 (3) It shall be a complete defense in a prosecution under
21 subsection (1) of this section if the defendant can prove by a
22 preponderance of evidence that the alleged acts were accidental or
23 inadvertent and that reasonable efforts were made to preserve the
24 remains accidentally disturbed or discovered, and that the accidental
25 discovery or disturbance was properly reported.

26 **Sec. 524.** RCW 68.60.060 and 1990 c 92 s 5 are each amended to read
27 as follows:

28 Any person who violates any provision of this chapter is liable in
29 a civil action by and in the name of the ((state)) funeral and cemetery
30 board to pay all damages occasioned by their unlawful acts. The sum
31 recovered shall be applied in payment for the repair and restoration of
32 the property injured or destroyed and to the care fund if one is
33 established.

34 NEW SECTION. **Sec. 525.** The following acts or parts of acts are
35 each repealed:

1 (1) RCW 68.05.040 and 1987 c 331 s 5, 1977 ex.s. c 351 s 1, & 1953
2 c 290 s 31;

3 (2) RCW 68.05.050 and 1979 c 21 s 5, 1977 ex.s. c 351 s 2, & 1953
4 c 290 s 32;

5 (3) RCW 68.05.060 and 1984 c 287 s 102, 1975-'76 2nd ex.s. c 34 s
6 156, & 1953 c 290 s 33;

7 (4) RCW 68.05.080 and 1987 c 331 s 6 & 1953 c 290 s 35; and

8 (5) RCW 68.05.100 and 1993 c 43 s 3, 1987 c 331 s 9, 1985 c 402 s
9 8, & 1953 c 290 s 36.

10 **PART 6**

11 **ESCROW COMMISSION**

12 **Sec. 601.** RCW 18.44.010 and 1985 c 7 s 47 are each amended to read
13 as follows:

14 Unless the context otherwise requires terms used in this chapter
15 shall have the following meanings:

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

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

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

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

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

1 (6) "Person" unless a different meaning appears from the context,
2 includes an individual, a firm, association, partnership or
3 corporation, or the plural thereof, whether resident, nonresident,
4 citizen or not.

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

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

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

14 **Sec. 602.** RCW 18.44.240 and 1977 ex.s. c 156 s 14 are each amended
15 to read as follows:

16 The escrow officer examination shall encompass the following:

17 (1) Appropriate knowledge of the English language, including
18 reading, writing, and arithmetic;

19 (2) An understanding of the principles of real estate conveyancing,
20 the general purposes and legal effects of deeds, mortgages, deeds of
21 trust, contracts of sale, exchanges, rental and optional agreements,
22 leases, earnest money agreements, personal property transfers, and
23 encumbrances;

24 (3) An understanding of the obligations between principal and
25 agent; and

26 (4) An understanding of the meaning and nature of encumbrances upon
27 real property.

28 The examination shall be in such form as prescribed by the director
29 (~~and approved by the commission,~~) and shall be given at least
30 annually.

31 **Sec. 603.** RCW 18.44.360 and 1988 c 178 s 2 are each amended to
32 read as follows:

33 The director shall (~~(, within thirty days after the written request
34 of the escrow commission,~~) hold a public hearing to determine whether
35 the fidelity bond and/or the errors and omissions policy specified in
36 RCW 18.44.050 as now or hereafter amended is reasonably available to a
37 substantial number of certificated escrow agents. If the director

1 determines and the insurance commissioner concurs that such bond and/or
2 policy is not reasonably available, the director shall waive the
3 requirements for such bond and/or policy for a fixed period of time.

4 **Sec. 604.** RCW 18.44.380 and 1987 c 471 s 10 are each amended to
5 read as follows:

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

9 REQUEST FOR WAIVER OF
10 ERRORS AND OMISSIONS POLICY

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

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

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

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

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

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

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

31 THEREFORE, in consideration of the above, I,,
32 respectfully request that the director of licensing grant this request
33 for a waiver of the requirement that I purchase and maintain an errors
34 and omissions policy covering my activities as an escrow agent licensed
35 by the state of Washington for the period from, 19. . ., to
36, 19. . .

37 Submitted this day of day of, 19. . .

1
2 (signature)

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

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

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

15 NEW SECTION. **Sec. 605.** A new section is added to chapter 18.44
16 RCW to read as follows:

17 The director may establish ad hoc advisory committees, as
18 necessary, to advise the department on the needs of the escrow
19 profession, including but not limited to the design and conduct of
20 tests to be administered to applicants for escrow licenses, the
21 schedule of license fees, educational programs, audits, and
22 investigations designed to protect the consumer, and other matters
23 relating to this chapter.

24 NEW SECTION. **Sec. 606.** The following acts or parts of acts, as
25 now or hereafter amended, are each repealed:

- 26 (1) RCW 18.44.208 and 1985 c 340 s 3 & 1984 c 287 s 36; and
- 27 (2) RCW 18.44.215 and 1984 c 287 s 37 & 1977 ex.s. c 156 s 29.

28 **PART 7**
29 **SHORTHAND REPORTERS ADVISORY BOARD**

30 **Sec. 701.** RCW 18.145.030 and 1989 c 382 s 4 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) "Department" means the department of licensing.
2 (2) "Director" means the director of licensing.
3 (3) "Shorthand reporter" and "court reporter" mean an individual
4 certified under this chapter.
5 (~~(4) "Board" means the Washington state shorthand reporter~~
6 ~~advisory board.~~)

7 **Sec. 702.** RCW 18.145.050 and 1989 c 382 s 6 are each amended to
8 read as follows:

9 In addition to any other authority provided by law, the director
10 may:

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

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

15 (3) Establish the forms and procedures necessary to administer this
16 chapter;

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

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

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

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

29 (8) Maintain the official departmental record of all applicants and
30 certificate holders;

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

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

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

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

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

10 **Sec. 703.** RCW 18.145.070 and 1989 c 382 s 8 are each amended to
11 read as follows:

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

15 **Sec. 704.** RCW 18.145.080 and 1989 c 382 s 9 are each amended to
16 read as follows:

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

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

20 (b) Good moral character;

21 (c) Not engaged in unprofessional conduct; and

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

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

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

4 NEW SECTION. **Sec. 705.** RCW 18.145.060 and 1989 c 382 s 7 are each
5 repealed.

6 **PART 8**

7 **COLLECTION AGENCY BOARD**

8 **Sec. 801.** RCW 19.16.100 and 1994 c 195 s 1 are each amended to
9 read as follows:

10 Unless a different meaning is plainly required by the context, the
11 following words and phrases as hereinafter used in this chapter shall
12 have the following meanings:

13 (1) "Person" includes individual, firm, partnership, trust, joint
14 venture, association, or corporation.

15 (2) "Collection agency" means and includes:

16 (a) Any person directly or indirectly engaged in soliciting claims
17 for collection, or collecting or attempting to collect claims owed or
18 due or asserted to be owed or due another person;

19 (b) Any person who directly or indirectly furnishes or attempts to
20 furnish, sells, or offers to sell forms represented to be a collection
21 system or scheme intended or calculated to be used to collect claims
22 even though the forms direct the debtor to make payment to the creditor
23 and even though the forms may be or are actually used by the creditor
24 himself or herself in his or her own name;

25 (c) Any person who in attempting to collect or in collecting his or
26 her own claim uses a fictitious name or any name other than his or her
27 own which would indicate to the debtor that a third person is
28 collecting or attempting to collect such claim.

29 (3) "Collection agency" does not mean and does not include:

30 (a) Any individual engaged in soliciting claims for collection, or
31 collecting or attempting to collect claims on behalf of a licensee
32 under this chapter, if said individual is an employee of the licensee;

33 (b) Any individual collecting or attempting to collect claims for
34 not more than one employer, if all the collection efforts are carried
35 on in the name of the employer and if the individual is an employee of
36 the employer;

1 (c) Any person whose collection activities are carried on in his,
2 her, or its true name and are confined and are directly related to the
3 operation of a business other than that of a collection agency, such as
4 but not limited to trust companies, savings and loan associations,
5 building and loan associations, abstract companies doing an escrow
6 business, real estate brokers, public officers acting in their official
7 capacities, persons acting under court order, lawyers, insurance
8 companies, credit unions, loan or finance companies, mortgage banks,
9 and banks;

10 (d) Any person who on behalf of another person prepares or mails
11 monthly or periodic statements of accounts due if all payments are made
12 to that other person and no other collection efforts are made by the
13 person preparing the statements of account; or

14 (e) An "out-of-state collection agency" as defined in this chapter.

15 (4) "Out-of-state collection agency" means a person whose
16 activities within this state are limited to collecting debts from
17 debtors located in this state by means of interstate communications,
18 including telephone, mail, or facsimile transmission, from the person's
19 location in another state on behalf of clients located outside of this
20 state.

21 (5) "Claim" means any obligation for the payment of money or thing
22 of value arising out of any agreement or contract, express or implied.

23 (6) "Statement of account" means a report setting forth only
24 amounts billed, invoices, credits allowed, or aged balance due.

25 (7) "Director" means the director of licensing.

26 (8) "Client" or "customer" means any person authorizing or
27 employing a collection agency to collect a claim.

28 (9) "Licensee" means any person licensed under this chapter.

29 (10) (~~("Board" means the Washington state collection agency board.~~

30 ~~(11))~~) "Debtor" means any person owing or alleged to owe a claim.

31 **Sec. 802.** RCW 19.16.360 and 1977 ex.s. c 194 s 3 are each amended
32 to read as follows:

33 (1) Whenever the director shall have reasonable cause to believe
34 that grounds exist for denial, nonrenewal, revocation or suspension of
35 a license issued or to be issued under this chapter, or in lieu of or
36 in addition to suspension that a licensee should be assessed a civil,
37 monetary penalty not to exceed one thousand dollars, ~~((he))~~ the
38 director shall notify the applicant or licensee in writing by certified

1 or registered mail, with return receipt requested, stating the grounds
2 upon which it is proposed that the license be denied, revoked, not
3 renewed, or suspended and upon which any monetary penalty is going to
4 be assessed and the amount of the penalty.

5 (2) Within thirty days from the receipt of notice of the alleged
6 grounds for denial, revocation, lack of renewal, or suspension or for
7 the monetary penalty to be assessed in lieu of or in addition to
8 suspension, the applicant or licensee may serve upon the director a
9 written request for hearing (~~((before the board))~~) in accordance with
10 chapter 34.05 RCW, the administrative procedure act. Service of a
11 request for a hearing shall be by certified mail and shall be addressed
12 to the director at (~~(his)~~) the director's office in Thurston county.
13 (~~((Upon receiving a request for a hearing, the director shall fix a date~~
14 ~~for which the matter may be heard by the board, which date shall be not~~
15 ~~less than thirty days from the receipt of the request for such hearing.~~
16 ~~If no request for hearing is made within the time specified,))~~) Failure
17 to request a hearing constitutes a default, whereupon the director may
18 enter an order under RCW 34.05.440, and the license shall be deemed
19 denied, revoked, or not renewed or the license shall be deemed
20 suspended and/or the civil, monetary penalty shall be deemed assessed.

21 (3) Whenever a licensee who has made timely and sufficient
22 application for the renewal of a license, receives notice from the
23 director that it is proposed that (~~(his or its)~~) the license is not to
24 be renewed, and said licensee requests a hearing under subsection (2)
25 of this section, the licensee's current license shall not expire until
26 the last day for seeking review of the (~~(board's)~~) director's decision
27 expires or if judicial review of the (~~(board's)~~) director's decision is
28 sought until final judgment has been entered by the superior court, or
29 in the event of an appeal or appeals, until final judgment has been
30 entered by the last appellate court in which review has been sought.

31 **Sec. 803.** RCW 19.16.380 and 1971 ex.s. c 253 s 29 are each amended
32 to read as follows:

33 (~~((Except as specifically provided in this chapter,))~~) The rules
34 adopted and the hearings conducted shall be in accordance with the
35 provisions of chapter 34.05 RCW (administrative procedure act).

36 **Sec. 804.** RCW 19.16.420 and 1971 ex.s. c 253 s 33 are each amended
37 to read as follows:

1 On or about the first day of February in each year, the director
2 shall cause to be made available at reasonable expense to a licensee a
3 copy of this chapter, a copy of the current rules and regulations of
4 the director, (~~and board,~~) and such other materials as the director
5 (~~or board prescribe~~) prescribes.

6 NEW SECTION. Sec. 805. The following acts or parts of acts are
7 each repealed:

- 8 (1) RCW 19.16.280 and 1971 ex.s. c 253 s 19;
- 9 (2) RCW 19.16.290 and 1971 ex.s. c 253 s 20;
- 10 (3) RCW 19.16.300 and 1971 ex.s. c 253 s 21;
- 11 (4) RCW 19.16.310 and 1984 c 287 s 54, 1975-'76 2nd ex.s. c 34 s
12 58, & 1971 ex.s. c 253 s 22;
- 13 (5) RCW 19.16.320 and 1971 ex.s. c 253 s 23;
- 14 (6) RCW 19.16.330 and 1971 ex.s. c 253 s 24;
- 15 (7) RCW 19.16.340 and 1971 ex.s. c 253 s 25; and
- 16 (8) RCW 19.16.351 and 1977 ex.s. c 194 s 2 & 1973 1st ex.s. c 20 s
17 8.

18 PART 9

19 MARITIME BICENTENNIAL ADVISORY COMMITTEE

20 NEW SECTION. Sec. 901. RCW 27.34.300 and 1989 c 82 s 2 are each
21 repealed.

22 PART 10

23 CENTENNIAL COMMISSION

24 NEW SECTION. Sec. 1001. The following acts or parts of acts are
25 each repealed:

- 26 (1) RCW 27.60.010 and 1982 c 90 s 1;
- 27 (2) RCW 27.60.020 and 1985 c 291 s 1, 1984 c 120 s 1, & 1982 c 90
28 s 2;
- 29 (3) RCW 27.60.030 and 1982 c 90 s 3;
- 30 (4) RCW 27.60.040 and 1987 c 195 s 1, 1985 c 291 s 2, & 1982 c 90
31 s 4;
- 32 (5) RCW 27.60.050 and 1982 c 90 s 5;
- 33 (6) RCW 27.60.070 and 1985 c 291 s 4;
- 34 (7) RCW 27.60.090 and 1986 c 157 s 2; and

1 (8) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s
2 6.

3 **PART 11**

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

5 **Sec. 1101.** RCW 28B.10.804 and 1969 ex.s. c 222 s 10 are each
6 amended to read as follows:

7 The commission shall be cognizant of the following guidelines in
8 the performance of its duties:

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

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

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

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

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

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

34 **PART 12**

35 **ADVISORY COMMITTEE ON ACCESS TO EDUCATION**

36 **FOR STUDENTS WITH DISABILITIES**

1 ~~director of the emergency management division of the department of~~
2 ~~community development, and one representative selected by each regional~~
3 ~~fire defense board in the state. Members of the state fire defense~~
4 ~~board shall select from among themselves a chairperson. Members~~
5 ~~serving on the board do so in a voluntary capacity and are not eligible~~
6 ~~for reimbursement for meeting related expenses from the state.))~~

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

24 It is the responsibility of the director to mobilize jurisdictions
25 under the Washington state fire services mobilization plan. The state
26 fire marshal shall serve as the state fire resources coordinator when
27 the Washington state fire services mobilization plan is mobilized.

28 PART 15

29 EMERGENCY MANAGEMENT COUNCIL AND RELATED BOARDS

30 **Sec. 1501.** RCW 38.52.030 and 1991 c 322 s 20 and 1991 c 54 s 2 are
31 each reenacted and amended to read as follows:

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

36 (2) The director, subject to the direction and control of the
37 governor, shall be responsible to the governor for carrying out the

1 program for emergency management of this state. The director shall
2 coordinate the activities of all organizations for emergency management
3 within the state, and shall maintain liaison with and cooperate with
4 emergency management agencies and organizations of other states and of
5 the federal government, and shall have such additional authority,
6 duties, and responsibilities authorized by this chapter, as may be
7 prescribed by the governor.

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

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

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

36 ~~(6) (The director may appoint a communications coordinating~~
37 ~~committee consisting of six to eight persons with the director, or his~~
38 ~~or her designee, as chairman thereof. Three of the members shall be~~
39 ~~appointed from qualified, trained and experienced telephone~~

1 ~~communications administrators or engineers actively engaged in such~~
2 ~~work within the state of Washington at the time of appointment, and~~
3 ~~three of the members shall be appointed from qualified, trained and~~
4 ~~experienced radio communication administrators or engineers actively~~
5 ~~engaged in such work within the state of Washington at the time of~~
6 ~~appointment. This committee)) The emergency management council shall~~
7 advise the director on all aspects of the communications and warning
8 systems and facilities operated or controlled under the provisions of
9 this chapter.

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

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

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

1 (10) The director shall appoint a state coordinator for radioactive
2 and hazardous waste emergency response programs. The coordinator shall
3 consult with the state radiation control officer in matters relating to
4 radioactive materials. The duties of the state coordinator for
5 radioactive and hazardous waste emergency response programs shall
6 include:

7 (a) Assessing the current needs and capabilities of state and local
8 radioactive and hazardous waste emergency response teams on an ongoing
9 basis;

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

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

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

17 **Sec. 1502.** RCW 38.52.040 and 1988 c 81 s 18 are each amended to
18 read as follows:

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

1 accordance with RCW 43.03.050 and 43.03.060 as now existing or
2 hereafter amended.

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

23 NEW SECTION. Sec. 1503. By July 1, 1995, the director of
24 community, trade, and economic development shall terminate the state
25 emergency response commission, the disaster assistance council, the
26 hazardous materials advisory committee, the hazardous materials
27 transportation act grant review committee, the flood damage reduction
28 committee, and the hazard mitigation grant review committee. The
29 director shall ensure that the responsibilities of these committees are
30 carried out by the emergency management council or subcommittees
31 thereof.

32 **PART 16**

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

34 **ADVISORY COMMITTEE**

35 NEW SECTION. Sec. 1601. RCW 39.19.040 and 1985 c 466 s 45 & 1983
36 c 120 s 4 are each repealed.

1 PART 17

2 SUPPLY MANAGEMENT ADVISORY BOARD

3 Sec. 1701. RCW 43.19.190 and 1994 c 138 s 1 are each amended to
4 read as follows:

5 The director of general administration, through the state
6 purchasing and material control director, shall:

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

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

1 assistance from the division of purchasing in obtaining personal
2 services and resources are available within the division to provide
3 such assistance: PROVIDED FURTHER, That the authority for the purchase
4 of insurance and bonds shall rest with the risk manager under RCW
5 43.19.1935: PROVIDED FURTHER, That, except for the authority of the
6 risk manager to purchase insurance and bonds, the director is not
7 required to provide purchasing services for institutions of higher
8 education that choose to exercise independent purchasing authority
9 under RCW 28B.10.029;

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

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

26 ~~((+5))~~ (4) Contract for the testing of material, supplies, and
27 equipment with public and private agencies as necessary and advisable
28 to protect the interests of the state;

29 ~~((+6))~~ (5) Prescribe the manner of inspecting all deliveries of
30 supplies, materials, and equipment purchased through the division;

31 ~~((+7))~~ (6) Prescribe the manner in which supplies, materials, and
32 equipment purchased through the division shall be delivered, stored,
33 and distributed;

34 ~~((+8))~~ (7) Provide for the maintenance of a catalogue library,
35 manufacturers' and wholesalers' lists, and current market information;

36 ~~((+9))~~ (8) Provide for a commodity classification system and may,
37 in addition, provide for the adoption of standard specifications
38 (~~(after receiving the recommendation of the supply management advisory
39 board)~~);

1 (~~(10)~~) (9) Provide for the maintenance of inventory records of
2 supplies, materials, and other property;

3 (~~(11)~~) (10) Prepare rules and regulations governing the
4 relationship and procedures between the division of purchasing and
5 state agencies and vendors;

6 (~~(12)~~) (11) Publish procedures and guidelines for compliance by
7 all state agencies, including those educational institutions to which
8 this section applies, which implement overall state purchasing and
9 material control policies;

10 (~~(13)~~) (12) Advise state agencies, including educational
11 institutions, regarding compliance with established purchasing and
12 material control policies under existing statutes.

13 **Sec. 1702.** RCW 43.19.1905 and 1993 sp.s. c 10 s 3 are each amended
14 to read as follows:

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

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

22 (2) Determination where consolidations, closures, or additions of
23 stores operated by state agencies and educational institutions should
24 be initiated;

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

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

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

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

35 (7) Standardization of records and forms used state-wide for supply
36 system activities involving purchasing, receiving, inspecting, storing,
37 requisitioning, and issuing functions (~~under the provisions of RCW~~
38 ~~43.19.510~~), including a standard notification form for state agencies

1 to report cost-effective direct purchases, which shall at least
2 identify the price of the goods as available through the division of
3 purchasing, the price of the goods as available from the alternative
4 source, the total savings, and the signature of the notifying agency's
5 director or the director's designee;

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

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

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

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

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

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

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

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

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

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

35 (18) Development of procedures for mutual and voluntary cooperation
36 between state agencies, including educational institutions, and
37 political subdivisions for exchange of purchasing and material control
38 services;

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

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

12 **Sec. 1703.** RCW 43.19.19052 and 1986 c 158 s 9 are each amended to
13 read as follows:

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

37 It is the intention of the legislature that measurable improvements
38 in the effectiveness and economy of supply management in state

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

12 **Sec. 1704.** RCW 43.19.1906 and 1994 c 300 s 1 are each amended to
13 read as follows:

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

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

27 (2) Purchases not exceeding thirty-five thousand dollars, or
28 subsequent limits as calculated by the office of financial management:
29 PROVIDED, That the state director of general administration shall
30 establish procedures to assure that purchases made by or on behalf of
31 the various state agencies shall not be made so as to avoid the thirty-
32 five thousand dollar bid limitation, or subsequent bid limitations as
33 calculated by the office of financial management: PROVIDED FURTHER,
34 That the state purchasing and material control director is authorized
35 to reduce the formal sealed bid limits of thirty-five thousand dollars,
36 or subsequent limits as calculated by the office of financial
37 management, to a lower dollar amount for purchases by individual state
38 agencies if considered necessary to maintain full disclosure of

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

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

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

29 (5) Purchases and contracts for vocational rehabilitation clients
30 of the department of social and health services: PROVIDED, That this
31 exemption is effective only when the state purchasing and material
32 control director, after consultation with the director of the division
33 of vocational rehabilitation and appropriate department of social and
34 health services procurement personnel, declares that such purchases may
35 be best executed through direct negotiation with one or more suppliers
36 in order to expeditiously meet the special needs of the state's
37 vocational rehabilitation clients;

38 (6) Purchases by universities for hospital operation or biomedical
39 teaching or research purposes and by the state purchasing and material

1 control director, as the agent for state hospitals as defined in RCW
2 72.23.010, and for health care programs provided in state correctional
3 institutions as defined in RCW 72.65.010(3) and veterans' institutions
4 as defined in RCW 72.36.010 and 72.36.070, made by participating in
5 contracts for materials, supplies, and equipment entered into by
6 nonprofit cooperative hospital group purchasing organizations;

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

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

26 **Sec. 1705.** RCW 43.19.1937 and 1975-'76 2nd ex.s. c 21 s 13 are
27 each amended to read as follows:

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

30 (1) Advising on or drawing specifications for supplies, equipment,
31 commodities, or services;

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

33 (3) Drawing requisitions for supplies, equipment, commodities, or
34 services;

35 (4) Evaluating specifications or bids and suggesting or determining
36 awards; or

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

1 shall accept or receive, directly or indirectly, a personal financial
2 benefit, or accept any gift, token, membership, or service, as a result
3 of a purchase entered into by the state, from any person, firm, or
4 corporation engaged in the sale, lease, or rental of property,
5 material, supplies, equipment, commodities, or services to the state of
6 Washington.

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

13 **Sec. 1706.** RCW 43.19A.020 and 1991 c 297 s 3 are each amended to
14 read as follows:

15 (1) The director shall adopt standards specifying the minimum
16 content of recycled materials in products or product categories. The
17 standards shall:

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

21 (b) Consider the standards of other states, to encourage
22 consistency of manufacturing standards;

23 (c) Consider regional product manufacturing capability;

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

25 (e) Consider postconsumer waste content and the recyclability of
26 the product.

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

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

32 (a) By July 1, 1992:

33 (i) Paper and paper products;

34 (ii) Organic recovered materials; and

35 (iii) Latex paint products;

36 (b) By July 1, 1993:

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

38 (ii) Retread and remanufactured tires;

- 1 (iii) Lubricating oils;
- 2 (iv) Automotive batteries; and
- 3 (v) Building insulation.

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

10 NEW SECTION. **Sec. 1707.** RCW 43.19.1904 and 1979 c 88 s 2, 1975-
11 '76 2nd ex.s. c 21 s 4, 1967 ex.s. c 104 s 4, & 1965 c 8 s 43.19.1904
12 are each repealed.

13 **PART 18**

14 **PRESCRIPTION DRUG PROGRAM ADVISORY COMMITTEE**

15 NEW SECTION. **Sec. 1801.** By July 1, 1995, the secretary of the
16 department of social and health services shall abolish the prescription
17 drug program advisory committee.

18 **PART 19**

19 **TELECOMMUNICATIONS RELAY SERVICE PROGRAM**
20 **ADVISORY COMMITTEE**

21 NEW SECTION. **Sec. 1901.** RCW 43.20A.730 and 1992 c 144 s 4, 1990
22 c 89 s 4, & 1987 c 304 s 4 are each repealed.

23 **PART 20**

24 **LABORATORY ACCREDITATION ADVISORY COMMITTEE**

25 NEW SECTION. **Sec. 2001.** By July 1, 1995, the director of the
26 department of ecology shall abolish the laboratory accreditation
27 advisory committee.

28 **PART 21**

29 **METALS MINING ADVISORY GROUP**

30 NEW SECTION. **Sec. 2101.** 1994 c 232 s 27 (uncodified) is repealed.

1 PART 22

2 HYDRAULIC APPEALS BOARD

3 Sec. 2201. RCW 43.21B.005 and 1990 c 65 s 1 are each amended to
4 read as follows:

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

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

26 The chief executive officer may appoint, discharge, and fix the
27 compensation of such administrative or clerical staff as may be
28 necessary.

29 The chief executive officer may also contract for required
30 services.

31 Sec. 2202. RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended
32 to read as follows:

33 In the event that any person or government agency desires to
34 construct any form of hydraulic project or other work that diverts
35 water for agricultural irrigation or stock watering purposes, or when
36 such hydraulic project or other work is associated with streambank
37 stabilization to protect farm and agricultural land as defined in RCW

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

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

27 An approval shall remain in effect without need for periodic
28 renewal for projects that divert water for agricultural irrigation or
29 stock watering purposes and that involve seasonal construction or other
30 work. Approval for streambank stabilization projects shall remain in
31 effect without need for periodic renewal if the problem causing the
32 need for the streambank stabilization occurs on an annual or more
33 frequent basis. The permittee must notify the appropriate agency
34 before commencing the construction or other work within the area
35 covered by the approval.

36 The permittee must demonstrate substantial progress on construction
37 of that portion of the project relating to the approval within two
38 years of the date of issuance. If the department denies approval, the
39 department shall provide the applicant, in writing, a statement of the

1 specific reasons why and how the proposed project would adversely
2 affect fish life. Protection of fish life shall be the only ground
3 upon which approval may be denied or conditioned. (~~Issuance, denial,~~
4 ~~conditioning, or modification shall be appealable to the hydraulic~~
5 ~~appeals board established in RCW 43.21B.005 within thirty days of the~~
6 ~~notice of decision.)) The burden shall be upon the department to show
7 that the denial or conditioning of an approval is solely aimed at the
8 protection of fish life.~~

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

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

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

34 In case of an emergency arising from weather or stream flow
35 conditions or other natural conditions, the department, through its
36 authorized representatives, shall issue immediately upon request oral
37 approval for removing any obstructions, repairing existing structures,
38 restoring stream banks, or to protect property threatened by the stream
39 or a change in the stream flow without the necessity of obtaining a

1 written approval prior to commencing work. Conditions of an oral
2 approval shall be reduced to writing within thirty days and complied
3 with as provided for in this section.

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

8 **Sec. 2203.** RCW 75.20.160 and 1991 c 279 s 1 are each amended to
9 read as follows:

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

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

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

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

31 (c) Construction of a new bulkhead or rockwall, or replacement or
32 repair of an existing bulkhead or rockwall waterward of the existing
33 structure shall not result in the permanent loss of critical food fish
34 or shellfish habitats; and

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

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

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

8 NEW SECTION. **Sec. 2204.** The following acts or parts of acts are
9 each repealed:

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

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

13 **PART 23**

14 **ECONOMIC RECOVERY COORDINATION BOARD**

15 **Sec. 2301.** RCW 43.20A.750 and 1993 c 280 s 38 are each amended to
16 read as follows:

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

30 (2) The services provided through the grants may include, but need
31 not be limited to: Credit counseling; social services including
32 marital counseling; psychotherapy or psychological counseling; mortgage
33 foreclosures and utilities problems counseling; drug and alcohol abuse
34 services; medical services; and residential heating and food
35 acquisition.

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

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

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

16 (5) "Timber impact area" means:

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

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

34 NEW SECTION. Sec. 2302. RCW 43.31.631 and 1993 c 316 s 3 & 1991
35 c 314 s 6 are each repealed.

36 **PART 24**
37 **JOINT OPERATING AGENCY EXECUTIVE COMMITTEE**

1 ordinances, or statutes that promote health or prevent injury, illness,
2 or death; and

3 ~~((+6))~~ (5) "Secretary" means the secretary of health.

4 **Sec. 2602.** RCW 43.70.070 and 1989 1st ex.s. c 9 s 109 are each
5 amended to read as follows:

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

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

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

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

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

23 **Sec. 2603.** RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each
24 amended to read as follows:

25 As used in this chapter:

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

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

29 ~~((+3))~~ (2) "Hospital" means any health care institution which is
30 required to qualify for a license under RCW 70.41.020(2); or as a
31 psychiatric hospital under chapter 71.12 RCW.

32 ~~((+4))~~ (3) "Secretary" means secretary of health.

33 ~~((+5))~~ (4) "Charity care" means necessary hospital health care
34 rendered to indigent persons, to the extent that the persons are unable
35 to pay for the care or to pay deductibles or co-insurance amounts
36 required by a third-party payer, as determined by the department.

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

5 **PART 29**

6 **TECHNICAL ADVISORY COMMITTEE ON PUPIL TRANSPORTATION**

7 **Sec. 2901.** RCW 46.61.380 and 1984 c 7 s 70 are each amended to
8 read as follows:

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

23 **PART 30**

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

27 **Sec. 3001.** RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393
28 s 1 are each reenacted and amended to read as follows:

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

33 Moneys in the fund may be spent only after appropriation.
34 Expenditures from the fund may be used only for transportation purposes
35 and activities and operations of the Washington state patrol not

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

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

11 (a) Planning;

12 (b) Development of capital projects;

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

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

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

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

28 (a) Planning;

29 (b) Development of capital projects;

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

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

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

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

1 **Sec. 3002.** RCW 81.104.090 and 1993 c 393 s 2 are each amended to
2 read as follows:

3 The (~~department of~~) transportation improvement board shall be
4 responsible for distributing amounts appropriated from the high
5 capacity transportation account, which shall be allocated by the
6 (~~multimodal transportation programs and projects selection committee~~)
7 transportation improvement board based on criteria in subsection (2) of
8 this section.

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

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

15 (a) Conformance with the designated regional transportation
16 planning organization's regional transportation plan;

17 (b) Local matching funds;

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

19 (d) Conformance with planning requirements prescribed in RCW
20 81.104.100, and if five hundred thousand dollars or more in state
21 funding is requested, conformance with the requirements of RCW
22 81.104.110; and

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

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

28 **Sec. 3003.** RCW 47.26.121 and 1994 c 179 s 13 are each amended to
29 read as follows:

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

33 (a) One representative appointed by the governor who shall be a state
34 employee with responsibility for transportation policy, planning, or
35 funding; (b) (~~the assistant secretary of the department of~~

36 ~~transportation whose primary responsibilities relate to planning and~~
37 ~~public transportation;~~ (c) ~~the assistant secretary for local programs~~
38 ~~of~~) three representatives from the department of transportation; (~~(d)~~

1 a)) (c) three representatives of ((a)) public transit systems; ((e))
2 (d) a private sector representative; ((and-(f))) (e) a public member;
3 (f) a member representing the ports; (g) a member representing
4 nonmotorized transportation; and (h) a member representing special
5 needs transportation.

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

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

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

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

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

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

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

18 (9) The specialized transportation member shall be a citizen with
19 a demonstrated interest and involvement with a nonmotorized
20 transportation group.

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

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

6 ~~((+8))~~ (11) Appointments shall be for terms of four years. Terms
7 of all appointed members shall expire on June 30th of even-numbered
8 years. The initial term of appointed members may be for less than four
9 years. No appointed member may serve more than two consecutive four-
10 year terms.

11 ~~((+9))~~ (12) The board shall elect a chair from among its members
12 for a two-year term.

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

15 ~~((+11))~~ (14) For purposes of this section, "public transit system"
16 means a city-owned transit system, county transportation authority,
17 metropolitan municipal corporation, public transportation benefit area,
18 or regional transit authority.

19 **Sec. 3004.** RCW 47.66.030 and 1993 c 393 s 5 are each amended to
20 read as follows:

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

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

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

34 ~~((b) Members of the committee shall receive no compensation for
35 their services on the committee, but shall be reimbursed for travel
36 expenses incurred while attending meetings of the committee or while
37 engaged on other business of the committee when authorized by the
38 committee in accordance with RCW 43.03.050 and 43.03.060.))~~

1 **Sec. 3005.** RCW 47.26.140 and 1994 c 179 s 14 are each amended to
2 read as follows:

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

12 **Sec. 3006.** RCW 47.66.040 and 1993 c 393 s 6 are each amended to
13 read as follows:

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

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

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

- 24 (a) Objectives of the growth management act, the high capacity
25 transportation act, the commute trip reduction act, transportation
26 demand management programs, federal and state air quality requirements,
27 and federal Americans with disabilities act and related state
28 accessibility requirements; and
- 29 (b) Energy efficiency issues, freight and goods movement as related
30 to economic development, regional significance, rural isolation, the
31 leveraging of other funds including funds administered by this
32 ((~~committee~~)) board, and safety and security issues.

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

36 **Sec. 3007.** RCW 47.26.160 and 1994 c 179 s 15 are each amended to
37 read as follows:

1 The transportation improvement board shall:

2 (1) Adopt rules necessary to implement the provisions of chapter
3 47.66 RCW and this chapter relating to the allocation of funds;

4 (2) Adopt reasonably uniform design standards for city and county
5 arterials.

6 NEW SECTION. Sec. 3008. The following acts or parts of acts are
7 each repealed:

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

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

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

11 **PART 31**

12 **OVERSIGHT COMMITTEE ON LONGSHOREMAN'S AND**
13 **HARBOR WORKER'S COMPENSATION COVERAGE**

14 NEW SECTION. Sec. 3101. The following acts or parts of acts are
15 each repealed:

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

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

18 **PART 32**

19 **BOARD OF ADVISORS FOR SOLID WASTE INCINERATOR**
20 **AND LANDFILL OPERATOR CERTIFICATION**

21 **Sec. 3201.** RCW 70.95D.010 and 1989 c 431 s 65 are each amended to
22 read as follows:

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

25 (1) (~~("Board" means the board of advisors for solid waste~~
26 ~~incinerator and landfill operator certification established by RCW~~
27 ~~70.95D.050.~~

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

31 ~~((3))~~ (2) "Department" means the department of ecology.

32 ~~((4))~~ (3) "Director" means the director of ecology.

33 ~~((5))~~ (4) "Incinerator" means a facility which has the primary
34 purpose of burning or which is designed with the primary purpose of

1 burning solid waste or solid waste derived fuel, but excludes
2 facilities that have the primary purpose of burning hog fuel.

3 ~~((+6))~~ (5) "Landfill" means a landfill as defined under RCW
4 70.95.030.

5 ~~((+7))~~ (6) "Owner" means, in the case of a town or city, the city
6 or town acting through its chief executive officer or the lessee if
7 operated pursuant to a lease or contract; in the case of a county, the
8 chief elected official of the county legislative authority or the chief
9 elected official's designee; in the case of a board of public
10 utilities, association, municipality, or other public body, the
11 president or chief elected official of the body or the president's or
12 chief elected official's designee; in the case of a privately owned
13 landfill or incinerator, the legal owner.

14 ~~((+8))~~ (7) "Solid waste" means solid waste as defined under RCW
15 70.95.030.

16 **Sec. 3202.** RCW 70.95D.060 and 1989 c 431 s 70 are each amended to
17 read as follows:

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

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

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

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

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

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

30 NEW SECTION. **Sec. 3203.** RCW 70.95D.050 and 1989 c 431 s 69 are
31 each repealed.

32 NEW SECTION. **Sec. 3204.** A new section is added to chapter 70.95D
33 RCW to read as follows:

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

PART 33

WATER AND WASTEWATER OPERATOR CERTIFICATION

BOARD OF EXAMINERS

1
2
3
4 **Sec. 3301.** RCW 70.95B.020 and 1987 c 357 s 1 are each amended to
5 read as follows:

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

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

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

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

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

14 (~~(5))~~) (4) "Wastewater treatment plant" means a facility used to
15 treat any liquid or waterborne waste of domestic origin or a
16 combination of domestic, commercial or industrial origin, and which by
17 its design requires the presence of an operator for its operation. It
18 shall not include any facility used exclusively by a single family
19 residence, septic tanks with subsoil absorption, industrial wastewater
20 treatment plants, or wastewater collection systems.

21 (~~(6))~~) (5) "Operator in responsible charge" means an individual
22 who is designated by the owner as the person on-site in responsible
23 charge of the routine operation of a wastewater treatment plant.

24 (~~(7))~~) (6) "Nationally recognized association of certification
25 authorities" shall mean that organization which serves as an
26 information center for certification activities, recommends minimum
27 standards and guidelines for classification of potable water treatment
28 plants, water distribution systems and wastewater facilities and
29 certification of operators, facilitates reciprocity between state
30 programs and assists authorities in establishing new certification
31 programs and updating existing ones.

32 (~~(8))~~) (7) "Wastewater collection system" means any system of
33 lines, pipes, manholes, pumps, liftstations, or other facilities used
34 for the purpose of collecting and transporting wastewater.

35 (~~(9))~~) (8) "Operating experience" means routine performance of
36 duties, on-site in a wastewater treatment plant, that affects plant
37 performance or effluent quality.

1 (~~(10)~~) (9) "Owner" means in the case of a town or city, the city
2 or town acting through its chief executive officer or the lessee if
3 operated pursuant to a lease or contract; in the case of a county, the
4 chairman of the county legislative authority or the chairman's
5 designee; in the case of a sewer district, board of public utilities,
6 association, municipality or other public body, the president or
7 chairman of the body or the president's or chairman's designee; in the
8 case of a privately owned wastewater treatment plant, the legal owner.

9 (~~(11)~~) (10) "Wastewater certification program coordinator" means
10 an employee of the department (~~(who is appointed by the director to~~
11 ~~serve on the board and)~~) who administers the wastewater treatment plant
12 operators' certification program.

13 **Sec. 3302.** RCW 70.95B.040 and 1987 c 357 s 3 are each amended to
14 read as follows:

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

21 **Sec. 3303.** RCW 70.95B.100 and 1973 c 139 s 10 are each amended to
22 read as follows:

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

31 **Sec. 3304.** RCW 70.119.020 and 1991 c 305 s 2 are each amended to
32 read as follows:

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

34 (1) (~~("Board" means the board established pursuant to RCW~~
35 ~~70.95B.070 which shall be known as the water and waste water operator~~
36 ~~certification board of examiners.~~

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

4 ~~((3))~~ (2) "Certified operator" means an individual holding a
5 valid certificate and employed or appointed by any county, water
6 district, municipality, public or private corporation, company,
7 institution, person, or the state of Washington and who is designated
8 by the employing or appointing officials as the person responsible for
9 active daily technical operation.

10 ~~((4))~~ (3) "Department" means the department of health.

11 ~~((5))~~ (4) "Distribution system" means that portion of a public
12 water system which stores, transmits, pumps and distributes water to
13 consumers.

14 ~~((6))~~ (5) "Ground water under the direct influence of surface
15 water" means any water beneath the surface of the ground with:

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

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

21 ~~((7))~~ (6) "Group A water system" means a system with fifteen or
22 more service connections, regardless of the number of people; or a
23 system serving an average of twenty-five or more people per day for
24 sixty or more days within a calendar year, regardless of the number of
25 service connections. Group A water system does not include a system
26 serving fewer than fifteen single-family residences, regardless of the
27 number of people.

28 ~~((8))~~ (7) "Nationally recognized association of certification
29 authorities" shall mean an organization which serves as an information
30 center for certification activities, recommends minimum standards and
31 guidelines for classification of potable water treatment plants, water
32 distribution systems and waste water facilities and certification of
33 operators, facilitates reciprocity between state programs and assists
34 authorities in establishing new certification programs and updating
35 existing ones.

36 ~~((9))~~ (8) "Public water system" means any system, excluding a
37 system serving only one single-family residence and a system with four
38 or fewer connections all of which serve residences on the same farm,
39 providing piped water for human consumption, including any collection,

1 treatment, storage, or distribution facilities under control of the
2 purveyor and used primarily in connection with the system; and
3 collection or pretreatment storage facilities not under control of the
4 purveyor but primarily used in connection with the system.

5 ~~((10))~~ (9) "Purification plant" means that portion of a public
6 water system which treats or improves the physical, chemical or
7 bacteriological quality of the system's water to bring the water into
8 compliance with state board of health standards.

9 ~~((11))~~ (10) "Secretary" means the secretary of the department of
10 health.

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

16 ~~((13))~~ (12) "Surface water" means all water open to the
17 atmosphere and subject to surface runoff.

18 **Sec. 3305.** RCW 70.119.050 and 1983 c 292 s 4 are each amended to
19 read as follows:

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

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

32 **Sec. 3306.** RCW 70.119.110 and 1991 c 305 s 7 are each amended to
33 read as follows:

34 The secretary may(~~(, with the recommendation of the board and after
35 hearing before the same,)~~) revoke a certificate found to have been
36 obtained by fraud or deceit; or for gross negligence in the operation
37 of a purification plant or distribution system; or for an intentional

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

5 NEW SECTION. **Sec. 3307.** The following acts or parts of acts are
6 each repealed:

7 (1) RCW 70.95B.070 and 1984 c 287 s 106, 1975-'76 2nd ex.s. c 34 s
8 161, & 1973 c 139 s 7; and

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

10 NEW SECTION. **Sec. 3308.** A new section is added to chapter 70.95B
11 RCW to read as follows:

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

16 NEW SECTION. **Sec. 3309.** A new section is added to chapter 70.119
17 RCW to read as follows:

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

23 **PART 34**

24 **TWIN RIVERS CORRECTIONS CENTER**

25 **VOLUNTEER ADVISORY COMMITTEE**

26 NEW SECTION. **Sec. 3401.** By July 1, 1995, the secretary of the
27 department of corrections shall abolish the twin rivers corrections
28 center volunteer advisory committee.

29 **PART 35**

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

31 **Sec. 3501.** RCW 75.30.050 and 1994 sp.s. c 9 s 807 and 1994 c 260
32 s 18 are each reenacted and amended to read as follows:

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

3 (a) The commercial crab fishing industry in cases involving
4 Dungeness crab ~~»~~ Puget Sound fishery licenses;

5 (b) The commercial herring fishery in cases involving herring
6 fishery licenses;

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

9 ~~((The commercial sea cucumber fishery in cases involving sea
10 cucumber dive fishery licenses;~~

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

13 ~~((f))~~ (e) The commercial coastal crab fishery in cases involving
14 Dungeness crab ~~»~~ coastal fishery licenses and Dungeness crab ~~»~~ coastal
15 class B fishery licenses. The members shall include one person from
16 the commercial crab processors, one Dungeness crab ~~»~~ coastal fishery
17 license holder, and one citizen representative of a coastal community.

18 (2) Members shall serve at the discretion of the director and shall
19 be reimbursed for travel expenses as provided in RCW 43.03.050,
20 43.03.060, and 43.03.065.

21 **PART 36**

22 **ADVISORY BOARD FOR THE PURCHASE OF**
23 **FISHING VESSELS AND LICENSES**

24 **Sec. 3601.** RCW 75.44.140 and 1983 1st ex.s. c 46 s 159 are each
25 amended to read as follows:

26 The director shall adopt rules for the administration of the
27 program. To assist the department in the administration of the
28 program, the director may contract with persons not employed by the
29 state and may enlist the aid of other state agencies.

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

35 **PART 37**

36 **RAIL DEVELOPMENT COMMISSION**

1 ~~committee consisting of representatives from the departments of~~
2 ~~ecology, fish and wildlife, natural resources, and health, and such~~
3 ~~federal, local, tribal, and other organizations as are necessary to~~
4 ~~implement the program.~~

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

8 **Part 40**
9 **MISCELLANEOUS**

10 NEW SECTION. **Sec. 4001.** Part headings as used in this act do not
11 constitute any part of the law.

12 NEW SECTION. **Sec. 4002.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 4003.** Section 301 of this act shall take effect
17 June 30, 1997.

18 NEW SECTION. **Sec. 4004.** Sections 601 through 606 of this act
19 shall take effect July 1, 1996.

20 NEW SECTION. **Sec. 4005.** Sections 101, 201, 302, 303, 401, 402,
21 501 through 525, 701 through 705, 801 through 805, 901, 1001, 1101,
22 1201, 1301, 1401, 1501 through 1503, 1601, 1701 through 1707, 1801,
23 1901, 2001, 2101, 2201 through 2204, 2301, 2302, 2401, 2501, 2502, 2601
24 through 2604, 2701, 2702, 2801, 2901, 3001 through 3008, 3101, 3201
25 through 3204, 3301 through 3309, 3401, 3501, 3601, 3701, 3801, and 3901
26 are necessary for the immediate preservation of the public peace,
27 health, or safety, or support of the state government and its existing
28 public institutions, and shall take effect July 1, 1995.

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