

CHAPTER 188

[Engrossed House Bill No. 311]

TERMINATION DATES FOR SUSPENDED SENTENCES--
RESTORATION OF CIVIL RIGHTS

AN ACT Relating to crimes and punishments for criminal offenses; and creating new sections.

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

NEW SECTION. Section 1. In all cases prior to the effective date of this act wherein the execution of sentence has been suspended pursuant to RCW 9.92.060, such person may apply to the court by which he was convicted and sentenced to establish a definite termination date for the suspended sentence. The court shall set a date no later than the time the original sentence would have elapsed and may provide for an earlier termination of the suspended sentence.

NEW SECTION. Sec. 2. In the case of a person granted a suspended sentence under the provisions of RCW 9.92.060, the court shall establish a definite termination date for the suspended sentence. The court shall set a date no later than the time the original sentence would have elapsed and may provide for an earlier termination of the suspended sentence.

NEW SECTION. Sec. 3. Upon termination of any suspended sentence under RCW 9.92.060 or RCW 9.95.210, such person may apply to the court for restoration of his civil rights. Thereupon the court may in its discretion enter an order directing that such defendant shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted.

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CHAPTER 189

[Engrossed Substitute House Bill No. 417]

ADVISORY COMMITTEES OR COUNCILS FOR THE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES AUTHORIZED--
STATE ADVISORY COMMITTEE CREATED

AN ACT Relating to state government; authorizing the department of social and health services to establish advisory committees and councils; amending section 9, chapter 253, Laws of 1957

and RCW 18.20.090; amending section 41, chapter 183, Laws of 1951 and RCW 18.45.130; amending section 43.61.030, chapter 8, Laws of 1965 as amended by section 33, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.030; amending section 43.61.040, chapter 8, Laws of 1965 as amended by section 34, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.040; amending section 43.61.060, chapter 8, Laws of 1965 and RCW 43.61.060; amending section 2, chapter 267, Laws of 1955 and RCW 70.41.020; amending section 3, chapter 267, Laws of 1955 and RCW 70.41.030; amending section 5, chapter 207, Laws of 1961 as last amended by section 16, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.050; amending section 4, chapter 273, Laws of 1959 and RCW 72.60.270; amending section 5, chapter 273, Laws of 1959 and RCW 72.60.280; creating new sections; repealing section 8, chapter 253, Laws of 1957 and RCW 18.20.080; repealing section 52, chapter 183, Laws of 1951 and RCW 18.45.520; repealing section 53, chapter 183, Laws of 1951 and RCW 18.45.530; repealing section 54, chapter 183, Laws of 1951 and RCW 18.45.540; repealing section 30, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.230; repealing section 43.61.010, chapter 8, Laws of 1965, section 31, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.010; repealing section 43.61.020, chapter 8, Laws of 1965, section 32, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.020; repealing section 4, chapter 144, Laws of 1955 and RCW 69.30.040; repealing section 5, chapter 197, Laws of 1949, section 5, chapter 252, Laws of 1959 and RCW 70.40.050; repealing section 5, chapter 267, Laws of 1955 and RCW 70.41.050; repealing section 6, chapter 267, Laws of 1955 and RCW 70.41.060; repealing section 7, chapter 267, Laws of 1955 and RCW 70.41.070; repealing section 6, chapter 207, Laws of 1961, section 17, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.060; repealing section 72.01.250, chapter 28, Laws of 1959, section 1, chapter 190, Laws of 1959 and RCW 72.01.250; repealing section 72.05.180, chapter 28, Laws of 1959 and RCW 72.05.180; repealing section 72.05.190, chapter 28, Laws of 1959 and RCW 72.05.190; repealing section 2, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.010; repealing section 3, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.020; repealing section 4, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.030; repealing section 5, chapter 90, Laws of 1965 ex. sess., section 22, chapter 172, Laws of 1967, and RCW 74.32.040; repealing section 18, chapter 172, Laws of 1967, section 3, chapter 172, Laws of 1969 ex. sess., section 21, chapter 18, Laws of 1970 ex. sess. and RCW 74.32.051; repealing section 19, chapter 172, Laws of 1967, section 22,

chapter 18, Laws of 1970 ex. sess. and RCW 74.32.053; repealing section 20, chapter 172, Laws of 1967 and RCW 74.32.055; repealing section 7, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.060; repealing section 8, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.070; repealing section 9, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.080; repealing section 10, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.090; repealing section 12, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.900; repealing section 2, chapter 39, Laws of 1965, section 23, chapter 18, Laws of 1970 ex. sess. and RCW 74.36.010; repealing section 3, chapter 39, Laws of 1965, section 24, chapter 18, Laws of 1970 ex. sess. and RCW 74.36.020; repealing section 4, chapter 39, Laws of 1965, section 25, chapter 18, Laws of 1970 ex. sess. and RCW 74.36.030; and repealing section 5, chapter 39, Laws of 1965, section 26, chapter 18, Laws of 1970 ex. sess. and RCW 74.36.040.

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

NEW SECTION. Section 1. The legislature declares that meaningful citizen involvement with and participation in the planning and programs of the department of social and health services are essential in order that the public may better understand the operations of the department, and the department staff may obtain the views and opinions of concerned and affected citizens. As a result of the creation of the department of social and health services and the resulting restructuring of programs and organization of the department's components, and as a further result of the legislative mandate to the department to organize and deliver services in a manner responsive to changing needs and conditions, it is necessary to provide for flexibility in the formation and functioning of the various committees and councils which presently advise the department, to restructure the present committees and councils, and to provide for new advisory committees and councils, so that all such committees and councils will more appropriately relate to the changing programs and services of the department.

NEW SECTION. Sec. 2. The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (1) Health facilities; (2) radiation control; (3) veteran's affairs; (4) children and youth services; (5) blind services; (6) services to the aging; (7) medical and health care; (8) drug abuse and alcoholism; (9) social services; (10) economic services; (11) vocational services; (12) rehabilitative services; (13) public health services;

and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his discretion may determine. The members of the committees or councils shall hold office as follows: one-third to serve one year; one-third to serve two years; and one-third to serve three years. Upon expiration of said original terms, subsequent appointments shall be for two years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

Members of such state advisory committees or councils may be paid twenty-five dollars per diem in the performance of their duties and mileage allowances at ten cents per mile. Members of regional advisory committees may, in the discretion of the secretary, be paid the same subsistence and mileage allowances as set forth above.

The secretary shall report to the next ensuing session of the legislature concerning the actions taken pursuant to this 1971 amendatory act and relating to advisory committees and councils generally, and the effectiveness of same, and shall make such recommendations for further legislative action as he deems appropriate.

Sec. 3. Section 9, chapter 253, Laws of 1957 and RCW 18.20.090 are each amended to read as follows:

The board ((7 with the advice of the advisory boarding home council)) shall adopt, amend, and promulgate such rules, regulations, and standards with respect to all boarding homes and operators thereof to be licensed hereunder as may be designed to further the accomplishment of the purposes of this chapter in promoting safe and adequate care of individuals in boarding homes and the sanitary, hygienic and safe conditions of the boarding home in the interest of public health, safety, and welfare.

Sec. 4. Section 41, chapter 183, Laws of 1951 and RCW 18.45.130 are each amended to read as follows:

The annual registration fee for such certificates granted under this chapter shall be in accordance with the following table and shall be due and payable on or before July 1st of each year:

Furniture and bedding manufacturer's certificate.....	\$35
Wholesale furniture and bedding dealer's certificate.....	\$35
Supply dealer's certificate.....	\$35
Supply depot.....	\$35

Furniture repairer's and renovator's certificate.....	\$25
Sterilizer's or fumigator's certificate.....	\$25
Retail furniture and bedding dealer's certificate.....	\$10
Auctioneer's certificate.....	\$10

The schedule of fees prescribed in this chapter constitutes a maximum, and the ~~((director, with the approval of the advisory council,))~~ secretary of the department of social and health services, or his designee may make a proportionate reduction in the schedule for any year upon the basis of the department's needs for the proper enforcement of this chapter.

Sec. 5. Section 43.61.030, chapter 8, Laws of 1965 as amended by section 33, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.030 are each amended to read as follows:

~~((The council shall function under the jurisdiction of the department of social and health services, and shall serve in an advisory capacity to the secretary thereof. After considering the advice of the council,))~~ The secretary is empowered to approve expenditures by any veterans' organizations ((represented upon the council)), now or hereafter chartered by act of congress and to reimburse such organizations therefor. All sums paid to veterans' organizations shall be used by the organizations in the maintenance of a rehabilitation service and to assist veterans in the prosecution of their claims and the solution of their problems arising out of military service. Such service and assistance shall be rendered all veterans and their dependents and also all beneficiaries of any military claim, and shall include but not be limited to those services now rendered by the service departments of the respective council member organizations. ((Under the supervision and with the approval of the secretary, the council may also establish a field and contact service wherever and to whatever extent such service may in its judgment be necessary. The secretary shall employ such persons as may be necessary to carry out the provisions of this 1970 amendatory act: PROVIDED, That except as otherwise specified in this 1970 amendatory act, such employment is in accordance with the state civil service law, chapter 41-06 RCW.))

Sec. 6. Section 43.61.040, chapter 8, Laws of 1965 as amended by section 34, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.040 are each amended to read as follows:

~~((Under the supervision of))~~ The secretary ((the council)) shall make such rules and regulations as may be necessary to carry out the purposes of this chapter ((and administer the affairs of the council. It)) . The department shall furnish information, advice, and assistance to veterans and coordinate all information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health,

vocational guidance and placement, and welfare not provided by some other agency of the state or by the federal government. (~~The council shall render to the secretary before the fifteenth day of January of each year, a complete report of its activities for the preceding year;~~) The secretary shall ((in turn)) submit ((the)) a report of the departments' activities hereunder before the fifteenth of January of each year to the governor.

Sec. 7. Section 43.61.060, chapter 8, Laws of 1965 and RCW 43.61.060 are each amended to read as follows:

The (~~council~~) department may receive gifts, donations, and grants from any person or agency and all such gifts, donations, and grants shall be placed in the veterans' rehabilitation council account and used in accordance with the donors' instructions.

Sec. 8. Section 2, chapter 267, Laws of 1955 and RCW 70.41.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) (~~"Council"~~) "Council" means the Washington state hospital advisory council herein provided for;

(~~2~~) "Department" means the Washington state department of (~~health~~) social and health services;

(~~3~~) (2) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51; nor does it include maternity homes, which come within the scope of chapter 18.46; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or

spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations;

~~((4))~~ (3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock and association, and the legal successor thereof;

~~((5))~~ (4) "Board" means the state board of health.

Sec. 9. Section 3, chapter 267, Laws of 1955 and RCW 70.41.030 are each amended to read as follows:

The board, ~~((after consultation with the council))~~ shall establish and adopt such minimum standards, rules and regulations pertaining to the construction, maintenance and operation of hospitals, and rescind, amend or modify such rules and regulations from time to time, as are necessary in the public interest, and particularly for the establishment and maintenance of standards of hospitalization required for the safe and adequate care and treatment of patients. All rules and regulations to become effective shall be filed with the ~~((secretary of state))~~ office of the code reviser.

The board shall advise and consult with the department ~~((and the council))~~ in matters of policy affecting the administration of this chapter, and shall conduct fair hearing procedures as provided in RCW 70.41.130.

Sec. 10. Section 5, chapter 207, Laws of 1961 as last amended by section 16, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.050 are each amended to read as follows:

(1) The department of social and health services is designated as the state radiation control agency, hereinafter referred to as the agency, and shall be the state agency having sole responsibility for administration of the regulatory, licensing and radiation control provisions of this chapter.

(2) The secretary of social and health services shall be director of the agency, hereinafter referred to as the secretary, who shall perform the functions vested in the agency pursuant to the provisions of this chapter.

(3) The agency shall appoint a state radiological control officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties.

(4) The agency shall for the protection of the occupational and public health and safety:

(a) Develop programs for evaluation of hazards associated with use of ionizing radiation;

(b) Develop programs with due regard for compatibility with federal programs for regulation of byproduct, source, and special nuclear materials;

(c) Formulate ~~((and, with the approval of the technical advisory board))~~, adopt, promulgate, and repeal codes, rules and

regulations relating to control of sources of ionizing radiation;

(d) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

(e) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(f) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation;

(g) Collect and disseminate information relating to control of sources of ionizing radiation; including:

(i) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations;

(ii) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this chapter and any administrative or judicial action pertaining thereto; and

(iii) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

(h) In connection with any contested case as defined by RCW 34.04.010 or any other administrative proceedings as provided for in this chapter, have the power to issue subpoenas in order to compel the attendance of necessary witnesses and/or the production of records or documents.

Sec. 11. Section 4, chapter 273, Laws of 1959 and RCW 72.60.270 are each amended to read as follows:

At such times as the moneys in the institutional industries revolving fund exceed such amount as shall be necessary for the efficient operation of the institutional industries program to be determined by periodic audits of the director of budget, the excess shall be forwarded and paid over by the (~~director~~) secretary to the state treasurer for deposit in the general fund of the state treasury.

Sec. 12. Section 5, chapter 273, Laws of 1959 and PCW 72.60.280 are each amended to read as follows:

The (~~director~~); secretary shall prepare and forward to the governor annually a report for the fiscal year ending on the thirtieth day of June of the fiscal year in which the report is made, which report shall be a public document and contain:

(1) A detailed financial statement and balance showing in

general the condition of the industrial and agricultural programs of the department (~~of institutions~~) and their operation during the year; (2) general information concerning institutional industrial and agricultural programs; and (3) any further information requested by the governor.

NEW SECTION. Sec. 13. There is hereby created a state advisory committee to the department of social and health services which shall serve in an advisory capacity to the secretary of the department of social and health services. The committee shall be composed of not less than nine nor more than fifteen members, to be appointed by the governor, who shall appoint a chairman, who shall serve as such at the governor's pleasure. The members of the committee shall hold office as follows: Two members to serve two years; two members to serve three years; and three members to serve four years. Upon expiration of said original terms, subsequent appointments shall be for four years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

NEW SECTION. Sec. 14. The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the secretary or all matters pertaining to the department of social and health services.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the secretary as they deem advisable.

(3) No person shall be eligible to hold the office of member of the state advisory committee who holds any public office, whether appointive or elective, with the exception of nonsalaried positions.

NEW SECTION. Sec. 15. Members of the state advisory committee shall be paid twenty-five dollars per diem in the performance of their duties, and mileage allowance at ten cents per mile.

NEW SECTION. Sec. 16. Notwithstanding any other provision of this act, no person shall receive as compensation or reimbursement for per diem or mileage authorized in this act any amount that would exceed the per diem or mileage provided in RCW 43.03.050 and 43.03.060.

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

- (1) Section 9, chapter 253, Laws of 1957 and RCW 18.20.080;
- (2) Section 52, chapter 183, Laws of 1951 and RCW 18.45.520;
- (3) Section 53, chapter 183, Laws of 1951 and RCW 18.45.530;
- (4) Section 54, chapter 183, Laws of 1951 and RCW 18.45.540;
- (5) Section 30, chapter 18, Laws of 1970 ex. sess. and RCW

43.20A.230;

(6) Section 43.61.010, chapter 8, Laws of 1965, section 31, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.010;

(7) Section 43.61.020, chapter 8, Laws of 1965, section 32, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.020;

(8) Section 4, chapter 144, Laws of 1955 and RCW 69.30.040;

(9) Section 5, chapter 197, Laws of 1949, section 5, chapter 252, Laws of 1959 and RCW 70.40.050;

(10) Section 5, chapter 267, Laws of 1955 and RCW 70.41.050;

(11) Section 6, chapter 267, Laws of 1955 and RCW 70.41.060;

(12) Section 7, chapter 267, Laws of 1955 and RCW 70.41.070;

(13) Section 6, chapter 207, Laws of 1961, section 17, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.060;

(14) Section 72.01.250, chapter 28, Laws of 1959, section 1, chapter 190, Laws of 1959 and RCW 72.01.250;

(15) Section 72.05.180, chapter 28, Laws of 1959 and RCW 72.05.180;

(16) Section 72.05.190, chapter 28, Laws of 1959 and RCW 72.05.190;

(17) Section 2, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.010;

(18) Section 3, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.020;

(19) Section 4, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.030;

(20) Section 5, chapter 90, Laws of 1965 ex. sess., section 22, chapter 172, Laws of 1967, and RCW 74.32.040;

(21) Section 18, chapter 172, Laws of 1967, section 3, chapter 172, Laws of 1969 ex. sess., section 21, chapter 18, Laws of 1970 ex. sess. and RCW 74.32.051;

(22) Section 19, chapter 172, Laws of 1967, section 22, chapter 18, Laws of 1970 ex. sess. and RCW 74.32.053;

(23) Section 20, chapter 172, Laws of 1967 and RCW 74.32.055;

(24) Section 7, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.060;

(25) Section 8, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.070;

(26) Section 9, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.080;

(27) Section 10, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.090;

(28) Section 12, chapter 90, Laws of 1965 ex. sess. and RCW 74.32.900;

(29) Section 2, chapter 39, Laws of 1965, section 23, chapter 18, Laws of 1970 ex. sess., and RCW 74.36.010;

(30) Section 3, chapter 39, Laws of 1965, section 24, chapter 18, Laws of 1970 ex. sess., and RCW 74.36.020;

(31) Section 4, chapter 39, Laws of 1965, section 25, chapter 18, Laws of 1970 ex. sess., and RCW 74.36.030; and

(32) Section 5, chapter 39, Laws of 1965, section 26, chapter 18, Laws of 1970 ex. sess., and RCW 74.36.040.

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CHAPTER 190

[Engrossed House Bill No. 540]

WASHINGTON PESTICIDE CONTROL ACT

AN ACT Relating to pesticides; authorizing the control and regulation thereof by the department of agriculture; providing for the registration of pesticides; providing for the licensing of pest control consultants and pesticide dealers; establishing a control board; adding new sections to Title 15 RCW; repealing section 1, chapter 244, Laws of 1961 and RCW 15.57.010; repealing section 2, chapter 244, Laws of 1961 and RCW 15.57.020; repealing section 3, chapter 244, Laws of 1961 and RCW 15.57.030; repealing section 4, chapter 244, Laws of 1961 and RCW 15.57.040; repealing section 5, chapter 244, Laws of 1961 and RCW 15.57.050; repealing section 6, chapter 244, Laws of 1961 and RCW 15.57.060; repealing section 7, chapter 244, Laws of 1961 and RCW 15.57.070; repealing section 8, chapter 244, Laws of 1961 and RCW 15.57.080; repealing section 9, chapter 244, Laws of 1961 and RCW 15.57.090; repealing section 10, chapter 244, Laws of 1961 and RCW 15.57.100; repealing section 11, chapter 244, Laws of 1961 and RCW 15.57.110; repealing section 12, chapter 244, Laws of 1961 and RCW 15.57.120; repealing section 13, chapter 244, Laws of 1961 and RCW 15.57.130; repealing section 14, chapter 244, Laws of 1961 and RCW 15.57.140; repealing section 15, chapter 244, Laws of 1961 and RCW 15.57.150; repealing section 16, chapter 244, Laws of 1961 and RCW 15.57.160; repealing section 17, chapter 244, Laws of 1961 and RCW 15.57.170; repealing section 18, chapter 244, Laws of 1961 and RCW 15.57.180; repealing section 19, chapter 244, Laws of 1961 and RCW 15.57.190; repealing section 20, chapter 244, Laws of 1961 and RCW 15.57.200; repealing section 21, chapter 244, Laws of 1961 and RCW