

CHAPTER 81

[Engrossed House Bill No. 1492]

ELECTRICAL BOARDS REVISED—LAND BANK ADVISORY COMMITTEE ABOLISHED—EMERGENCY MANAGEMENT COUNCIL SIZE AND DUTIES REVISED, TRANSPORTATION OF HAZARDOUS MATERIALS—INSTITUTE OF FOREST RESOURCES ADVISORY COMMISSION ABOLISHED—ARTS COMMITTEE DIRECTOR TO BE SELECTED BY GOVERNOR

AN ACT Relating to state boards and commissions; amending RCW 19.28.005, 19.28.015, 19.28.060, 19.28.065, 19.28.123, 19.28.125, 19.28.210, 19.28.260, 19.28.300, 19.28.310, 19.28.330, 19.28.350, 19.28.530, 19.28.540, 19.28.580, 19.28.620, 38.52.040, 46.48.170, 76.44.020, and 43.46.045; repealing RCW 31.30.140, 46.48.190, and 76.44.022; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

PART I

BOARD OF ELECTRICAL EXAMINERS AND ELECTRICAL ADVISORY BOARD

Sec. 1. Section 1, chapter 206, Laws of 1983 as amended by section 1, chapter 156, Laws of 1986 and RCW 19.28.005 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Administrator" means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) "~~(Advisory)~~ Board" means the electrical ~~(advisory)~~ board under RCW 19.28.065.

(3) "~~(Board of electrical examiners"~~ means the board of electrical examiners under RCW 19.28.123.

~~(4))~~ "Chapter" means chapter 19.28 RCW.

~~((5))~~ (4) "Department" means the department of labor and industries.

~~((6))~~ (5) "Director" means the director of the department or the director's designee.

~~((7))~~ (6) "Electrical construction trade" includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power and installing and maintaining remote control, signaling, power limited, or communication circuits or systems.

~~((8))~~ (7) "Electrical contractor" means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

~~((9))~~ (8) "Equipment" means any equipment or apparatus that directly uses, conducts, or is operated by electricity but does not mean plug-in household appliances.

~~((+0))~~ (9) "Journeyman electrician" means a person who has been issued a journeyman electrician certificate of competency by the department.

~~((++))~~ (10) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department.

Sec. 2. Section 3, chapter 206, Laws of 1983 and RCW 19.28.015 are each amended to read as follows:

Disputes arising under RCW 19.28.010(2) regarding whether the city or town's electrical rules, regulations, or ordinances are equal to the rules adopted by the department shall be resolved by arbitration. The department shall appoint two members of the ~~((advisory))~~ board to serve on the arbitration panel, and the city or town shall appoint two persons to serve on the arbitration panel. These four persons shall choose a fifth person to serve. If the four persons cannot agree on a fifth person, the presiding judge of the superior court of the county in which the city or town is located shall choose a fifth person. A decision of the arbitration panel may be appealed to the superior court of the county in which the city or town is located within thirty days after the date the panel issues its final decision.

Sec. 3. Section 10, chapter 169, Laws of 1935 as last amended by section 3, chapter 156, Laws of 1986 and RCW 19.28.060 are each amended to read as follows:

Prior to January 1st of each year, the director shall obtain an authentic copy of the national electrical code as approved by the American Standards Association, and an authentic copy of any applicable regulations and standards of the Underwriters' Laboratories, Inc., or other electrical product testing laboratory which is accredited by the department prescribing rules, regulations, and standards for electrical materials, devices, appliances, and equipment, including any modifications and changes that have been made during the previous year in the rules, regulations, and standards. The department, after consulting with the ~~((advisory))~~ board and receiving the board's recommendations, shall adopt reasonable rules in furtherance of safety to life and property. All rules shall be kept on file by the department. Compliance with the rules shall be prima facie evidence of compliance with this chapter. The department upon request shall deliver to all persons, firms, partnerships, corporations, or other entities licensed under this chapter a copy of the rules.

Sec. 4. Section 5, chapter 207, Laws of 1963 as last amended by section 56, chapter 287, Laws of 1984 and RCW 19.28.065 are each amended to read as follows:

There is hereby created an electrical ~~((advisory))~~ board, consisting of ~~((seven))~~ ten members to be appointed by the governor with the advice of

the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including, but not limited to standards of electrical installation, minimum inspection procedures, and the adoption of rules and regulations pertaining to the electrical inspection division: **PROVIDED, HOWEVER,** That no rules or regulations shall be amended or repealed until the electrical ~~((advisory))~~ board has first had an opportunity to consider any proposed amendments or repeals and had an opportunity to make recommendations to the director relative thereto. The members of the electrical ~~((advisory))~~ board shall be selected and appointed as follows: One member shall be an employee or officer of a corporation or public agency generating or distributing electric power; ~~((one))~~ three members shall be ~~((an employee or officer of a corporation or firm engaged in the business of making electrical installations))~~ licensed electrical contractors: **PROVIDED,** That one of these members may be a representative of a trade association in the electrical industry; one member shall be an employee, or officer, or representative of a corporation or firm engaged in the business of manufacturing or distributing electrical materials, equipment, or devices; one member shall be a person with knowledge of the electrical industry, not related to the electrical industry, to represent the public; ~~((one))~~ three members shall be ~~((a recognized))~~ certified electricians; and one member shall be a licensed professional electrical engineer qualified to do business in the state of Washington~~((, and one member shall be the state chief electrical inspector. Each of the members except the public member and the chief electrical inspector shall be appointed by the governor from among a list of individuals nominated by nonprofit organizations or associations representing individuals, corporations, or firms engaged in the business classification from which such member shall be selected))~~. The regular term of each member shall be four years: **PROVIDED, HOWEVER,** The original board shall be appointed on the effective date of this 1988 section for the following terms: The first term of the member representing a corporation or public agency generating or distributing electric power shall serve four years; ~~((the))~~ two members representing ~~((the installer of electrical equipment or appliances))~~ licensed electrical contractors shall serve three years; the member representing a manufacturer or distributor of electrical equipment or devices shall serve three years; the member representing the public and one member representing licensed electrical contractors shall serve two years; the three members selected as ~~((the recognized))~~ certified electricians shall serve for ~~((two years))~~ terms of one, two, and three years, respectively; the member selected as the licensed professional electrical engineer shall serve for one year. In appointing the original board, the governor shall give due consideration to the value of continuity in membership from predecessor boards. Thereafter, the governor shall appoint or reappoint board members for terms of four years and to fill vacancies created by

the completion of the terms of the original members. The governor shall also fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. Any person acting as the chief electrical inspector shall serve as secretary of the board during his tenure as chief state inspector. Meetings of the board shall be ~~((called at the discretion of the director of labor and industries))~~ held at least quarterly in accordance with a schedule established by the board. Each member of the board shall receive compensation in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 5. Section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 6, chapter 156, Laws of 1986 and RCW 19.28.123 are each amended to read as follows:

~~((There is hereby created a board of electrical examiners consisting of nine members to be appointed by the governor:))~~ It shall be the purpose and function of ~~((this))~~ the board to establish, in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of ~~((this))~~ the board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. The department with the consent of the board ~~((of electrical examiners))~~ shall be permitted to enter into a contract with a professional testing agency to develop, administer, and score these examinations. It shall be the further purpose and function of this board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full-time or part-time employment basis and to carry out the duties enumerated in RCW 19.28.510 through 19.28.620 as well as generally advise the department on all matters relative to RCW 19.28.510 through 19.28.620. ~~((Meetings of the board shall be held quarterly on the first Monday of February, May, August, and November of each year. Each member of the board shall be compensated in accordance with RCW 43.03.240, and~~

~~each member shall also receive travel expenses as provided in RCW 43.03-.050 and 43.03.060, which shall be paid out of the electrical license fund; upon vouchers approved by the director of labor and industries.))~~

Sec. 6. Section 4, chapter 188, Laws of 1974 ex. sess. as last amended by section 7, chapter 156, Laws of 1986 and RCW 19.28.125 are each amended to read as follows:

(1) Each applicant for an electrical contractor's license, other than an individual, shall designate a supervisory employee or member of the firm to take the required administrator's examination. Effective July 1, 1987, a supervisory employee designated as the administrator shall be a full-time supervisory employee. This person shall be designated as administrator under the license. No person may qualify as administrator for more than one contractor. If the relationship of the administrator with the electrical contractor is terminated, the contractor's license is void within ninety days unless another administrator is qualified by the board ((of electrical examiners)). However, if the administrator dies, the contractor's license is void within one hundred eighty days unless another administrator is qualified by the board ((of electrical examiners)). A certificate issued under this section is valid for two years from the nearest birthdate of the administrator, unless revoked or suspended, and further is nontransferable. The certificate may be renewed for a two-year period without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. An individual holding more than one administrator's certificate under this chapter shall not be required to pay annual fees for more than one certificate. A person may take the administrator's test as many times as necessary without limit.

(2) The administrator shall:

(a) Be a member of the firm or a supervisory employee and shall be available during working hours to carry out the duties of an administrator under this section;

(b) Ensure that all electrical work complies with the electrical installation laws and rules of the state;

(c) Ensure that the proper electrical safety procedures are used;

(d) Ensure that all electrical labels, permits, and licenses required to perform electrical work are used;

(e) See that corrective notices issued by an inspecting authority are complied with; and

(f) Notify the department in writing within ten days if the administrator terminates the relationship with the electrical contractor.

(3) The department shall not by rule change the administrator's duties under subsection (2) of this section.

Sec. 7. Section 8, chapter 169, Laws of 1935 as last amended by section 7, chapter 206, Laws of 1983 and RCW 19.28.210 are each amended to read as follows:

The director shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies. Nothing contained in this chapter may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter except those pertaining to cities and towns pursuant to RCW 19.28.010(2). Upon request, electrical inspections will be made by the department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect electrical power to the installation if the necessary electrical work permit is displayed. Whenever the installation of any wiring, device, appliance, or equipment is not in accordance with this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, partnership, corporation, or other entity owning, using, or operating it shall be notified by the department and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger to life or property and to make it conform to this chapter. The director, through the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to conductors or equipment that are found to be in a dangerous or unsafe condition and not in accordance with this chapter. Upon making a disconnection the inspector shall attach a notice stating that the conductors have been found dangerous to life or property and are not in accordance with this chapter. It is unlawful for any person to reconnect such defective conductors or equipment without the approval of the department, and until the conductors and equipment have been placed in a safe and secure condition, and in a condition that complies with this chapter. The director, through the electrical inspector, has the right during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained in or on the buildings or premises. No electrical wiring or equipment subject to this chapter may be concealed until it has been approved by the inspector making the inspection. Persons, firms, partnerships, corporations, or other entities making electrical installations shall obtain inspection and approval from an authorized representative of the department as required by this chapter before requesting the electric utility to connect to the installations. Electric utilities may connect to the installations if approval is clearly indicated by certification of the electrical work permit required to be affixed to each installation or by

equivalent means, except that increased or relocated services may be reconnected immediately at the discretion of the utility before approval if an electrical work permit is displayed. The permits shall be furnished upon payment of the fee to the department. The director, subject to the recommendations and approval of the ((advisory)) board, shall set by rule a schedule of license and electrical work permit fees that will cover the costs of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure act, chapter 34.04 RCW. No fee may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

Sec. 8. Section 2, chapter 169, Laws of 1935 as amended by section 9, chapter 206, Laws of 1983 and RCW 19.28.260 are each amended to read as follows:

It is unlawful for any person, firm, partnership, corporation, or other entity to install or maintain any electrical wiring, appliances, devices, or equipment not in accordance with this chapter. In cases where the interpretation and application of the installation or maintenance standards prescribed in this chapter is in dispute or in doubt, the ((advisory)) board shall, upon application of any interested person, firm, partnership, corporation, or other entity, determine the methods of installation or maintenance or the materials, devices, appliances, or equipment to be used in the particular case submitted for its decision.

Sec. 9. Section 13, chapter 169, Laws of 1935 as amended by section 10, chapter 206, Laws of 1983 and RCW 19.28.300 are each amended to read as follows:

Any person, firm, partnership, corporation, or other entity desiring a decision of the ((advisory)) board pursuant to RCW 19.28.260 shall, in writing, notify the director of such desire and shall accompany the notice with a certified check payable to the department in the sum of two hundred dollars. The notice shall specify the ruling or interpretation desired and the contention of the person, firm, partnership, corporation, or other entity as to the proper interpretation or application on the question on which a decision is desired. If the ((advisory)) board determines that the contention of the applicant for a decision was proper, the two hundred dollars shall be returned to the applicant; otherwise it shall be used in paying the expenses and per diem of the members of the ((advisory)) board in connection with the matter. Any portion of the two hundred dollars not used in paying the per diem and expenses of the board in the case shall be paid into the electrical license fund.

Sec. 10. Section 7, chapter 169, Laws of 1935 as last amended by section 10, chapter 156, Laws of 1986 and RCW 19.28.310 are each amended to read as follows:

The department has the power, in case of continued noncompliance with the provisions of this chapter, to revoke or suspend for such a period as it determines, any electrical contractor license or electrical contractor administrator certificate issued under this chapter. The department shall notify the holder of the license or certificate of the revocation or suspension by certified mail. A revocation or suspension is effective fifteen days after the holder receives the notice. Any revocation or suspension is subject to review by an appeal to the board (~~(of electrical examiners)~~). The filing of an appeal stays the effect of a revocation or suspension until the board (~~(of electrical examiners)~~) makes its decision. The appeal shall be filed within fifteen days after notice of the revocation or suspension is given by certified mail sent to the address of the holder of the license or certificate as shown on the application for the license or certificate, and shall be effected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars, which shall be returned to the holder of the license or certificate if the decision of the department is not sustained by the board. The hearing shall be conducted in accordance with chapter 34.04 RCW. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund.

Sec. 11. Section 18, chapter 169, Laws of 1935 as amended by section 1, chapter 67, Laws of 1979 ex. sess. and RCW 19.28.330 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the "electrical license fund," and by him paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board (~~(of electrical examiners)~~) that the sums are necessary to accomplish the intent of chapter 19.28 RCW. The treasurer shall keep an accurate record of payments into, or receipts of, said fund, and of all disbursements therefrom.

Sec. 12. Section 14, chapter 169, Laws of 1935 as last amended by section 11, chapter 156, Laws of 1986 and RCW 19.28.350 are each amended to read as follows:

Any person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.010 through (~~(+19.28.380)~~) 19.28.360 shall be assessed a penalty of not less than fifty dollars or more than ten thousand dollars. The department shall set by rule a schedule of penalties for violating RCW 19.28.010 through (~~(+19.28.380)~~) 19.28.360. The department shall notify the person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.010 through (~~(+19.28.380)~~) 19.28.360 of

the amount of the penalty and of the specific violation by certified mail, return receipt requested, sent to the last known address of the assessed party. Any penalty is subject to review by an appeal to the board (~~(of electrical examiners)~~). The filing of an appeal stays the effect of the penalty until the board (~~(of electrical examiners)~~) makes its decision. The appeal shall be filed within fifteen days after notice of the penalty is given to the assessed party by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the department. The notice shall be accompanied by a certified check for two hundred dollars, which shall be returned to the assessed party if the decision of the department is not sustained by the board. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund. The hearing and review procedures shall be conducted in accordance with chapter 34.04 RCW. The board (~~(of electrical examiners)~~) shall assign its hearings to an administrative law judge to conduct the hearing and issue a proposed decision and order. The board shall be allowed a minimum of twenty days to review a proposed decision and shall issue its decision no later than the next regularly scheduled board meeting.

Sec. 13. Section 4, chapter 30, Laws of 1980 as amended by section 14, chapter 206, Laws of 1983 and RCW 19.28.530 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the journeyman or specialty certificate of competency. To be eligible to take the examination for a journeyman certificate the applicant must have worked in the electrical construction trade for a minimum of four years employed full time, of which two years shall be in industrial or commercial electrical installation under the supervision of a journeyman electrician certified under this chapter and not more than a total of two years in all specialties under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter or have successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade. To be eligible to take the examination to become a specialty electrician the applicant shall have worked in that specialty of the electrical construction trade, under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter, for a minimum of two years employed full time, or have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade. Before January 1,

1984, applicants for nonresidential maintenance specialty licenses are eligible to become nonresidential maintenance specialists upon certification to the department that they have the equivalent of two years full-time experience in that specialty field. Persons applying before January 1, 1984, for a journeyman certificate are eligible to take the examination to become journeymen until July 1, 1984, upon certification to the department that they have the equivalent of five years full-time experience in nonresidential maintenance, of which two years shall be in industrial electrical installation. Any applicant who has successfully completed a two-year technical school program in the electrical construction trade in a school that is approved by the commission for vocational education may substitute up to two years of the technical school program for two years of work experience under a journeyman electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to take the examination for the certificate of competency. Any applicant who is a graduate of a trade school program in the electrical construction trade that was established during 1946 is eligible to take the examination for the certificate of competency. No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board (~~of electrical examiners~~). Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

Sec. 14. Section 5, chapter 30, Laws of 1980 as last amended by section 13, chapter 156, Laws of 1986 and RCW 19.28.540 are each amended to read as follows:

The department, in coordination with the board (~~of electrical examiners~~), shall prepare an examination to be administered to applicants for journeyman and specialty certificates of competency. The examination shall be constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that are identified with the status of journeyman electrician or specialty electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the rules of the department pertaining to electrical installations and electricians.

The department shall, at least four times annually, administer the examination to persons eligible to take it under RCW 19.28.530. A person may take the journeyman or specialty test as many times as necessary

without limit. All applicants shall, before taking the examination, pay to the department an examination fee. The department shall set the fee by rule. The fee shall cover but not exceed the costs of preparing and administering the examination.

The department shall certify the results of the examination upon such terms and after such a period of time as the department, in cooperation with the board (~~(of electrical examiners)~~), deems necessary and proper.

(3) The department upon the consent of the board (~~(of electrical examiners)~~) may enter into a contract with a professional testing agency to develop, administer, and score journeyman and/or speciality electrician certification examinations.

Sec. 15. Section 9, chapter 30, Laws of 1980 as amended by section 18, chapter 206, Laws of 1983 and RCW 19.28.580 are each amended to read as follows:

(1) The department may revoke any certificate of competency upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder thereof is judged to be incompetent to work in the electrical construction trade as a journeyman electrician or specialty electrician;

(c) The holder thereof has violated any of the provisions of RCW 19.28.510 through 19.28.620 or any rule adopted under this chapter.

(2) Before any certificate of competency shall be revoked, the holder shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing before the board (~~(of electrical examiners)~~). At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with chapter 34.04 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision.

Sec. 16. Section 13, chapter 30, Laws of 1980 as last amended by section 17, chapter 156, Laws of 1986 and RCW 19.28.620 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to employ an individual for purposes of RCW 19.28.510 through 19.28.620 who has not been issued a certificate of competency or a training certificate. It is unlawful for any individual to engage in the electrical construction trade or to maintain or install any electrical equipment or conductors without having in his or her possession a certificate of competency or a training certificate under RCW 19.28.510 through 19.28.620. Any person, firm, partnership, corporation, or other entity found in violation

of RCW 19.28.510 through 19.28.620 shall be assessed a penalty of not less than fifty dollars or more than five hundred dollars. The department shall set by rule a schedule of penalties for violating RCW 19.28.510 through 19.28.620. An appeal may be made to the board (~~(of electrical examiners)~~) as provided in RCW 19.28.350. The appeal shall be filed within fifteen days after the notice of the penalty is given to the assessed party by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the department. Any equipment maintained or installed by any person who does not possess a certificate of competency under RCW 19.28.510 through 19.28.620 shall not receive an electrical work permit and electrical service shall not be connected or maintained to operate the equipment. Each day that a person, firm, partnership, corporation, or other entity violates the provisions of RCW 19.28.510 through 19.28.620 is a separate violation.

(2) A civil penalty shall be collected in a civil action brought by the attorney general in the county wherein the alleged violation arose at the request of the department if any of the provisions of RCW 19.28.510 through 19.28.620 or any rules promulgated under RCW 19.28.510 through 19.28.620 are violated.

PART II

LAND BANK ADVISORY COMMITTEE

NEW SECTION. Sec. 17. Section 14, chapter 284, Laws of 1986 and RCW 31.30.140 are each repealed, effective June 30, 1988.

PART III

TRANSPORTATION OF HAZARDOUS MATERIALS

Sec. 18. Section 5, chapter 178, Laws of 1951 as last amended by section 5, chapter 38, Laws of 1984 and RCW 38.52.040 are each amended to read as follows:

There is hereby created the emergency management council (hereinafter called the council), to consist of not less than seven nor more than (~~(fifteen)~~) seventeen members who shall be appointed by the governor. The council shall advise the governor and the director on all matters pertaining to emergency management and shall advise the chief of the Washington state patrol on safety in the transportation of hazardous materials described in RCW 46.48.170. The membership of the council shall include, but not be limited to, representatives of city and county governments, sheriffs and police chiefs, the Washington state patrol, local emergency management directors, search and rescue volunteers, medical professions who have expertise in emergency medical care, private industry, and local fire chiefs. The representatives of private industry shall include persons knowledgeable in the handling and transportation of hazardous materials. The council members shall elect a chairman from within the council membership. The

members of the council shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 19. Section 46.48.170, chapter 12, Laws of 1961 as amended by section 1, chapter 20, Laws of 1980 and RCW 46.48.170 are each amended to read as follows:

The Washington state patrol acting by and through the chief of the Washington state patrol shall have the authority to adopt and enforce the regulations promulgated by the United States department of transportation, Title 49 CFR parts 100 through 199, transportation of hazardous materials, as these regulations apply to motor carriers. "Motor carrier" means any person engaged in the transportation of passengers or property operating interstate and intrastate upon the public highways of this state, except farmers. The chief of the Washington state patrol shall confer with the ~~((committee created by RCW 46.48.190))~~ emergency management council under RCW 38.52.040 and may make rules and regulations pertaining thereto, sufficient to protect persons and property from unreasonable risk of harm or damage. The chief of the Washington state patrol ~~((and the committee))~~ shall establish such additional rules not inconsistent with Title 49 CFR parts 100 through 199, transportation of hazardous materials, which for compelling reasons make necessary the reduction of risk associated with the transportation of hazardous materials. No such rules may lessen a standard of care; however, the chief of the Washington state patrol may, after conferring with the ~~((committee))~~ emergency management council, establish a rule imposing a more stringent standard of care. The chief of the Washington state patrol shall appoint the necessary qualified personnel to carry out the provisions of RCW 46.48.170 through 46.48.190.

Sec. 20. Section 46.48.190, chapter 12, Laws of 1961, section 4, chapter 20, Laws of 1980 and RCW 46.48.190 are each repealed.

PART IV

INSTITUTE OF FOREST RESOURCES ADVISORY COMMISSION

Sec. 21. Section 2, chapter 177, Laws of 1947 as last amended by section 2, chapter 50, Laws of 1979 and RCW 76.44.020 are each amended to read as follows:

The institute of forest resources shall be administered by the dean of the college of forest resources of the University of Washington who shall also be the director of the institute ~~((with the advice of a nonsalaried commission which shall function in a role of review, oversight, and policy formulation for the institute and which shall annually report their findings and recommendations to the president for consideration))~~.

NEW SECTION. Sec. 22. Section 3, chapter 50, Laws of 1979 and RCW 76.44.022 are each repealed.

PART V
ARTS COMMISSION

Sec. 23. Section 2, chapter 125, Laws of 1967 ex. sess. as amended by section 5, chapter 317, Laws of 1985 and RCW 43.46.045 are each amended to read as follows:

The ~~((commission may))~~ governor shall select ~~((and employ))~~ a full time executive director ~~(, who)~~ from a list of three names submitted by the commission by September 1, 1988, and anytime thereafter that a vacancy occurs. The executive director shall receive no other salary and shall not be otherwise gainfully employed. Subject to the provisions of chapter 41.06 RCW, the executive director may also employ such clerical and other assistants as may be reasonably required to carry out commission functions. The executive director shall serve at the pleasure of the governor.

Passed the House March 7, 1988.

Passed the Senate March 1, 1988.

Approved by the Governor March 16, 1988.

Filed in Office of Secretary of State March 16, 1988.

CHAPTER 82

[Substitute Senate Bill No. 6128]

PARK AND RECREATION SERVICE AREAS—AUTHORITY ENLARGED

AN ACT Relating to park and recreation service areas; amending RCW 36.68.400, 36.68.541, 36.68.550, 36.68.570, 36.68.580, 36.68.600, and 67.20.010; and adding a new section to chapter 36.68 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 218, Laws of 1963 as last amended by section 1, chapter 253, Laws of 1985 and RCW 36.68.400 are each amended to read as follows:

Any county shall have the power to create park and recreation service areas for the purpose of financing ~~((the acquisition, construction, improvement, maintenance or operation of)),~~ acquiring, constructing, improving, maintaining, or operating any park, senior citizen activities centers, zoos, aquariums, and recreational facilities as defined in RCW 36.69.010 which shall be owned or leased by the county and administered as other county parks or shall be owned or leased and administered by a city or town or shall be owned or leased and administered by the park and recreation service area. A park and recreation service area may purchase athletic equipment and supplies, and provide for the upkeep of park buildings, grounds and facilities, and provide custodial, recreational and park program personnel at any park or recreational facility owned or leased by the service area or a county, city, or town. A park and recreation service area shall be a quasi-municipal corporation, an independent taxing "authority" within the