

may have been suffered by victims as the result of the use of the forfeited property.

NEW SECTION. Sec. 5. RCW 9.45.180, 9.45.190, and 9.45.240 are each recodified as sections in chapter 9.26A RCW.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 8, 1990.

Passed the House February 26, 1990.

Approved by the Governor March 6, 1990.

Filed in Office of Secretary of State March 6, 1990.

## CHAPTER 12

[Substitute Senate Bill No. 6573]

### ENERGY FACILITY SITE EVALUATION COUNCIL—ADMINISTRATIVE SUPPORT FOR

AN ACT Relating to the administration of the energy facility site evaluation council; amending RCW 43.21F.035, 43.21F.045, 80.50.030, and 80.50.040; creating new sections; and providing an effective date.

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

Sec. 1. Section 3, chapter 295, Laws of 1981 and RCW 43.21F.035 are each amended to read as follows:

The Washington state energy office is hereby created as an agency of state government, responsible to the governor and the legislature for carrying out the purposes of this chapter. The director shall be appointed by the governor with the consent of the senate and shall serve at the pleasure of the governor. The salary of the director shall be determined pursuant to RCW 43.03.040. The director shall employ such personnel as are necessary to implement this chapter and chapter 80.50 RCW. The employment of personnel shall be in accordance with chapter 41.06 RCW.

Sec. 2. Section 4, chapter 295, Laws of 1981 as amended by section 29, chapter 505, Laws of 1987 and RCW 43.21F.045 are each amended to read as follows:

The energy office shall have the following duties:

(1) The office shall prepare and update contingency plans for implementation in the event of energy shortages or emergencies. The plans shall conform to chapter 43.21G RCW and shall include procedures for determining when these shortages or emergencies exist, the state officers and agencies to participate in the determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during these emergencies. The office

shall coordinate the activities undertaken pursuant to ~~((the {this}))~~ this subsection with other persons. The components of plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date. The office shall report to the governor and the legislature on probable, imminent, and existing energy shortages, and shall administer energy allocation and curtailment programs in accordance with chapter 43.21G RCW.

(2) The office shall establish and maintain a central repository in state government for collection of existing data on energy resources, including:

(a) Supply, demand, costs, utilization technology, projections, and forecasts;

(b) Comparative costs of alternative energy sources, uses, and applications; and

(c) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof.

(3) The office shall coordinate federal energy programs appropriate for state-level implementation, carry out such energy programs as are assigned to it by the governor or the legislature, and monitor federally funded local energy programs as required by federal or state regulations.

(4) The office shall develop energy policy recommendations for consideration by the governor and the legislature.

(5) The office shall provide assistance, space, and other support as may be necessary for the activities of the state's two representatives to the Pacific northwest electric power and conservation planning council. To the extent consistent with federal law, the office shall request that Washington's council members request the administrator of the Bonneville power administration to reimburse the state for the expenses associated with the support as provided in the Pacific Northwest Electric Power Planning and Conservation Act (P.L. 96-501).

(6) The office shall cooperate with state agencies, other governmental units, and private interests on energy matters.

(7) The office shall represent the interests of the state in the siting, construction, and operation of nuclear waste storage and disposal facilities.

(8) The office shall serve as the official state agency responsible for coordination of energy-related activities.

(9) No later than December 1, 1982, and by December 1st of each even-numbered year thereafter, the office shall prepare and transmit to the governor and the legislature a report on energy supply and demand, conservation, and other factors as appropriate.

(10) The office shall provide support for increasing cost-effective energy conservation, including assisting in the removal of impediments to timely implementation.

(11) The office shall provide support for the development of cost-effective energy resources including assisting in the removal of impediments to timely construction.

(12) The office shall adopt rules, under chapter 34.05 RCW, necessary to carry out the powers and duties enumerated in this chapter.

(13) The office shall provide administrative assistance, space, and other support as may be necessary for the activities of the energy facility site evaluation council, as provided for in RCW 80.50.030.

Sec. 3. Section 51, chapter 266, Laws of 1986 as amended by section 60, chapter 36, Laws of 1988 and RCW 80.50.030 are each amended to read as follows:

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

(2) (a) The chairman of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. ~~((The salary of the chairman shall be determined under RCW 43.03.040:))~~ The chairman is a "state employee" for the purposes of chapter 42.18 RCW. As applicable, when attending meetings of the council members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.240.

~~(b) The chairman ((is the chief executive officer of the council and)) or a designee shall((, with the concurrence of the council;)) execute all official documents, contracts, and other materials on behalf of the council. ((The chairman shall appoint an executive secretary to serve at the pleasure of the chairman. The chairman may appoint a confidential secretary to serve at the pleasure of the chairman. The chairman shall appoint and prescribe the duties of such clerks, employees, and agents as may be necessary to carry out this chapter. PROVIDED, That such persons shall be employed pursuant to chapter 41.06 RCW:))~~ The Washington state energy office shall provide all administrative and staff support for the council. The director of the energy office has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW.

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

- (a) Department of ecology;
- (b) Department of fisheries;
- (c) Department of wildlife;
- (d) Parks and recreation commission;

- (e) Department of ((social-and)) health (( services));
- (f) State energy office;
- (g) Department of trade and economic development;
- (h) Utilities and transportation commission;
- (i) Office of financial management;
- (j) Department of natural resources;
- (k) Department of community development;
- (l) Department of agriculture;
- (m) Department of transportation.

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

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

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 4. Section 4, chapter 45, Laws of 1970 ex. sess. as last amended by section 2, chapter 67, Laws of 1985 and RCW 80.50.040 are each amended to read as follows:

The council shall have the following powers:

(1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.05 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith;

(2) To develop and apply environmental and ecological guidelines in relation to the type, design, location, construction, and operational conditions of certification of energy facilities subject to this chapter;

(3) To establish rules of practice for the conduct of public hearings pursuant to the provisions of the Administrative Procedure Act, as found in chapter 34.05 RCW;

(4) To prescribe the form, content, and necessary supporting documentation for site certification;

(5) To receive applications for energy facility locations and to investigate the sufficiency thereof;

(6) To make and contract, when applicable, for independent studies of sites proposed by the applicant;

(7) To conduct hearings on the proposed location of the energy facilities;

(8) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

(9) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or subsection (12) of this section: **PROVIDED**, That any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement: **PROVIDED FURTHER**, That the council shall retain authority for determining compliance relative to monitoring;

(10) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication;

(11) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

(12) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: **PROVIDED**, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: **AND PROVIDED FURTHER**, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter; and

(13) To serve as an interagency coordinating body for energy-related issues.

**NEW SECTION.** Sec. 5. All powers, duties, and functions of the energy facility site evaluation council pertaining to administrative and support personnel, office space, equipment, supplies, and other support of the council are transferred to the Washington state energy office.

**NEW SECTION.** Sec. 6. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the energy facility site evaluation council pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the Washington state energy office. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the energy facility site evaluation council in carrying out the powers, functions, and duties transferred shall be made available to the Washington state energy office. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the Washington state energy office.

Any appropriations made to the energy facility site evaluation council for carrying out the powers, functions, and duties transferred shall, on the effective date of this act, be transferred and credited to the Washington state energy office.

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

**NEW SECTION.** Sec. 7. All employees of the energy facility site evaluation council engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington state energy office. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state energy office to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

**NEW SECTION.** Sec. 8. All rules and all pending business before the energy facility site evaluation council pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the Washington state energy office. All existing contracts and obligations pertaining to the powers, functions, and duties transferred shall remain in full force and shall be performed by the Washington state energy office.

**NEW SECTION.** Sec. 9. The transfer of powers, duties, functions, and personnel of the energy facility site evaluation council as provided in this act shall not affect the validity of any act performed before the effective date of this act.

**NEW SECTION.** Sec. 10. If apportionments of budgeted funds are required because of the transfers directed by sections 6 through 9 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

**NEW SECTION.** Sec. 11. Nothing contained in sections 5 through 10 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

**NEW SECTION.** Sec. 12. This act shall take effect July 1, 1990.

Passed the Senate February 12 1990.

Passed the House February 27, 1990.

Approved by the Governor March 6, 1990.

Filed in Office of Secretary of State March 6, 1990.

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## CHAPTER 13

[Senate Bill No. 6267]

### OCCUPATIONAL THERAPY—LICENSING REQUIREMENTS

AN ACT Relating to regulation of occupational therapy; amending RCW 18.59.090; and repealing RCW 43.131.335 and 43.131.336.

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

Sec. 1. Section 10, chapter 9, Laws of 1984 and RCW 18.59.090 are each amended to read as follows:

(1) Licenses under this chapter shall be renewed at the time and in the manner determined by the director and with the payment of a renewal fee. The board ((may)) shall establish requirements for license renewal which provide evidence of continued competency. The director may provide for the late renewal of a license upon the payment of a late fee in accordance with its rules which may include additional continuing education or examination requirements.

(2) A suspended license is subject to expiration and may be renewed as provided in this section, but the renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order or judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the renewal fee and any applicable late fee.

(3) Any occupational therapist or occupational therapy assistant licensed under this chapter not practicing occupational therapy or providing