

PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 28, 1979.

Passed the Senate April 11, 1979.

Approved by the Governor April 23, 1979.

Filed in Office of Secretary of State April 23, 1979.

## CHAPTER 47

[House Bill No. 1115]

### ENVIRONMENTAL HEARINGS OFFICE

AN ACT Relating to the environmental hearings office; amending section 31, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.010; amending section 21, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.210; amending section 22, chapter 137, Laws of 1974 ex. sess. as last amended by section 174, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 76.09.220; amending section 17, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.170; adding a new section to chapter 43.21B RCW; creating a new section; and repealing section 37, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.070.

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

NEW SECTION. Section 1. It is the intent of the legislature to consolidate administratively the pollution control hearings board, the forest practices appeals board, and the shorelines hearings board into one agency of state government with minimum disturbance to these boards. It is not the intent of the legislature in consolidating these boards to change the existing membership of these boards.

All full-time employees of the pollution control hearings board and the full-time employee of the forest practices appeals board shall be full-time employees of the environmental hearings office without loss of rights. Property and obligations of these boards and the shorelines hearings board shall be property and obligations of the environmental hearings office.

NEW SECTION. Sec. 2. There is added to chapter 43.21B RCW a new section to read as follows:

There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, and the shorelines hearings board created in RCW 90.58.170. The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control

hearings board, the forest practices appeals board, and the shorelines hearings board shall be as provided by law.

The chief executive officer of the environmental hearings office may appoint, discharge, and fix the compensation of such staff as may be necessary or may contract for required services. Employees of the environmental hearings office shall serve each board at the direction of the chief executive officer of the environmental hearings office.

Sec. 3. Section 31, chapter 62, Laws of 1970 ex. sess. and RCW 43-.21B.010 are each amended to read as follows:

There is hereby created within the environmental hearings office a pollution control hearings board of the state of Washington (~~as an agency of state government~~).

The purpose of the pollution control hearings board is to provide for a more expeditious and efficient disposition of appeals with respect to the decisions and orders of the department and director and with respect to all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW.

Sec. 4. Section 21, chapter 137, Laws of 1974 ex. sess. and RCW 76-.09.210 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under section 2 of this act the forest practices appeals board of the state of Washington (~~as an agency of state government~~).

(2) The forest practices appeals board shall consist of three members qualified by experience and training in pertinent matters pertaining to the environment, and at least one member of the appeals board shall have been admitted to the practice of law in this state and shall be engaged in the legal profession at the time of his appointment. The appeals board shall be appointed by the governor with the advice and consent of the senate, and no more than two of the members at the time of appointment or during their term shall be members of the same political party.

(3) Members shall be appointed for a term of six years and shall serve until their successors are appointed and have qualified. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which such vacancy occurs. The terms of the first three members of the appeals board shall be staggered so that their terms shall expire after two, four, and six years.

(4) Any member may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall

be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member by the tribunal shall disqualify such member for reappointment.

(5) Each member of the appeals board:

(a) Shall not be a candidate for nor hold any other public office or trust, and shall not engage in any occupation or business interfering with or inconsistent with his duty as a member, nor shall he serve on or under any committee of any political party; and

(b) Shall not for a period of one year after the termination of his membership, act in a representative capacity before the appeals board on any matter.

Sec. 5. Section 22, chapter 137, Laws of 1974 ex. sess. as last amended by section 174, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 76.09.220 are each amended to read as follows:

(1) The appeals board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part time basis, each member shall receive compensation on the basis of seventy-five dollars for each day spent in performance of his duties: PROVIDED, That such compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel expenses incurred in the discharge of his duties in accordance with the provisions of RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

~~(2) ((The appeals board may appoint, discharge, and fix the compensation of an executive secretary, a clerk, and such other clerical, professional, and technical assistants as may be necessary. As specified in RCW 41.06-.073, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW.~~

~~(3))~~ The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect or reelect a chairman.

~~((4))~~ (3) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall

perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

~~((5))~~ (4) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

~~((6))~~ (5) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

~~((7))~~ (6) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

~~((8))~~ (7) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department.

~~((9))~~ (8) (a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his request with the department and the attorney general. The attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in subparagraph (a) of this subsection are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases.

Sec. 6. Section 17, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.170 are each amended to read as follows:

A shorelines hearings board sitting as a quasi judicial body is hereby established ~~((which))~~ within the environmental hearings office under section 2 of this act. The shorelines hearings board shall be made up of six members: Three members shall be members of the pollution control hearings board; two members, one appointed by the association of Washington cities and one appointed by the association of county commissioners, both to serve at the pleasure of the associations; and the state land commissioner or his designee. The chairman of the pollution control hearings board shall be the chairman of the shorelines hearings board. A decision must be agreed to by at least four members of the board to be final. ~~((The pollution control hearings board shall provide the shorelines appeals board such administrative and clerical assistance as the latter may require.))~~ The members of the

shorelines appeals board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 7. Section 37, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.070 are each repealed.

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CHAPTER 48

[Substitute House Bill No. 1126]

ANNUAL LEGISLATIVE SESSIONS—APPROVAL CONTINGENCY

AN ACT Relating to the legislature; amending section 1, chapter 20, Laws of 1891 and RCW 44.04.010; and providing a contingent effective date.

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

Section 1. Section 1, chapter 20, Laws of 1891 and RCW 44.04.010 are each amended to read as follows:

~~((The third legislature of the state of Washington shall meet on the second Monday of January, A.D. 1893, and))~~ Sessions of the legislature shall be held ~~((biennially thereafter))~~ annually, commencing on the second Monday of January.

NEW SECTION. Sec. 2. This 1979 act shall take effect on January 1, 1980, if the proposed amendment to Article II, section 12 of the state Constitution by Substitute Senate Joint Resolution No. 110, providing for annual sessions of the legislature, is validly submitted and is approved and ratified by the voters at a general election held in November, 1979. If the proposed amendment is not so approved and ratified, this 1979 act shall be null and void in its entirety.

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CHAPTER 49

[Substitute House Bill No. 1176]

FEDERAL AREAS—CONCURRENT JURISDICTION

AN ACT Relating to federal areas and jurisdictions; and adding a new section to chapter 37-.04 RCW.

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