

Sec. 3. Section 28B.10.255, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.255 are each amended to read as follows:

The amounts due to any state institution of higher education under the provisions of RCW 28B.10.250 through 28B.10.260 shall be payable to the institution after approval by the ((state board of education)) council on higher education in the state of Washington. Said ((board)) council shall determine the eligibility and need of the persons who may make application for the benefits; satisfy itself of the attendance of the persons at any such institution and of the accuracy of the charge or charges submitted to said ((board)) council by the authorities of any such institution, on account of the attendance thereof of any such person. No fees shall be received for any such service.

Passed the Senate January 29, 1974.  
Passed the House February 7, 1974.  
Approved by the Governor February 14, 1974.  
Filed in Office of Secretary of State February 14, 1974.

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CHAPTER 69

[Engrossed Senate Bill No. 3168]

AIR POLLUTION CONTROL HEARINGS BOARD--  
HEARINGS EXAMINERS--REGULATIONS

AN ACT Relating to the pollution control hearings board; amending section 39, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.090; amending section 45, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.150; amending section 46, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.160; amending section 34, chapter 238, Laws of 1967 as last amended by section 57, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.211; adding a new section to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21B RCW; and repealing section 51, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.210.

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

Section 1. Section 39, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.090 are each amended to read as follows:

The principal office of the hearings board shall be at the state capitol, but it may sit or hold hearings at any other place in the state. A majority of the hearings 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 of the hearings board be vacant. One or more members may hold hearings and take testimony to be reported for action by the hearings

board when authorized by rule or order of the hearings board. The board may also appoint as its authorized agents one or more hearing examiners to assist the board in the performance of its hearing function pursuant to the authority contained in the administrative procedure act, chapter 34.04 RCW as now or hereafter amended: PROVIDED, That the findings of the hearing examiner shall not become final until they have been formally approved by the board. The hearings board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

Sec. 2. Section 45, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.150 are each amended to read as follows:

In all appeals involving an informal hearing, the hearings board or its hearing examiners shall have all powers relating to the administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies by chapter 34.04 RCW. In the case of appeals within the scope of this 1970 act the hearings board or any member thereof may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board or any member thereof may deem necessary or appropriate: PROVIDED, That any communication, oral or written, from the staff of the director to the hearings board or its hearing examiners shall be presented only in an open hearing.

Sec. 3. Section 46, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.160 are each amended to read as follows:

In all appeals involving a formal hearing, the hearings board or its hearing examiners shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.04 RCW; and the hearings board, and each member thereof, or its hearing examiners, shall be subject to all duties imposed upon, and shall have all powers granted to, an agency by those provisions of chapter 34.04 RCW relating to contested cases. In the case of appeals within the scope of this 1970 act, the hearings board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board, or any member thereof, may deem necessary or appropriate: PROVIDED, That any communication, oral or written, from the staff of the director to the hearings board or its hearing examiners, shall be presented only in an open hearing.

Sec. 4. Section 34, chapter 238, Laws of 1967 as last amended by section 57, chapter 62, Laws of 1970 ex. sess. and RCW 70.94.211 are each amended to read as follows:

Whenever the board or the control officer has reason to believe that any provision of this chapter or any ordinance,

resolution, rule or regulation relating to the control or prevention of air pollution has been violated, such board or control officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the ordinance, resolution, rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the board or the control officer may require that the alleged violator or violators appear before the ((hearings)) board ((as provided for in chapter 43.21B RCW;)) for a hearing ((pursuant to the provisions of chapter 34.04 RCW as now or hereafter amended)), or in addition to or in place of an order or hearing, the ((hearings)) board ((created therein)) may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435.

NEW SECTION. Sec. 5. There is added to chapter 62, Laws of 1970 ex. sess. and to chapter 43.21B RCW a new section to read as follows:

Activated air pollution control authorities, established under RCW [chapter] 70.94, may file certified copies of their regulations and amendments thereto with the pollution control hearings board of the state of Washington, and the hearings board shall take judicial note of the copies so filed and the said regulations and amendments shall be received and admitted, by reference, in all hearings before the board, as prima facie evidence that such regulations and amendments on file are in full force and effect.

NEW SECTION. Sec. 6. Section 51, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.210 are each hereby repealed.

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Passed the House February 6, 1974.  
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CHAPTER 70  
[Engrossed Senate Bill No. 3229]  
METROPOLITAN MUNICIPAL CORPORATIONS—  
WATER POLLUTION ABATEMENT

AN ACT Relating to metropolitan municipal corporations; amending section 35.58.010, chapter 7, Laws of 1965 and RCW 35.58.010; amending section 35.58.020, chapter 7, Laws of 1965 as amended by section 2, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.020; amending section 35.58.050, chapter 7, Laws of 1965 and RCW 35.58.050; amending section 35.58.080, chapter 7, Laws of 1965 and RCW 35.58.080; amending section 35.58.120, chapter