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**ENGROSSED SUBSTITUTE SENATE BILL 6426**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Prentice and Tom; by request of Governor Gregoire)

READ FIRST TIME 02/09/10.

1        AN ACT Relating to eliminating boards and commissions; amending RCW  
2 18.44.011, 18.44.195, 18.44.221, 18.44.251, 19.146.225, 28C.18.050,  
3 28C.18.090, 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040,  
4 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040, 28A.300.520,  
5 43.215.065, 72.09.495, 74.04.800, 43.101.380, 43.105.052, 72.23.025,  
6 43.43.930, 43.43.938, 43.43.962, 43.43.934, 38.52.530, 49.26.120,  
7 48.62.061, 48.62.161, 41.05.035, 28B.76.280, 18.280.050, 18.280.060,  
8 43.330.090, 43.105.041, 43.105.805, 43.105.820, 18.210.010, 18.210.050,  
9 18.210.060, 70.118.110, 18.200.010, 18.200.050, 18.200.070, 77.95.100,  
10 77.95.180, 77.95.190, 82.58.020, 70.95.030, 43.21A.520, 70.105.010,  
11 70.105.160, 70.119A.180, 90.86.030, 18.104.040, 18.104.043, 18.104.049,  
12 18.104.100, 18.104.200, 19.16.100, 19.16.420, 43.60A.010, 43.60A.080,  
13 46.01.325, and 46.01.140; reenacting and amending RCW 43.105.020,  
14 18.235.020, and 18.235.020; adding a new section to chapter 34.05 RCW;  
15 adding a new section to chapter 43.185B RCW; adding new sections to  
16 chapter 43.20A RCW; adding a new section to chapter 28B.108 RCW; adding  
17 a new section to chapter 46.66 RCW; adding a new section to chapter  
18 70.195 RCW; adding new sections to chapter 43.31 RCW; adding a new  
19 section to chapter 26.19 RCW; adding a new section to chapter 35.78  
20 RCW; adding a new section to chapter 43.32 RCW; adding a new section to  
21 chapter 19.16 RCW; adding a new section to chapter 72.78 RCW; adding a

1 new section to chapter 70.198 RCW; adding new sections to chapter  
2 28A.175 RCW; adding a new section to chapter 43.06B RCW; adding a new  
3 section to chapter 44.39 RCW; adding a new section to chapter 38.52  
4 RCW; adding a new section to chapter 43.22 RCW; adding a new section to  
5 chapter 28A.300 RCW; adding a new section to chapter 70.47A RCW; adding  
6 a new section to chapter 28B.115 RCW; adding a new section to chapter  
7 77.85 RCW; adding a new section to chapter 28A.305 RCW; adding a new  
8 section to chapter 1.40 RCW; adding a new section to chapter 1.60 RCW;  
9 adding a new section to chapter 13.60 RCW; adding a new section to  
10 chapter 28B.10 RCW; adding a new section to chapter 28A.195 RCW; adding  
11 a new section to chapter 36.102 RCW; adding a new section to chapter  
12 41.04 RCW; adding a new section to chapter 74.18 RCW; adding a new  
13 section to chapter 28A.600 RCW; adding a new section to chapter 28A.160  
14 RCW; adding a new section to chapter 28A.525 RCW; adding a new section  
15 to chapter 43.210 RCW; adding a new section to chapter 58.24 RCW;  
16 adding a new section to chapter 44.55 RCW; adding a new section to  
17 chapter 90.86 RCW; adding a new section to chapter 90.56 RCW; creating  
18 new sections; repealing RCW 70.96A.070, 18.44.500, 18.44.510,  
19 79A.25.220, 19.146.280, 43.360.040, 28B.50.254, 18.250.030, 43.63A.068,  
20 43.101.310, 43.101.315, 43.101.320, 43.101.325, 43.101.330, 43.101.335,  
21 43.101.340, 43.101.345, 43.105.055, 70.198.010, 70.198.020, 43.43.932,  
22 43.43.936, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100, 10.98.200,  
23 10.98.210, 10.98.220, 10.98.230, 10.98.240, 43.105.800, 43.105.810,  
24 71.09.320, 18.210.040, 18.210.070, 70.118.100, 18.200.060, 77.95.110,  
25 77.95.120, 70.95.040, 70.95.050, 70.95.070, 70.105.060, 70.119A.160,  
26 18.104.190, 79A.30.030, 46.38.010, 46.38.020, 46.38.030, 46.38.040,  
27 46.38.050, 46.38.060, 46.38.070, 46.38.080, 46.38.090, 46.39.010,  
28 46.39.020, 43.60A.170, 43.131.405, 43.131.406, and 46.01.320; repealing  
29 2007 c 520 s 6016 (uncodified); repealing 2007 c 520 s 6026  
30 (uncodified); providing effective dates; and providing expiration  
31 dates.

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

33 NEW SECTION. **Sec. 1.** One of the key roles of advisory boards,  
34 committees, and commissions is to provide input, advice and  
35 recommendations from stakeholders, other interested parties, and the  
36 public to state agencies. These advisory boards, committees, and

1 commissions may be abolished without detriment to the mission of the  
2 agency each supports. Most of the advisory functions of these boards,  
3 committees, and commissions can be performed without the administrative  
4 costs of maintaining formal organizations. In the interest of building  
5 a leaner, more efficient, and more responsible government, this vital  
6 communications conduit must be maintained for the benefit of the state  
7 and its citizens, through the use of modern communication technology.  
8 It is the intent of this legislation that while advisory boards,  
9 committees, and commissions be eliminated, agencies should identify  
10 new, less costly, and more effective opportunities to ensure a broad  
11 range of citizen participation is provided and that all reasonable  
12 efforts are made to ensure that channels are maintained for vital input  
13 from the citizens of Washington.

14 **Citizens Advisory Council on Alcoholism and Drug Addiction**

15 NEW SECTION. **Sec. 2.** RCW 70.96A.070 (Citizens advisory council--  
16 Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c  
17 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each  
18 repealed.

19 **Escrow Commission**

20 **Sec. 3.** RCW 18.44.011 and 1999 c 30 s 1 are each amended to read  
21 as follows:

22 Unless a different meaning is apparent from the context, terms used  
23 in this chapter shall have the following meanings:

24 (1) "Department" means the department of financial institutions.

25 (2) "Director" means the director of financial institutions, or his  
26 or her duly authorized representative.

27 (3) "Director of licensing" means the director of the department of  
28 licensing, or his or her duly authorized representative.

29 (4) "Escrow" means any transaction, except the acts of a qualified  
30 intermediary in facilitating an exchange under section 1031 of the  
31 internal revenue code, wherein any person or persons, for the purpose  
32 of effecting and closing the sale, purchase, exchange, transfer,  
33 encumbrance, or lease of real or personal property to another person or

1 persons, delivers any written instrument, money, evidence of title to  
2 real or personal property, or other thing of value to a third person to  
3 be held by such third person until the happening of a specified event  
4 or the performance of a prescribed condition or conditions, when it is  
5 then to be delivered by such third person, in compliance with  
6 instructions under which he or she is to act, to a grantee, grantor,  
7 promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor,  
8 or any agent or employee thereof.

9 (5) "Split escrow" means a transaction in which two or more escrow  
10 agents act to effect and close an escrow transaction.

11 (6) "Escrow agent" means any person engaged in the business of  
12 performing for compensation the duties of the third person referred to  
13 in subsection (4) of this section.

14 (7) "Licensed escrow agent" means any sole proprietorship, firm,  
15 association, partnership, or corporation holding a license as an escrow  
16 agent under the provisions of this chapter.

17 (8) "Person" means a natural person, firm, association,  
18 partnership, corporation, limited liability company, or the plural  
19 thereof, whether resident, nonresident, citizen, or not.

20 (9) "Licensed escrow officer" means any natural person handling  
21 escrow transactions and licensed as such by the director.

22 (10) "Designated escrow officer" means any licensed escrow officer  
23 designated by a licensed escrow agent and approved by the director as  
24 the licensed escrow officer responsible for supervising that agent's  
25 handling of escrow transactions, management of the agent's trust  
26 account, and supervision of all other licensed escrow officers employed  
27 by the agent.

28 (11) (~~"Escrow commission" means the escrow commission of the state~~  
29 ~~of Washington created by RCW 18.44.500.~~

30 ~~(12))~~ "Controlling person" is any person who owns or controls ten  
31 percent or more of the beneficial ownership of any escrow agent,  
32 regardless of the form of business organization employed and regardless  
33 of whether such interest stands in such person's true name or in the  
34 name of a nominee.

35 **Sec. 4.** RCW 18.44.195 and 1999 c 30 s 4 are each amended to read  
36 as follows:

1 (1) Any person desiring to become a licensed escrow officer must  
2 successfully pass an examination.

3 (2) The escrow officer examination shall encompass the following:

4 (a) Appropriate knowledge of the English language, including  
5 reading, writing, and arithmetic;

6 (b) An understanding of the principles of real estate conveyancing  
7 and the general purposes and legal effects of deeds, mortgages, deeds  
8 of trust, contracts of sale, exchanges, rental and optional agreements,  
9 leases, earnest money agreements, personal property transfers, and  
10 encumbrances;

11 (c) An understanding of the obligations between principal and  
12 agent;

13 (d) An understanding of the meaning and nature of encumbrances upon  
14 real property;

15 (e) An understanding of the principles and practice of trust  
16 accounting; and

17 (f) An understanding of the escrow agent registration act and other  
18 applicable law such as the real estate settlement procedures act, 12  
19 U.S.C. Sec. 2601, and regulation X, 24 C.F.R. Sec. 3500.

20 (3) The examination shall be in such form as prescribed by the  
21 director (~~((with the advice of the escrow commission,))~~) and shall be  
22 given at least annually.

23 **Sec. 5.** RCW 18.44.221 and 1999 c 30 s 31 are each amended to read  
24 as follows:

25 The director shall, within thirty days after ~~((the))~~ a written  
26 request ~~((of the escrow commission))~~, hold a public hearing to  
27 determine whether the fidelity bond, surety bond, and/or the errors and  
28 omissions policy specified in RCW 18.44.201 is reasonably available to  
29 a substantial number of licensed escrow agents. If the director  
30 determines and the insurance commissioner concurs that such bond or  
31 bonds and/or policy is not reasonably available, the director shall  
32 waive the requirements for such bond or bonds and/or policy for a fixed  
33 period of time.

34 **Sec. 6.** RCW 18.44.251 and 1995 c 238 s 5 are each amended to read  
35 as follows:

1 A request for a waiver of the required errors and omissions policy  
2 may be accomplished under the statute by submitting to the director an  
3 affidavit that substantially addresses the following:

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5  
6 REQUEST FOR WAIVER OF  
7 ERRORS AND OMISSIONS POLICY

8 I, . . . . ., residing at . . . . ., City of . . . . ., County  
9 of . . . . ., State of Washington, declare the following:

10 (1) ~~((The state escrow commission has determined~~  
11 ~~that))~~ An errors and omissions policy is not reasonably  
12 available to a substantial number of licensed escrow  
13 officers; and

14 (2) Purchasing an errors and omissions policy is cost-  
15 prohibitive at this time; and

16 (3) I have not engaged in any conduct that resulted in  
17 the termination of my escrow certificate; and

18 (4) I have not paid, directly or through an errors and  
19 omissions policy, claims in excess of ten thousand dollars,  
20 exclusive of costs and attorneys' fees, during the calendar  
21 year preceding submission of this affidavit; and

22 (5) I have not paid, directly or through an errors and  
23 omissions policy, claims, exclusive of costs and attorneys'  
24 fees, totaling in excess of twenty thousand dollars in the  
25 three calendar years immediately preceding submission of  
26 this affidavit; and

27 (6) I have not been convicted of a crime involving  
28 honesty or moral turpitude during the calendar year  
29 preceding submission of this application.

30 THEREFORE, in consideration of the above, I,  
31 . . . . ., respectfully request that the director of financial  
32 institutions grant this request for a waiver of the  
33 requirement that I purchase and maintain an errors and  
34 omissions policy covering my activities as an escrow agent  
35 licensed by the state of Washington for the period from  
36 . . . . ., 19 . . . . ., to . . . . ., 19 . . . . .

37 Submitted this day of . . . . day of . . . . ., 19 . . . . .

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(signature)

State of Washington,

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ss.

County of .....

I certify that I know or have satisfactory evidence that  
....., signed this instrument and acknowledged it to  
be ..... free and voluntary act for the uses and  
purposes mentioned in the instrument.

Dated .....

Signature of

Notary Public .....

(Seal or stamp)

Title .....

My appointment expires .....

NEW SECTION. **Sec. 7.** The following acts or parts of acts are each repealed:

(1) RCW 18.44.500 (Escrow commission--Members--Terms--Compensation and travel expenses) and 1995 c 238 s 3, 1985 c 340 s 3, & 1984 c 287 s 36; and

(2) RCW 18.44.510 (Compensation and travel expenses of commission members) and 1984 c 287 s 37 & 1977 ex.s. c 156 s 29.

**Firearms Range Advisory Committee**

NEW SECTION. **Sec. 8.** RCW 79A.25.220 (Firearms range advisory committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3 are each repealed.

**Mortgage Brokers**

NEW SECTION. **Sec. 9.** RCW 19.146.280 (Mortgage broker commission--Code of conduct--Complaint review) and 2009 c 518 s 1, 2006 c 19 s 17, 2001 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c 468 s 21 are each repealed.



1 legislative or administrative measures necessary to streamline and  
2 coordinate state efforts to meet federal guidelines.

3 (5) The board shall monitor for consistency with the state  
4 comprehensive plan for workforce training and education the policies  
5 and plans established by the state job training coordinating council(~~(~~  
6 ~~the advisory council on adult education,~~~~)~~) and the Washington state  
7 plan for adult basic education, and provide guidance for making such  
8 policies and plans consistent with the state comprehensive plan for  
9 workforce training and education.

10 **Sec. 14.** RCW 28C.18.090 and 1995 c 130 s 4 are each amended to  
11 read as follows:

12 (1) The board shall specify, by December 31, 1995, the common core  
13 data to be collected by the operating agencies of the state training  
14 system and the standards for data collection and maintenance required  
15 in RCW 28C.18.060(8).

16 (2) The minimum standards for program evaluation by operating  
17 agencies required in RCW 28C.18.060(9) shall include biennial program  
18 evaluations; the first of such evaluations shall be completed by the  
19 operating agencies July 1, 1996. The program evaluation of adult basic  
20 skills education shall be provided by the (~~advisory council on adult~~  
21 ~~education~~) board.

22 (3) The board shall complete, by January 1, 1996, its first  
23 outcome-based evaluation and, by September 1, 1996, its nonexperimental  
24 net-impact and cost-benefit evaluations of the training system. The  
25 outcome, net-impact, and cost-benefit evaluations shall for the first  
26 evaluations, include evaluations of each of the following programs:  
27 Secondary vocational-technical education, work-related adult basic  
28 skills education, postsecondary workforce training, job training  
29 partnership act titles II and III, as well as of the system as a whole.

30 (4) The board shall use the results of its outcome, net-impact, and  
31 cost-benefit evaluations to develop and make recommendations to the  
32 legislature and the governor for the modification, consolidation,  
33 initiation, or elimination of workforce training and education programs  
34 in the state.

35 The board shall perform the requirements of this section in  
36 cooperation with the operating agencies.

1 **Committee on Agency Official's Salaries**

2 **Sec. 15.** RCW 43.03.027 and 1970 ex.s. c 43 s 1 are each amended to  
3 read as follows:

4 It is hereby declared to be the public policy of this state to base  
5 the salaries of public officials on realistic standards in order that  
6 such officials may be paid according to the true value of their  
7 services and the best qualified citizens may be attracted to public  
8 service. It is the purpose of (~~RCW 43.03.027, 43.03.028,~~) this  
9 section and RCW 43.03.040 (~~, 43.03.045 and 43.03.047~~) to effectuate  
10 this policy by utilizing the expert knowledge of citizens having access  
11 to pertinent facts concerning proper salaries for public officials,  
12 thus removing and dispelling any thought of political consideration in  
13 fixing the appropriateness of the amount of such salaries.

14 **Sec. 16.** RCW 43.03.028 and 2007 c 241 s 3 are each amended to read  
15 as follows:

16 (1) (~~There is hereby created a state committee on agency~~  
17 ~~officials' salaries to consist of seven members, or their designees, as~~  
18 ~~follows:—The president of the University of Puget Sound; the~~  
19 ~~chairperson of the council of presidents of the state's four-year~~  
20 ~~institutions of higher education; the chairperson of the Washington~~  
21 ~~personnel resources board; the president of the Association of~~  
22 ~~Washington Business; the president of the Pacific Northwest Personnel~~  
23 ~~Managers' Association; the president of the Washington State Bar~~  
24 ~~Association; and the president of the Washington State Labor Council.~~  
25 ~~If any of the titles or positions mentioned in this subsection are~~  
26 ~~changed or abolished, any person occupying an equivalent or like~~  
27 ~~position shall be qualified for appointment by the governor to~~  
28 ~~membership upon the committee.~~

29 (~~2) The committee~~) The department of personnel shall study the  
30 duties and salaries of the directors of the several departments and the  
31 members of the several boards and commissions of state government, who  
32 are subject to appointment by the governor or whose salaries are fixed  
33 by the governor, and of the chief executive officers of the following  
34 agencies of state government:

35 The arts commission; the human rights commission; the board of  
36 accountancy; the board of pharmacy; the eastern Washington historical  
37 society; the Washington state historical society; the recreation and

1 conservation office; the criminal justice training commission; the  
2 department of personnel; the state library; the traffic safety  
3 commission; the horse racing commission; the advisory council on  
4 vocational education; the public disclosure commission; the state  
5 conservation commission; the commission on Hispanic affairs; the  
6 commission on Asian Pacific American affairs; the state board for  
7 volunteer firefighters and reserve officers; the transportation  
8 improvement board; the public employment relations commission; the  
9 forest practices appeals board; and the energy facilities site  
10 evaluation council.

11 ~~((The committee))~~ (2) The department of personnel shall report to  
12 the governor or the chairperson of the appropriate salary fixing  
13 authority at least once in each fiscal biennium on such date as the  
14 governor may designate, but not later than seventy-five days prior to  
15 the convening of each regular session of the legislature during an odd-  
16 numbered year, its recommendations for the salaries to be fixed for  
17 each position.

18 ~~((3) Committee members shall be reimbursed by the department of  
19 personnel for travel expenses under RCW 43.03.050 and 43.03.060.))~~

20 **Sec. 17.** RCW 34.12.100 and 1986 c 155 s 10 are each amended to  
21 read as follows:

22 The chief administrative law judge shall be paid a salary fixed by  
23 the governor after recommendation of the ~~((state committee on agency  
24 officials' salaries))~~ department of personnel. The salaries of  
25 administrative law judges appointed under the terms of this chapter  
26 shall be determined by the chief administrative law judge after  
27 recommendation of the ~~((state committee on agency officials' salaries))~~  
28 department of personnel.

29 **Sec. 18.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to  
30 read as follows:

31 The commission is empowered to:

32 (1) Adopt, promulgate, amend, and rescind suitable administrative  
33 rules to carry out the policies and purposes of this chapter, which  
34 rules shall be adopted under chapter 34.05 RCW. Any rule relating to  
35 campaign finance, political advertising, or related forms that would

1 otherwise take effect after June 30th of a general election year shall  
2 take effect no earlier than the day following the general election in  
3 that year;

4 (2) Appoint and set, within the limits established by the  
5 (~~committee on agency officials' salaries~~) department of personnel  
6 under RCW 43.03.028, the compensation of an executive director who  
7 shall perform such duties and have such powers as the commission may  
8 prescribe and delegate to implement and enforce this chapter  
9 efficiently and effectively. The commission shall not delegate its  
10 authority to adopt, amend, or rescind rules nor shall it delegate  
11 authority to determine whether an actual violation of this chapter has  
12 occurred or to assess penalties for such violations;

13 (3) Prepare and publish such reports and technical studies as in  
14 its judgment will tend to promote the purposes of this chapter,  
15 including reports and statistics concerning campaign financing,  
16 lobbying, financial interests of elected officials, and enforcement of  
17 this chapter;

18 (4) Make from time to time, on its own motion, audits and field  
19 investigations;

20 (5) Make public the time and date of any formal hearing set to  
21 determine whether a violation has occurred, the question or questions  
22 to be considered, and the results thereof;

23 (6) Administer oaths and affirmations, issue subpoenas, and compel  
24 attendance, take evidence and require the production of any books,  
25 papers, correspondence, memorandums, or other records relevant or  
26 material for the purpose of any investigation authorized under this  
27 chapter, or any other proceeding under this chapter;

28 (7) Adopt and promulgate a code of fair campaign practices;

29 (8) Relieve, by rule, candidates or political committees of  
30 obligations to comply with the provisions of this chapter relating to  
31 election campaigns, if they have not received contributions nor made  
32 expenditures in connection with any election campaign of more than one  
33 thousand dollars;

34 (9) Adopt rules prescribing reasonable requirements for keeping  
35 accounts of and reporting on a quarterly basis costs incurred by state  
36 agencies, counties, cities, and other municipalities and political  
37 subdivisions in preparing, publishing, and distributing legislative  
38 information. The term "legislative information," for the purposes of

1 this subsection, means books, pamphlets, reports, and other materials  
2 prepared, published, or distributed at substantial cost, a substantial  
3 purpose of which is to influence the passage or defeat of any  
4 legislation. The state auditor in his or her regular examination of  
5 each agency under chapter 43.09 RCW shall review the rules, accounts,  
6 and reports and make appropriate findings, comments, and  
7 recommendations in his or her examination reports concerning those  
8 agencies;

9 (10) After hearing, by order approved and ratified by a majority of  
10 the membership of the commission, suspend or modify any of the  
11 reporting requirements of this chapter in a particular case if it finds  
12 that literal application of this chapter works a manifestly  
13 unreasonable hardship and if it also finds that the suspension or  
14 modification will not frustrate the purposes of the chapter. The  
15 commission shall find that a manifestly unreasonable hardship exists if  
16 reporting the name of an entity required to be reported under RCW  
17 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive  
18 position of any entity in which the person filing the report or any  
19 member of his or her immediate family holds any office, directorship,  
20 general partnership interest, or an ownership interest of ten percent  
21 or more. Any suspension or modification shall be only to the extent  
22 necessary to substantially relieve the hardship. The commission shall  
23 act to suspend or modify any reporting requirements only if it  
24 determines that facts exist that are clear and convincing proof of the  
25 findings required under this section. Requests for renewals of  
26 reporting modifications may be heard in a brief adjudicative proceeding  
27 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with  
28 the standards established in this section. No initial request may be  
29 heard in a brief adjudicative proceeding and no request for renewal may  
30 be heard in a brief adjudicative proceeding if the initial request was  
31 granted more than three years previously or if the applicant is holding  
32 an office or position of employment different from the office or  
33 position held when the initial request was granted. The commission  
34 shall adopt administrative rules governing the proceedings. Any  
35 citizen has standing to bring an action in Thurston county superior  
36 court to contest the propriety of any order entered under this section  
37 within one year from the date of the entry of the order; and

1 (11) Revise, at least once every five years but no more often than  
2 every two years, the monetary reporting thresholds and reporting code  
3 values of this chapter. The revisions shall be only for the purpose of  
4 recognizing economic changes as reflected by an inflationary index  
5 recommended by the office of financial management. The revisions shall  
6 be guided by the change in the index for the period commencing with the  
7 month of December preceding the last revision and concluding with the  
8 month of December preceding the month the revision is adopted. As to  
9 each of the three general categories of this chapter (reports of  
10 campaign finance, reports of lobbyist activity, and reports of the  
11 financial affairs of elected and appointed officials), the revisions  
12 shall equally affect all thresholds within each category. Revisions  
13 shall be adopted as rules under chapter 34.05 RCW. The first revision  
14 authorized by this subsection shall reflect economic changes from the  
15 time of the last legislative enactment affecting the respective code or  
16 threshold through December 1985;

17 (12) Develop and provide to filers a system for certification of  
18 reports required under this chapter which are transmitted by facsimile  
19 or electronically to the commission. Implementation of the program is  
20 contingent on the availability of funds.

21 **Sec. 19.** RCW 43.03.040 and 2009 c 5 s 5 are each amended to read  
22 as follows:

23 The directors of the several departments and members of the several  
24 boards and commissions, whose salaries are fixed by the governor and  
25 the chief executive officers of the agencies named in RCW  
26 43.03.028(~~(+2)~~) (1) as now or hereafter amended shall each severally  
27 receive such salaries, payable in monthly installments, as shall be  
28 fixed by the governor or the appropriate salary fixing authority, in an  
29 amount not to exceed the recommendations of the (~~committee on agency~~  
30 ~~officials' salaries. For the twelve months following February 18,~~  
31 ~~2009, a salary or wage increase shall not be granted to any position~~  
32 ~~under this section~~) department of personnel.

33 **Airport Impact Mitigation Advisory Board**

1           **Sec. 20.** RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each  
2 amended to read as follows:

3           (1) The airport impact mitigation account is created in the custody  
4 of the state treasury. Moneys deposited in the account, including  
5 moneys received from the port of Seattle for purposes of this section,  
6 may be used only for airport mitigation purposes as provided in this  
7 section. Only the director of (~~the department of community, trade,~~  
8 ~~and economic development~~) commerce or the director's designee may  
9 authorize expenditures from the account. The account is subject to  
10 allotment procedures under chapter 43.88 RCW, but an appropriation is  
11 not required for expenditures.

12           (2) The department of (~~community, — trade, — and — economic~~  
13 ~~development~~) commerce shall establish a competitive process to  
14 prioritize applications for airport impact mitigation assistance  
15 through the account created in subsection (1) of this section. The  
16 department shall conduct a solicitation of project applications in the  
17 airport impact area as defined in subsection (~~(4)~~) (3) of this  
18 section. Eligible applicants include public entities such as cities,  
19 counties, schools, parks, fire districts, and shall include  
20 organizations eligible to apply for grants under RCW 43.63A.125. The  
21 department (~~of community, — trade, — and — economic development~~) shall  
22 evaluate and rank applications (~~in conjunction with the airport impact~~  
23 ~~mitigation advisory board established in subsection (3) of this~~  
24 ~~section~~) using objective criteria developed by the department (~~in~~  
25 ~~conjunction with the airport impact mitigation advisory board~~). At a  
26 minimum, the criteria must consider: The extent to which the applicant  
27 is impacted by the airport; and the other resources available to the  
28 applicant to mitigate the impact, including other mitigation funds.  
29 The director of (~~the department of community, — trade, — and — economic~~  
30 ~~development~~) commerce shall award grants annually to the extent funds  
31 are available in the account created in subsection (1) of this section.

32           (3) (~~The director of the department of community, — trade, — and~~  
33 ~~economic development shall establish the airport impact mitigation~~  
34 ~~advisory board comprised of persons in the airport impact area to~~  
35 ~~assist the director in developing criteria and ranking applications~~  
36 ~~under this section. The advisory board shall include representation of~~  
37 ~~local governments, — the — public — in — general, — businesses, — schools,~~  
38 ~~community services organizations, parks and recreational activities,~~

1 ~~and others at the discretion of the director. The advisory board shall~~  
2 ~~be weighted toward those communities closest to the airport that are~~  
3 ~~more adversely impacted by airport activities.~~

4 (4)) The airport impact area includes the incorporated areas of  
5 Burien, Normandy Park, Des Moines, SeaTac, Tukwila, Kent, and Federal  
6 Way, and the unincorporated portion of west King county.

7 ((5)) (4) The department of ((community, trade, and economic  
8 development)) commerce shall report on its activities related to the  
9 account created in this section by January 1, 2004, and each January  
10 1st thereafter.

### 11 **Athletic Training Advisory Committee**

12 NEW SECTION. **Sec. 21.** RCW 18.250.030 (Athletic training advisory  
13 committee) and 2007 c 253 s 4 are each repealed.

14 **Sec. 22.** RCW 18.250.010 and 2007 c 253 s 2 are each amended to  
15 read as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

18 (1) "Athlete" means a person who participates in exercise,  
19 recreation, sport, or games requiring physical strength,  
20 range-of-motion, flexibility, body awareness and control, speed,  
21 stamina, or agility, and the exercise, recreation, sports, or games are  
22 of a type conducted in association with an educational institution or  
23 professional, amateur, or recreational sports club or organization.

24 (2) "Athletic injury" means an injury or condition sustained by an  
25 athlete that affects the person's participation or performance in  
26 exercise, recreation, sport, or games and the injury or condition is  
27 within the professional preparation and education of an athletic  
28 trainer.

29 (3) "Athletic trainer" means a person who is licensed under this  
30 chapter. An athletic trainer can practice athletic training through  
31 the consultation, referral, or guidelines of a licensed health care  
32 provider working within their scope of practice.

33 (4)(a) "Athletic training" means the application of the following  
34 principles and methods as provided by a licensed athletic trainer:

1 (i) Risk management and prevention of athletic injuries through  
2 preactivity screening and evaluation, educational programs, physical  
3 conditioning and reconditioning programs, application of commercial  
4 products, use of protective equipment, promotion of healthy behaviors,  
5 and reduction of environmental risks;

6 (ii) Recognition, evaluation, and assessment of athletic injuries  
7 by obtaining a history of the athletic injury, inspection and palpation  
8 of the injured part and associated structures, and performance of  
9 specific testing techniques related to stability and function to  
10 determine the extent of an injury;

11 (iii) Immediate care of athletic injuries, including emergency  
12 medical situations through the application of first-aid and emergency  
13 procedures and techniques for nonlife-threatening or life-threatening  
14 athletic injuries;

15 (iv) Treatment, rehabilitation, and reconditioning of athletic  
16 injuries through the application of physical agents and modalities,  
17 therapeutic activities and exercise, standard reassessment techniques  
18 and procedures, commercial products, and educational programs, in  
19 accordance with guidelines established with a licensed health care  
20 provider as provided in RCW 18.250.070; and

21 (v) Referral of an athlete to an appropriately licensed health care  
22 provider if the athletic injury requires further definitive care or the  
23 injury or condition is outside an athletic trainer's scope of practice,  
24 in accordance with RCW 18.250.070.

25 (b) "Athletic training" does not include:

26 (i) The use of spinal adjustment or manipulative mobilization of  
27 the spine and its immediate articulations;

28 (ii) Orthotic or prosthetic services with the exception of  
29 evaluation, measurement, fitting, and adjustment of temporary,  
30 prefabricated or direct-formed orthosis as defined in chapter 18.200  
31 RCW;

32 (iii) The practice of occupational therapy as defined in chapter  
33 18.59 RCW;

34 (iv) The practice of acupuncture as defined in chapter 18.06 RCW;

35 (v) Any medical diagnosis; and

36 (vi) Prescribing legend drugs or controlled substances, or surgery.

37 (5) (~~"Committee" means the athletic training advisory committee.~~

38 ~~(6))~~) "Department" means the department of health.

1        ~~((7))~~ (6) "Licensed health care provider" means a physician,  
2 physician assistant, osteopathic physician, osteopathic physician  
3 assistant, advanced registered nurse practitioner, naturopath, physical  
4 therapist, chiropractor, dentist, massage practitioner, acupuncturist,  
5 occupational therapist, or podiatric physician and surgeon.

6        ~~((8))~~ (7) "Secretary" means the secretary of health or the  
7 secretary's designee.

8        **Sec. 23.** RCW 18.250.020 and 2007 c 253 s 3 are each amended to  
9 read as follows:

10        (1) In addition to any other authority provided by law, the  
11 secretary may:

12        (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to  
13 implement this chapter;

14        (b) Establish all license, examination, and renewal fees in  
15 accordance with RCW 43.70.250;

16        (c) Establish forms and procedures necessary to administer this  
17 chapter;

18        (d) Establish administrative procedures, administrative  
19 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.  
20 All fees collected under this section must be credited to the health  
21 professions account as required under RCW 43.70.320;

22        (e) Develop and administer, or approve, or both, examinations to  
23 applicants for a license under this chapter;

24        (f) Issue a license to any applicant who has met the education,  
25 training, and examination requirements for licensure and deny a license  
26 to applicants who do not meet the minimum qualifications for licensure.  
27 However, denial of licenses based on unprofessional conduct or impaired  
28 practice is governed by the uniform disciplinary act, chapter 18.130  
29 RCW;

30        (g) ~~((In consultation with the committee,))~~ Approve examinations  
31 prepared or administered by private testing agencies or organizations  
32 for use by an applicant in meeting the licensing requirements under RCW  
33 18.250.060;

34        (h) Determine which states have credentialing requirements  
35 substantially equivalent to those of this state, and issue licenses to  
36 individuals credentialed in those states that have successfully  
37 fulfilled the requirements of RCW 18.250.080;

1 (i) Hire clerical, administrative, and investigative staff as  
2 needed to implement and administer this chapter;

3 (j) Maintain the official department record of all applicants and  
4 licensees; and

5 (k) Establish requirements and procedures for an inactive license.

6 (2) The uniform disciplinary act, chapter 18.130 RCW, governs  
7 unlicensed practice, the issuance and denial of licenses, and the  
8 discipline of licensees under this chapter.

9 **Sec. 24.** RCW 18.250.060 and 2007 c 253 s 7 are each amended to  
10 read as follows:

11 An applicant for an athletic trainer license must:

12 (1) Have received a bachelor's or advanced degree from an  
13 accredited four-year college or university that meets the academic  
14 standards of athletic training, accepted by the secretary(~~(, as advised~~  
15 ~~by the committee))~~);

16 (2) Have successfully completed an examination administered or  
17 approved by the secretary(~~(, in consultation with the committee))~~); and

18 (3) Submit an application on forms prescribed by the secretary and  
19 pay the licensure fee required under this chapter.

#### 20 **Basic Health Advisory Committee**

21 **Sec. 25.** RCW 70.47.040 and 1993 c 492 s 211 are each amended to  
22 read as follows:

23 (1) The Washington basic health plan is created as a program within  
24 the Washington state health care authority. The administrative head  
25 and appointing authority of the plan shall be the administrator of the  
26 Washington state health care authority. The administrator shall  
27 appoint a medical director. The medical director and up to five other  
28 employees of the plan shall be exempt from the civil service law,  
29 chapter 41.06 RCW.

30 (2) The administrator shall employ such other staff as are  
31 necessary to fulfill the responsibilities and duties of the  
32 administrator, such staff to be subject to the civil service law,  
33 chapter 41.06 RCW. In addition, the administrator may contract with  
34 third parties for services necessary to carry out its activities where

1 this will promote economy, avoid duplication of effort, and make best  
2 use of available expertise. Any such contractor or consultant shall be  
3 prohibited from releasing, publishing, or otherwise using any  
4 information made available to it under its contractual responsibility  
5 without specific permission of the plan. The administrator may call  
6 upon other agencies of the state to provide available information as  
7 necessary to assist the administrator in meeting its responsibilities  
8 under this chapter, which information shall be supplied as promptly as  
9 circumstances permit.

10 (3) The administrator may appoint such technical or advisory  
11 committees as he or she deems necessary. (~~The administrator shall  
12 appoint a standing technical advisory committee that is representative  
13 of health care professionals, health care providers, and those directly  
14 involved in the purchase, provision, or delivery of health care  
15 services, as well as consumers and those knowledgeable of the ethical  
16 issues involved with health care public policy. Individuals appointed  
17 to any technical or other advisory committee shall serve without  
18 compensation for their services as members, but may be reimbursed for  
19 their travel expenses pursuant to RCW 43.03.050 and 43.03.060.~~)

20 (4) The administrator may apply for, receive, and accept grants,  
21 gifts, and other payments, including property and service, from any  
22 governmental or other public or private entity or person, and may make  
23 arrangements as to the use of these receipts, including the undertaking  
24 of special studies and other projects relating to health care costs and  
25 access to health care.

26 (5) Whenever feasible, the administrator shall reduce the  
27 administrative cost of operating the program by adopting joint policies  
28 or procedures applicable to both the basic health plan and employee  
29 health plans.

### 30 **Children of Incarcerated Parents Advisory Committee**

31 NEW SECTION. **Sec. 26.** RCW 43.63A.068 (Advisory committee on  
32 policies and programs for children and families with incarcerated  
33 parents--Funding for programs and services) and 2009 c 518 s 18 & 2007  
34 c 384 s 6 are each repealed.

1           **Sec. 27.** RCW 28A.300.520 and 2009 c 578 s 9 are each amended to  
2 read as follows:

3           (1) The superintendent of public instruction shall review current  
4 policies and assess the adequacy and availability of programs targeted  
5 at children who have a parent who is incarcerated in a department of  
6 corrections facility. The superintendent of public instruction shall  
7 adopt policies that support the children of incarcerated parents and  
8 meet their needs with the goal of facilitating normal child  
9 development, including maintaining adequate academic progress, while  
10 reducing intergenerational incarceration.

11           (2) To the extent funds are available, (~~the superintendent shall~~  
12 ~~conduct the following activities~~) to assist in implementing the  
13 requirements of subsection (1) of this section(~~(+~~

14 ~~(a))~~, the superintendent shall gather information and data on the  
15 students who are the children of inmates incarcerated in department of  
16 corrections facilities(~~(+ and~~

17 ~~(b) Participate in the children of incarcerated parents advisory~~  
18 ~~committee and report information obtained under this section to the~~  
19 ~~advisory committee).~~

20           **Sec. 28.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to  
21 read as follows:

22           (1)(a) The director of the department of early learning shall  
23 review current department policies and assess the adequacy and  
24 availability of programs targeted at persons who receive assistance who  
25 are the children and families of a person who is incarcerated in a  
26 department of corrections facility. Great attention shall be focused  
27 on programs and policies affecting foster youth who have a parent who  
28 is incarcerated.

29           (b) The director shall adopt policies that support the children of  
30 incarcerated parents and meet their needs with the goal of facilitating  
31 normal child development, while reducing intergenerational  
32 incarceration.

33           (2) (~~The director shall conduct the following activities~~) To  
34 assist in implementing the requirements of subsection (1) of this  
35 section(~~(+~~

1       ~~(a))~~, the director shall gather information and data on the  
2 recipients of assistance who are the children and families of inmates  
3 incarcerated in department of corrections facilities(~~(; and~~

4       ~~(b) Participate in the children of incarcerated parents advisory~~  
5 ~~committee and report information obtained under this section to the~~  
6 ~~advisory committee)).~~

7       **Sec. 29.** RCW 72.09.495 and 2007 c 384 s 2 are each amended to read  
8 as follows:

9       (1) The secretary of corrections shall review current department  
10 policies and assess the following:

11       (a) The impact of existing policies on the ability of offenders to  
12 maintain familial contact and engagement between inmates and children;  
13 and

14       (b) The adequacy and availability of programs targeted at inmates  
15 with children.

16       (2) The secretary shall adopt policies that encourage familial  
17 contact and engagement between inmates and their children with the goal  
18 of reducing recidivism and intergenerational incarceration. Programs  
19 and policies should take into consideration the children's need to  
20 maintain contact with his or her parent and the inmate's ability to  
21 develop plans to financially support their children, assist in  
22 reunification when appropriate, and encourage the improvement of  
23 parenting skills where needed.

24       (3) The department shall conduct the following activities to assist  
25 in implementing the requirements of subsection (1) of this section:

26       (a) Gather information and data on the families of inmates,  
27 particularly the children of incarcerated parents; and

28       (b) Evaluate data to determine the impact on recidivism and  
29 intergenerational incarceration(~~(; and~~

30       ~~(c) Participate in the children of incarcerated parents advisory~~  
31 ~~committee and report information obtained under this section to the~~  
32 ~~advisory committee)).~~

33       **Sec. 30.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to read  
34 as follows:

35       (1)(a) The secretary of social and health services shall review  
36 current department policies and assess the adequacy and availability of

1 programs targeted at persons who receive services through the  
2 department who are the children and families of a person who is  
3 incarcerated in a department of corrections facility. Great attention  
4 shall be focused on programs and policies affecting foster youth who  
5 have a parent who is incarcerated.

6 (b) The secretary shall adopt policies that encourage familial  
7 contact and engagement between inmates of the department of corrections  
8 facilities and their children with the goal of facilitating normal  
9 child development, while reducing recidivism and intergenerational  
10 incarceration. Programs and policies should take into consideration  
11 the children's need to maintain contact with his or her parent, the  
12 inmate's ability to develop plans to financially support their  
13 children, assist in reunification when appropriate, and encourage the  
14 improvement of parenting skills where needed. The programs and  
15 policies should also meet the needs of the child while the parent is  
16 incarcerated.

17 (2) (~~The secretary shall conduct the following activities~~) To  
18 assist in implementing the requirements of subsection (1) of this  
19 section(~~(+~~

20 ~~(a))~~, the secretary shall gather information and data on the  
21 recipients of public assistance, or children in the care of the state  
22 under chapter 13.34 RCW, who are the children and families of inmates  
23 incarcerated in department of corrections facilities(~~(+and~~

24 ~~(b) Participate in the children of incarcerated parents advisory~~  
25 ~~committee and report information obtained under this section to the~~  
26 ~~advisory committee)).~~

27 **Board of Law Enforcement Training Standards**  
28 **and Board on Correctional Training Standards**

29 NEW SECTION. **Sec. 31.** The following acts or parts of acts are  
30 each repealed:

- 31 (1) RCW 43.101.310 (Board on law enforcement training standards and  
32 education--Board on correctional training standards--Created--Purpose)  
33 and 1997 c 351 s 2;
- 34 (2) RCW 43.101.315 (Boards--Membership) and 1997 c 351 s 3;
- 35 (3) RCW 43.101.320 (Boards--Terms of members) and 1997 c 351 s 4;

1 (4) RCW 43.101.325 (Termination of membership upon termination of  
2 qualifying office or employment) and 1997 c 351 s 5;

3 (5) RCW 43.101.330 (Boards--Chairs--Quorum) and 1997 c 351 s 6;

4 (6) RCW 43.101.335 (Boards--Travel expenses) and 1997 c 351 s 7;

5 (7) RCW 43.101.340 (Boards--Powers--Report to commission) and 1997  
6 c 351 s 8; and

7 (8) RCW 43.101.345 (Recommendations of boards--Review by  
8 commission) and 1997 c 351 s 9.

9 **Sec. 32.** RCW 43.101.380 and 2009 c 25 s 1 are each amended to read  
10 as follows:

11 (1) The procedures governing adjudicative proceedings before  
12 agencies under chapter 34.05 RCW, the administrative procedure act,  
13 govern hearings before the commission and govern all other actions  
14 before the commission unless otherwise provided in this chapter. The  
15 standard of proof in actions before the commission is clear, cogent,  
16 and convincing evidence.

17 (2) In all hearings requested under RCW 43.101.155, a five-member  
18 hearings panel shall both hear the case and make the commission's final  
19 administrative decision. Members of the commission (~~(or the board on~~  
20 ~~law enforcement training standards and education))~~) may, but need not,  
21 be(~~(r)~~) appointed to the hearings panels. The commission shall appoint  
22 as follows two or more panels to hear appeals from certification  
23 actions:

24 (a) When a hearing is requested in relation to a certification  
25 action of a Washington peace officer who is not a peace officer of the  
26 Washington state patrol, the commission shall appoint to the panel:  
27 (i) One police chief; (ii) one sheriff; (iii) two certified Washington  
28 peace officers who are at or below the level of first line supervisor,  
29 one of whom is from a city or county law enforcement agency, and who  
30 have at least ten years' experience as peace officers; and (iv) one  
31 person who is not currently a peace officer and who represents a  
32 community college or four-year college or university.

33 (b) When a hearing is requested in relation to a certification  
34 action of a peace officer of the Washington state patrol, the  
35 commission shall appoint to the panel: (i) Either one police chief or  
36 one sheriff; (ii) one administrator of the state patrol; (iii) one  
37 certified Washington peace officer who is at or below the level of

1 first line supervisor, who is not a state patrol officer, and who has  
2 at least ten years' experience as a peace officer; (iv) one state  
3 patrol officer who is at or below the level of first line supervisor,  
4 and who has at least ten years' experience as a peace officer; and (v)  
5 one person who is not currently a peace officer and who represents a  
6 community college or four-year college or university.

7 (c) When a hearing is requested in relation to a certification  
8 action of a tribal police officer, the commission shall appoint to the  
9 panel (i) either one police chief or one sheriff; (ii) one tribal  
10 police chief; (iii) one certified Washington peace officer who is at or  
11 below the level of first line supervisor, and who has at least ten  
12 years' experience as a peace officer; (iv) one tribal police officer  
13 who is at or below the level of first line supervisor, and who has at  
14 least ten years' experience as a peace officer; and (v) one person who  
15 is not currently a peace officer and who represents a community college  
16 or four-year college or university.

17 (d) Persons appointed to hearings panels by the commission shall,  
18 in relation to any certification action on which they sit, have the  
19 powers, duties, and immunities, and are entitled to the emoluments,  
20 including travel expenses in accordance with RCW 43.03.050 and  
21 43.03.060, of regular commission members.

22 (3) Where the charge upon which revocation or denial is based is  
23 that a peace officer was "discharged for disqualifying misconduct," and  
24 the discharge is "final," within the meaning of RCW 43.101.105(1)(d),  
25 and the officer received a civil service hearing or arbitration hearing  
26 culminating in an affirming decision following separation from service  
27 by the employer, the hearings panel may revoke or deny certification if  
28 the hearings panel determines that the discharge occurred and was based  
29 on disqualifying misconduct; the hearings panel need not redetermine  
30 the underlying facts but may make this determination based solely on  
31 review of the records and decision relating to the employment  
32 separation proceeding. However, the hearings panel may, in its  
33 discretion, consider additional evidence to determine whether such a  
34 discharge occurred and was based on such disqualifying misconduct. The  
35 hearings panel shall, upon written request by the subject peace  
36 officer, allow the peace officer to present additional evidence of  
37 extenuating circumstances.

1       Where the charge upon which revocation or denial of certification  
2 is based is that a peace officer "has been convicted at any time of a  
3 felony offense" within the meaning of RCW 43.101.105(1)(c), the  
4 hearings panel shall revoke or deny certification if it determines that  
5 the peace officer was convicted of a felony. The hearings panel need  
6 not redetermine the underlying facts but may make this determination  
7 based solely on review of the records and decision relating to the  
8 criminal proceeding. However, the hearings panel shall, upon the  
9 panel's determination of relevancy, consider additional evidence to  
10 determine whether the peace officer was convicted of a felony.

11       Where the charge upon which revocation or denial is based is under  
12 RCW 43.101.105(1) (a), (b), (e), or (f), the hearings panel shall  
13 determine the underlying facts relating to the charge upon which  
14 revocation or denial of certification is based.

15       (4) The commission's final administrative decision is subject to  
16 judicial review under RCW 34.05.510 through 34.05.598.

17               **Customer Advisory Board--Department of Information Services**

18       NEW SECTION.   **Sec. 33.** RCW 43.105.055 (Advisory committees--  
19 Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each  
20 repealed.

21       **Sec. 34.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to  
22 read as follows:

23       The department shall:

24       (1) Perform all duties and responsibilities the board delegates to  
25 the department, including but not limited to:

26       (a) The review of agency information technology portfolios and  
27 related requests; and

28       (b) Implementation of statewide and interagency policies,  
29 standards, and guidelines;

30       (2) Make available information services to state agencies and local  
31 governments and public benefit nonprofit corporations on a full cost-  
32 recovery basis. For the purposes of this section "public benefit  
33 nonprofit corporation" means a public benefit nonprofit corporation as  
34 defined in RCW 24.03.005 that is receiving local, state, or federal

1 funds either directly or through a public agency other than an Indian  
2 tribe or political subdivision of another state. These services may  
3 include, but are not limited to:

4 (a) Telecommunications services for voice, data, and video;

5 (b) Mainframe computing services;

6 (c) Support for departmental and microcomputer evaluation,  
7 installation, and use;

8 (d) Equipment acquisition assistance, including leasing, brokering,  
9 and establishing master contracts;

10 (e) Facilities management services for information technology  
11 equipment, equipment repair, and maintenance service;

12 (f) Negotiation with local cable companies and local governments to  
13 provide for connection to local cable services to allow for access to  
14 these public and educational channels in the state;

15 (g) Office automation services;

16 (h) System development services; and

17 (i) Training.

18 These services are for discretionary use by customers and customers  
19 may elect other alternatives for service if those alternatives are more  
20 cost-effective or provide better service. Agencies may be required to  
21 use the backbone network portions of the telecommunications services  
22 during an initial start-up period not to exceed three years;

23 (3) Establish rates and fees for services provided by the  
24 department to assure that the services component of the department is  
25 self-supporting. A billing rate plan shall be developed for a two-year  
26 period to coincide with the budgeting process. The rate plan shall be  
27 subject to review at least annually by the (~~customer advisory board~~)  
28 office of financial management. The rate plan shall show the proposed  
29 rates by each cost center and will show the components of the rate  
30 structure as mutually determined by the department and the (~~customer  
31 advisory board~~) office of financial management. The same rate  
32 structure will apply to all user agencies of each cost center. The  
33 rate plan and any adjustments to rates shall be approved by the office  
34 of financial management. The services component shall not subsidize  
35 the operations of the strategic planning and policy component;

36 (4) With the advice of the information services board and agencies,  
37 develop a state strategic information technology plan and performance  
38 reports as required under RCW 43.105.160;

- 1 (5) Develop plans for the department's achievement of statewide  
2 goals and objectives set forth in the state strategic information  
3 technology plan required under RCW 43.105.160. These plans shall  
4 address such services as telecommunications, central and distributed  
5 computing, local area networks, office automation, and end user  
6 computing. The department shall seek the advice of the (~~customer~~  
7 ~~advisory board and the~~) board in the development of these plans;
- 8 (6) Under direction of the information services board and in  
9 collaboration with the department of personnel, and other agencies as  
10 may be appropriate, develop training plans and coordinate training  
11 programs that are responsive to the needs of agencies;
- 12 (7) Identify opportunities for the effective use of information  
13 services and coordinate appropriate responses to those opportunities;
- 14 (8) Assess agencies' projects, acquisitions, plans, information  
15 technology portfolios, or overall information processing performance as  
16 requested by the board, agencies, the director of financial management,  
17 or the legislature. Agencies may be required to reimburse the  
18 department for agency-requested reviews;
- 19 (9) Develop planning, budgeting, and expenditure reporting  
20 requirements, in conjunction with the office of financial management,  
21 for agencies to follow;
- 22 (10) Assist the office of financial management with budgetary and  
23 policy review of agency plans for information services;
- 24 (11) Provide staff support from the strategic planning and policy  
25 component to the board for:
- 26 (a) Meeting preparation, notices, and minutes;
- 27 (b) Promulgation of policies, standards, and guidelines adopted by  
28 the board;
- 29 (c) Supervision of studies and reports requested by the board;
- 30 (d) Conducting reviews and assessments as directed by the board;
- 31 (12) Be the lead agency in coordinating video telecommunications  
32 services for all state agencies and develop, pursuant to board  
33 policies, standards and common specifications for leased and purchased  
34 telecommunications equipment. The department shall not evaluate the  
35 merits of school curriculum, higher education course offerings, or  
36 other education and training programs proposed for transmission and/or  
37 reception using video telecommunications resources. Nothing in this

1 section shall abrogate or abridge the legal responsibilities of  
2 licensees of telecommunications facilities as licensed by the federal  
3 communication commission on March 27, 1990; and

4 (13) Perform all other matters and things necessary to carry out  
5 the purposes and provisions of this chapter.

6 **Early Intervention for Children who are Deaf**  
7 **and have Hearing Loss--Advisory Committee**

8 NEW SECTION. **Sec. 35.** The following acts or parts of acts are  
9 each repealed:

- 10 (1) RCW 70.198.010 (Findings) and 2004 c 47 s 1;  
11 (2) RCW 70.198.020 (Advisory council--Membership) and 2009 c 381 s  
12 33 & 2004 c 47 s 2.

13 **Eastern State Hospital Board and Western State Hospital Board**

14 **Sec. 36.** RCW 72.23.025 and 2006 c 333 s 204 are each amended to  
15 read as follows:

16 (1) It is the intent of the legislature to improve the quality of  
17 service at state hospitals, eliminate overcrowding, and more  
18 specifically define the role of the state hospitals. The legislature  
19 intends that eastern and western state hospitals shall become clinical  
20 centers for handling the most complicated long-term care needs of  
21 patients with a primary diagnosis of mental disorder. To this end, the  
22 legislature intends that funds appropriated for mental health programs,  
23 including funds for regional support networks and the state hospitals  
24 be used for persons with primary diagnosis of mental disorder. The  
25 legislature finds that establishment of (~~the eastern state hospital~~  
26 ~~board, the western state hospital board, and~~) institutes for the study  
27 and treatment of mental disorders at both eastern state hospital and  
28 western state hospital will be instrumental in implementing the  
29 legislative intent.

30 (2)(~~(a) The eastern state hospital board and the western state~~

1 hospital board are each established. Members of the boards shall be  
2 appointed by the governor with the consent of the senate. Each board  
3 shall include:

4 (i) The director of the institute for the study and treatment of  
5 mental disorders established at the hospital;

6 (ii) One family member of a current or recent hospital resident;

7 (iii) One consumer of services;

8 (iv) One community mental health service provider;

9 (v) Two citizens with no financial or professional interest in  
10 mental health services;

11 (vi) One representative of the regional support network in which  
12 the hospital is located;

13 (vii) One representative from the staff who is a physician;

14 (viii) One representative from the nursing staff;

15 (ix) One representative from the other professional staff;

16 (x) One representative from the nonprofessional staff; and

17 (xi) One representative of a minority community.

18 (b) At least one representative listed in (a)(viii), (ix), or (x)  
19 of this subsection shall be a union member.

20 (c) Members shall serve four-year terms. Members of the board  
21 shall be reimbursed for travel expenses as provided in RCW 43.03.050  
22 and 43.03.060 and shall receive compensation as provided in RCW  
23 43.03.240.

24 (3) The boards established under this section shall:

25 (a) Monitor the operation and activities of the hospital;

26 (b) Review and advise on the hospital budget;

27 (c) Make recommendations to the governor and the legislature for  
28 improving the quality of service provided by the hospital;

29 (d) Monitor and review the activities of the hospital in  
30 implementing the intent of the legislature set forth in this section;  
31 and

32 (e) Consult with the secretary regarding persons the secretary may  
33 select as the superintendent of the hospital whenever a vacancy occurs.

34 (4)) (a) There is established at eastern state hospital and western  
35 state hospital, institutes for the study and treatment of mental  
36 disorders. The institutes shall be operated by joint operating  
37 agreements between state colleges and universities and the department  
38 of social and health services. The institutes are intended to conduct

1 training, research, and clinical program development activities that  
2 will directly benefit (~~mentally ill~~) persons with mental illness who  
3 are receiving treatment in Washington state by performing the following  
4 activities:

5 (i) Promote recruitment and retention of highly qualified  
6 professionals at the state hospitals and community mental health  
7 programs;

8 (ii) Improve clinical care by exploring new, innovative, and  
9 scientifically based treatment models for persons presenting  
10 particularly difficult and complicated clinical syndromes;

11 (iii) Provide expanded training opportunities for existing staff at  
12 the state hospitals and community mental health programs;

13 (iv) Promote bilateral understanding of treatment orientation,  
14 possibilities, and challenges between state hospital professionals and  
15 community mental health professionals.

16 (b) To accomplish these purposes the institutes may, within funds  
17 appropriated for this purpose:

18 (i) Enter joint operating agreements with state universities or  
19 other institutions of higher education to accomplish the placement and  
20 training of students and faculty in psychiatry, psychology, social  
21 work, occupational therapy, nursing, and other relevant professions at  
22 the state hospitals and community mental health programs;

23 (ii) Design and implement clinical research projects to improve the  
24 quality and effectiveness of state hospital services and operations;

25 (iii) Enter into agreements with community mental health service  
26 providers to accomplish the exchange of professional staff between the  
27 state hospitals and community mental health service providers;

28 (iv) Establish a student loan forgiveness and conditional  
29 scholarship program to retain qualified professionals at the state  
30 hospitals and community mental health providers when the secretary has  
31 determined a shortage of such professionals exists.

32 (c) Notwithstanding any other provisions of law to the contrary,  
33 the institutes may enter into agreements with the department or the  
34 state hospitals which may involve changes in staffing necessary to  
35 implement improved patient care programs contemplated by this section.

36 (d) The institutes are authorized to seek and accept public or  
37 private gifts, grants, contracts, or donations to accomplish their  
38 purposes under this section.

1 **Fire Protection Policy Board**

2 **Sec. 37.** RCW 43.43.930 and 1995 c 369 s 14 are each amended to  
3 read as follows:

4 The legislature finds that fire protection services at the state  
5 level are provided by different, independent state agencies. This has  
6 resulted in a lack of a comprehensive state-level focus for state fire  
7 protection services, funding, and policy. The legislature further  
8 finds that the paramount duty of the state in fire protection services  
9 is to enhance the capacity of all local jurisdictions to assure that  
10 their personnel with fire suppression, prevention, inspection, origin  
11 and cause, and arson investigation responsibilities are adequately  
12 trained to discharge their responsibilities. It is the intent of the  
13 legislature to consolidate fire protection services into a single state  
14 agency ~~((and to create a state board with the responsibility of (1)~~  
15 ~~establishing a comprehensive state policy regarding fire protection~~  
16 ~~services and (2) advising the chief of the Washington state patrol and~~  
17 ~~the director of fire protection on matters relating to their duties~~  
18 ~~under state law)).~~ It is also the intent of the legislature that the  
19 fire protection services program created herein will assist local fire  
20 protection agencies in program development without encroaching upon  
21 their historic autonomy. It is the further intent of the legislature  
22 that the fire protection services program be implemented incrementally  
23 to assure a smooth transition, to build local, regional, and state  
24 capacity, and to avoid undue burdens on jurisdictions with limited  
25 resources.

26 **Sec. 38.** RCW 43.43.938 and 1995 c 369 s 18 are each amended to  
27 read as follows:

28 (1) Wherever the term state fire marshal appears in the Revised  
29 Code of Washington or the Washington Administrative Code it shall mean  
30 the director of fire protection.

31 (2) The chief of the Washington state patrol shall appoint an  
32 officer who shall be known as the director of fire protection. The  
33 ~~((board, after consulting with the))~~ chief of the Washington state  
34 patrol ~~((7))~~ shall prescribe qualifications for the position of director  
35 of fire protection. ~~((The board shall submit to the chief of the~~  
36 ~~Washington state patrol a list containing the names of three persons~~  
37 ~~whom the board believes meet its qualifications. If requested by the~~

1 chief of the Washington state patrol, the board shall submit one  
2 additional list of three persons whom the board believes meet its  
3 qualifications. The appointment shall be from one of the lists of  
4 persons submitted by the board.))

5 (3) The director of fire protection may designate one or more  
6 deputies and may delegate to those deputies his or her duties and  
7 authorities as deemed appropriate.

8 (4) The director of fire protection(~~(in accordance with the~~  
9 ~~policies, objectives, and priorities of the fire protection policy~~  
10 ~~board,~~)) shall prepare a biennial budget pertaining to fire protection  
11 services. Such biennial budget shall be submitted as part of the  
12 Washington state patrol's budget request.

13 (5) The director of fire protection(~~(~~)) shall implement and  
14 administer, within constraints established by budgeted resources, (~~the~~  
15 ~~policies, objectives, and priorities of the board and~~)) all duties of  
16 the chief of the Washington state patrol that are to be carried out  
17 through the director of fire protection. Such administration shall  
18 include negotiation of agreements with the state board for community  
19 and technical colleges, the higher education coordinating board, and  
20 the state colleges and universities as provided in RCW (~~(43.63A.320)~~)  
21 43.43.934. Programs covered by such agreements shall include, but not  
22 be limited to, planning curricula, developing and delivering  
23 instructional programs and materials, and using existing instructional  
24 personnel and facilities. Where appropriate, such contracts shall also  
25 include planning and conducting instructional programs at the state  
26 fire service training center.

27 (6) The chief of the Washington state patrol, through the director  
28 of fire protection, shall seek the advice of the board in carrying out  
29 his or her duties under law.

30 **Sec. 39.** RCW 43.43.962 and 2003 c 405 s 3 are each amended to read  
31 as follows:

32 The (~~(state fire protection policy board shall review and make~~  
33 ~~recommendations to the chief on the refinement and maintenance of)~~)  
34 director of fire protection shall maintain and refine the Washington  
35 state fire services mobilization plan, which shall include the  
36 procedures to be used during fire and other emergencies for  
37 coordinating local, regional, and state fire jurisdiction resources.

1 In carrying out this duty, the director of fire protection (~~policy~~  
2 ~~board~~)) shall consult with and solicit recommendations from  
3 representatives of state and local fire and emergency management  
4 organizations, regional fire defense boards, and the department of  
5 natural resources. The Washington state fire services mobilization  
6 plan shall be consistent with, and made part of, the Washington state  
7 comprehensive emergency management plan. The chief shall review the  
8 fire services mobilization plan as submitted by the director of fire  
9 protection (~~policy board~~), recommend changes that may be necessary,  
10 and approve the fire services mobilization plan for inclusion within  
11 the state comprehensive emergency management plan.

12 It is the responsibility of the chief to mobilize jurisdictions  
13 under the Washington state fire services mobilization plan. The state  
14 fire marshal shall serve as the state fire resources coordinator when  
15 the Washington state fire services mobilization plan is mobilized.

16 NEW SECTION. Sec. 40. The following acts or parts of acts are  
17 each repealed:

18 (1) RCW 43.43.932 (State fire protection policy board--Created--  
19 Members) and 2005 c 35 s 1, 1995 c 369 s 15, & 1986 c 266 s 55; and

20 (2) RCW 43.43.936 (State fire protection policy board--Advisory  
21 duties) and 1995 c 369 s 17, 1993 c 280 s 70, & 1986 c 266 s 57.

22 **Sec. 41.** RCW 43.43.934 and 2003 c 316 s 1 are each amended to read  
23 as follows:

24 (~~Except for matters relating to the statutory duties of the chief~~  
25 ~~of the Washington state patrol that are to be carried out through~~)) The  
26 director of fire protection(~~, the board shall have the responsibility~~  
27 ~~of developing a comprehensive state policy regarding fire protection~~  
28 ~~services. In carrying out its duties, the board~~)) shall:

29 (1)(a) (~~Adopt a state fire training and education master plan that~~  
30 ~~allows to the maximum feasible extent for negotiated agreements~~)) (i)  
31 With the state board for community and technical colleges (~~(to)~~)  
32 provide academic, vocational, and field training programs for the fire  
33 service; and (ii) with the higher education coordinating board and the  
34 state colleges and universities (~~(to)~~)  
35 provide instructional programs  
36 requiring advanced training, especially in command and management  
skills;

1           (b) ~~((Adopt minimum standards for each level of responsibility~~  
2 ~~among personnel with fire suppression, prevention, inspection, and~~  
3 ~~investigation responsibilities that assure continuing assessment of~~  
4 ~~skills and are flexible enough to meet emerging technologies. With~~  
5 ~~particular respect to training for fire investigations, the master plan~~  
6 ~~shall encourage cross training in appropriate law enforcement skills.~~  
7 ~~To meet special local needs, fire agencies may adopt more stringent~~  
8 ~~requirements than those adopted by the state;~~

9           ~~(e))~~ Cooperate with the common schools, technical and community  
10 colleges, institutions of higher education, and any department or  
11 division of the state, or of any county or municipal corporation in  
12 establishing and maintaining instruction in fire service training and  
13 education in accordance with any act of congress and legislation  
14 enacted by the legislature in pursuance thereof and in establishing,  
15 building, and operating training and education facilities.

16           Industrial fire departments and private fire investigators may  
17 participate in training and education programs under this chapter for  
18 a reasonable fee established by rule;

19           ~~((d))~~ (c) Develop and adopt a master plan for constructing,  
20 equipping, maintaining, and operating necessary fire service training  
21 and education facilities subject to the provisions of chapter 43.19  
22 RCW;

23           ~~((e))~~ (d) Develop and adopt a master plan for the purchase,  
24 lease, or other acquisition of real estate necessary for fire service  
25 training and education facilities in a manner provided by law; and

26           ~~((f))~~ (e) Develop and adopt a plan with a goal of providing  
27 firefighter one and wildland training, as defined by the board, to all  
28 firefighters in the state. Wildland training reimbursement will be  
29 provided if a fire protection district or a city fire department has  
30 and is fulfilling their interior attack policy or if they do not have  
31 an interior attack policy. The plan will include a reimbursement for  
32 fire protection districts and city fire departments of not less than  
33 three dollars for every hour of firefighter one or wildland training.  
34 The Washington state patrol shall not provide reimbursement for more  
35 than two hundred hours of firefighter one or wildland training for each  
36 firefighter trained.

37           (2) ~~((In addition to its responsibilities for fire service~~  
38 ~~training, the board shall:~~

1 ~~(a) Adopt a state fire protection master plan;~~

2 ~~(b) Monitor fire protection in the state and develop objectives and~~  
3 ~~priorities to improve fire protection for the state's citizens~~  
4 ~~including: (i) The comprehensiveness of state and local inspections~~  
5 ~~required by law for fire and life safety; (ii) the level of skills and~~  
6 ~~training of inspectors, as well as needs for additional training; and~~  
7 ~~(iii) the efforts of local, regional, and state inspection agencies to~~  
8 ~~improve coordination and reduce duplication among inspection efforts;~~

9 ~~(c) Establish and promote state arson control programs and ensure~~  
10 ~~development of local arson control programs;~~

11 ~~(d) Provide representation for local fire protection services to~~  
12 ~~the governor in state level fire protection planning matters such as,~~  
13 ~~but not limited to, hazardous materials control;~~

14 ~~(e) Recommend to the adjutant general rules on minimum information~~  
15 ~~requirements of automatic location identification for the purposes of~~  
16 ~~enhanced 911 emergency service;~~

17 ~~(f) Seek and solicit grants, gifts, bequests, devises, and matching~~  
18 ~~funds for use in furthering the objectives and duties of the board, and~~  
19 ~~establish procedures for administering them;~~

20 ~~(g)) (a) Promote mutual aid and disaster planning for fire~~  
21 ~~services in this state;~~

22 ~~((h)) (b) Assure the dissemination of information concerning the~~  
23 ~~amount of fire damage including that damage caused by arson, and its~~  
24 ~~causes and prevention; and~~

25 ~~((i)) (c) Implement any legislation enacted by the legislature to~~  
26 ~~meet the requirements of any acts of congress that apply to this~~  
27 ~~section.~~

28 (3) In carrying out its statutory duties, the ~~((board))~~ office of  
29 the state fire marshal shall give particular consideration to the  
30 appropriate roles to be played by the state and by local jurisdictions  
31 with fire protection responsibilities. Any determinations on the  
32 division of responsibility shall be made in consultation with local  
33 fire officials and their representatives.

34 To the extent possible, the ~~((board))~~ office of the state fire  
35 marshal shall encourage development of regional units along compatible  
36 geographic, population, economic, and fire risk dimensions. Such  
37 regional units may serve to: (a) Reinforce coordination among state  
38 and local activities in fire service training, reporting, inspections,

1 and investigations; (b) identify areas of special need, particularly in  
2 smaller jurisdictions with inadequate resources; (c) assist the state  
3 in its oversight responsibilities; (d) identify funding needs and  
4 options at both the state and local levels; and (e) provide models for  
5 building local capacity in fire protection programs.

6 **Sec. 42.** RCW 38.52.530 and 2006 c 210 s 1 are each amended to read  
7 as follows:

8 The enhanced 911 advisory committee is created to advise and assist  
9 the state enhanced 911 coordinator in coordinating and facilitating the  
10 implementation and operation of enhanced 911 throughout the state. The  
11 director shall appoint members of the committee who represent diverse  
12 geographical areas of the state and include state residents who are  
13 members of the national emergency number association, the associated  
14 public communications officers Washington chapter, the Washington state  
15 fire chiefs association, the Washington association of sheriffs and  
16 police chiefs, the Washington state council of firefighters, the  
17 Washington state council of police officers, the Washington ambulance  
18 association, (~~the state fire protection policy board,~~) the Washington  
19 state firefighters association, the Washington state association of  
20 fire marshals, the Washington fire commissioners association, the  
21 Washington state patrol, the association of Washington cities, the  
22 Washington state association of counties, the utilities and  
23 transportation commission or commission staff, a representative of a  
24 voice over internet protocol company, and an equal number of  
25 representatives of large and small local exchange telephone companies  
26 and large and small radio communications service companies offering  
27 commercial mobile radio service in the state. This section expires  
28 December 31, 2011.

29 **Sec. 43.** RCW 49.26.120 and 1995 c 218 s 6 are each amended to read  
30 as follows:

31 (1) No person may assign any employee, contract with, or permit any  
32 individual or person to remove or encapsulate asbestos in any facility  
33 unless performed by a certified asbestos worker and under the direct,  
34 on-site supervision of a certified asbestos supervisor. In cases in  
35 which an employer conducts an asbestos abatement project in its own  
36 facility and by its own employees, supervision can be performed in the

1 regular course of a certified asbestos supervisor's duties. Asbestos  
2 workers must have access to certified asbestos supervisors throughout  
3 the duration of the project.

4 (2) The department shall require persons undertaking asbestos  
5 projects to provide written notice to the department before the  
6 commencement of the project except as provided in RCW 49.26.125. The  
7 notice shall include a written description containing such information  
8 as the department requires by rule. The department may by rule allow  
9 a person to report multiple projects at one site in one report. The  
10 department shall by rule establish the procedure and criteria by which  
11 a person will be considered to have attempted to meet the  
12 prenotification requirement.

13 (3) The department shall consult with the (~~state fire protection~~  
14 ~~policy board,~~) Washington state association of fire chiefs and may  
15 establish any additional policies and procedures for municipal fire  
16 department and fire district personnel who clean up sites after fires  
17 which have rendered it likely that asbestos has been or will be  
18 disturbed or released into the air.

19 **Hazardous Substance Mixed Waste Advisory Board**

20 NEW SECTION. **Sec. 44.** RCW 70.105E.090 (Advisory board--Public  
21 involvement--Funding) and 2005 c 1 s 9 are each repealed.

22 **Health and Welfare Advisory Board**  
23 **and Property and Liability Advisory Board**

24 NEW SECTION. **Sec. 45.** The following acts or parts of acts are  
25 each repealed:

26 (1) RCW 48.62.051 (Health and welfare advisory board--Creation--  
27 Membership--Duties) and 1991 sp.s. c 30 s 5; and

28 (2) RCW 48.62.041 (Property and liability advisory board--  
29 Creation--Membership--Duties) and 1991 sp.s. c 30 s 4.

30 **Sec. 46.** RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended to  
31 read as follows:

1       The state risk manager(~~(, in consultation with the property and~~  
2 ~~liability advisory board,~~) shall adopt rules governing the management  
3 and operation of both individual and joint local government self-  
4 insurance programs covering property or liability risks. The state  
5 risk manager shall also adopt rules governing the management and  
6 operation of both individual and joint local government self-insured  
7 health and welfare benefits programs (~~(in consultation with the health~~  
8 ~~and welfare benefits advisory board)~~). All rules shall be appropriate  
9 for the type of program and class of risk covered. The state risk  
10 manager's rules shall include:

11       (1) Standards for the management, operation, and solvency of self-  
12 insurance programs, including the necessity and frequency of actuarial  
13 analyses and claims audits;

14       (2) Standards for claims management procedures; and

15       (3) Standards for contracts between self-insurance programs and  
16 private businesses including standards for contracts between third-  
17 party administrators and programs.

18       **Sec. 47.** RCW 48.62.161 and 1991 sp.s. c 30 s 16 are each amended  
19 to read as follows:

20       (1) The state risk manager shall establish and charge an  
21 investigation fee in an amount necessary to cover the costs for the  
22 initial review and approval of a self-insurance program. The fee must  
23 accompany the initial submission of the plan of operation and  
24 management.

25       (2) The costs of subsequent reviews and investigations shall be  
26 charged to the self-insurance program being reviewed or investigated in  
27 accordance with the actual time and expenses incurred in the review or  
28 investigation.

29       (3) (~~(After the formation of the two advisory boards, each board~~  
30 ~~may)~~) The state risk manager shall calculate, levy, and collect from  
31 each joint property and liability self-insurance program and each  
32 individual and joint health and welfare benefit program regulated by  
33 this chapter a start-up assessment to pay initial expenses and  
34 operating costs of (~~(the boards and)~~) the risk manager's office in  
35 administering this chapter. Any program failing to remit its  
36 assessment when due is subject to denial of permission to operate or to  
37 a cease and desist order until the assessment is paid.

1 **Health Information Infrastructure Advisory Board**

2 **Sec. 48.** RCW 41.05.035 and 2007 c 259 s 10 are each amended to  
3 read as follows:

4 (1) The administrator shall design and pilot a consumer-centric  
5 health information infrastructure and the first health record banks  
6 that will facilitate the secure exchange of health information when and  
7 where needed and shall:

8 (a) Complete the plan of initial implementation, including but not  
9 limited to determining the technical infrastructure for health record  
10 banks and the account locator service, setting criteria and standards  
11 for health record banks, and determining oversight of health record  
12 banks;

13 (b) Implement the first health record banks in pilot sites as  
14 funding allows;

15 (c) Involve health care consumers in meaningful ways in the design,  
16 implementation, oversight, and dissemination of information on the  
17 health record bank system; and

18 (d) Promote adoption of electronic medical records and health  
19 information exchange through continuation of the Washington health  
20 information collaborative, and by working with private payors and other  
21 organizations in restructuring reimbursement to provide incentives for  
22 providers to adopt electronic medical records in their practices.

23 ~~(2) ((The administrator may establish an advisory board, a~~  
24 ~~stakeholder committee, and subcommittees to assist in carrying out the~~  
25 ~~duties under this section. The administrator may reappoint health~~  
26 ~~information infrastructure advisory board members to assure continuity~~  
27 ~~and shall appoint any additional representatives that may be required~~  
28 ~~for their expertise and experience.~~

29 ~~(a) The administrator shall appoint the chair of the advisory~~  
30 ~~board, chairs, and cochairs of the stakeholder committee, if formed;~~

31 ~~(b) Meetings of the board, stakeholder committee, and any advisory~~  
32 ~~group are subject to chapter 42.30 RCW, the open public meetings act,~~  
33 ~~including RCW 42.30.110(1)(1), which authorizes an executive session~~  
34 ~~during a regular or special meeting to consider proprietary or~~  
35 ~~confidential nonpublished information; and~~

36 ~~(c) The members of the board, stakeholder committee, and any~~  
37 ~~advisory group;~~

1       ~~(i) Shall agree to the terms and conditions imposed by the~~  
2 ~~administrator regarding conflicts of interest as a condition of~~  
3 ~~appointment;~~

4       ~~(ii) Are immune from civil liability for any official acts~~  
5 ~~performed in good faith as members of the board, stakeholder committee,~~  
6 ~~or any advisory group.~~

7       ~~(3) Members of the board may be compensated for participation in~~  
8 ~~accordance with a personal services contract to be executed after~~  
9 ~~appointment and before commencement of activities related to the work~~  
10 ~~of the board. Members of the stakeholder committee shall not receive~~  
11 ~~compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.~~

12       ~~(4))~~ The administrator may work with public and private entities  
13 to develop and encourage the use of personal health records which are  
14 portable, interoperable, secure, and respectful of patients' privacy.

15       ~~((5))~~ (3) The administrator may enter into contracts to issue,  
16 distribute, and administer grants that are necessary or proper to carry  
17 out this section.

#### 18                   **Higher Education Coordinating Board Advisory Council**

19       NEW SECTION.   **Sec. 49.**   RCW 28B.76.100 (Advisory council) and 2007  
20 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

21       **Sec. 50.**   RCW 28B.76.280 and 2004 c 275 s 12 are each amended to  
22 read as follows:

23       (1) In consultation with the institutions of higher education and  
24 state education agencies, the board shall identify the data needed to  
25 carry out its responsibilities for policy analysis, accountability,  
26 program improvements, and public information. The primary goals of the  
27 board's data collection and research are to describe how students and  
28 other beneficiaries of higher education are being served; to support  
29 higher education accountability; and to assist state policymakers and  
30 institutions in making policy decisions.

31       (2) The board shall ~~((convene a research advisory group and shall~~  
32 ~~collaborate with the group to))~~ identify the most cost-effective manner  
33 for the board to collect data or access existing data. The board shall  
34 ~~((work with the advisory group to))~~ develop research priorities,

1 policies, and common definitions to maximize the reliability and  
2 consistency of data across institutions. (~~The advisory group shall~~  
3 ~~include representatives of public and independent higher education~~  
4 ~~institutions and other state agencies, including the state board for~~  
5 ~~community and technical colleges, the office of the superintendent of~~  
6 ~~public instruction, the office of financial management, the employment~~  
7 ~~security department, the workforce training and education coordinating~~  
8 ~~board, and other agencies as appropriate.~~)

9 (3) Specific protocols shall be developed by the board (~~and the~~  
10 ~~advisory group~~) to protect the privacy of individual student records  
11 while ensuring the availability of student data for legitimate research  
12 purposes.

### 13 Home Inspector Advisory Licensing Board

14 **Sec. 51.** RCW 18.280.050 and 2008 c 119 s 5 are each amended to  
15 read as follows:

16 The director has the following authority in administering this  
17 chapter:

18 (1) To adopt, amend, and rescind rules approved by the board as  
19 deemed necessary to carry out this chapter;

20 (2) To call meetings of the board. However, the director may not  
21 call more than four meetings of the board per year;

22 (3) To administer licensing examinations approved by the board and  
23 to adopt or recognize examinations prepared by other entities as  
24 approved by the board;

25 (~~(3)~~) (4) To adopt standards of professional conduct, practice,  
26 and ethics as approved by the board; and

27 (~~(4)~~) (5) To adopt fees as provided in RCW 43.24.086.

28 **Sec. 52.** RCW 18.280.060 and 2008 c 119 s 6 are each amended to  
29 read as follows:

30 The board has the following authority in administering this  
31 chapter:

32 (1) To establish rules, including board organization and assignment  
33 of terms, (~~and meeting frequency and timing,~~) for adoption by the  
34 director;

1 (2) To establish the minimum qualifications for licensing  
2 applicants as provided in this chapter;

3 (3) To approve the method of administration of examinations  
4 required by this chapter or by rule as established by the director;

5 (4) To approve the content of or recognition of examinations  
6 prepared by other entities for adoption by the director;

7 (5) To set the time and place of examinations with the approval of  
8 the director; and

9 (6) To establish and review standards of professional conduct,  
10 practice, and ethics for adoption by the director. These standards  
11 must address what constitutes certain fire and safety hazards as used  
12 in RCW 18.280.030.

### 13 **Industry Cluster Advisory Committee**

14 **Sec. 53.** RCW 43.330.090 and 2009 c 151 s 1 are each amended to  
15 read as follows:

16 (1) The department shall work with private sector organizations,  
17 industry and sector associations, federal agencies, state agencies that  
18 use a sector-based approach to service delivery, local governments,  
19 local associate development organizations, and higher education and  
20 training institutions in the development of industry sector-based  
21 strategies to diversify the economy, facilitate technology transfer and  
22 diffusion, and increase value-added production. The industry sectors  
23 targeted by the department may include, but are not limited to,  
24 aerospace, agriculture, food processing, forest products, marine  
25 services, health and biomedical, software, digital and interactive  
26 media, transportation and distribution, and microelectronics. The  
27 department shall, on a continuing basis, evaluate the potential return  
28 to the state from devoting additional resources to an industry sector-  
29 based approach to economic development and identifying and assisting  
30 additional sectors.

31 (2) The department's sector-based strategies shall include, but not  
32 be limited to, cluster-based strategies that focus on assisting  
33 regional industry sectors and related firms and institutions that meet  
34 the definition of an industry cluster in this section and based on  
35 criteria identified by the working group established in this chapter.

1 (3)(a) The department shall promote, market, and encourage growth  
2 in the production of films and videos, as well as television  
3 commercials within the state; to this end the department is directed to  
4 assist in the location of a film and video production studio within the  
5 state.

6 (b) The department may, in carrying out its efforts to encourage  
7 film and video production in the state, solicit and receive gifts,  
8 grants, funds, fees, and endowments, in trust or otherwise, from  
9 tribal, local, or other governmental entities, as well as private  
10 sources, and may expend the same or any income therefrom for the  
11 encouragement of film and video production. All revenue received for  
12 such purposes shall be deposited into the film and video promotion  
13 account created in RCW 43.330.092.

14 (4) In assisting in the development of regional and statewide  
15 industry cluster-based strategies, the department's activities shall  
16 include, but are not limited to:

17 (a) Facilitating regional focus group discussions and conducting  
18 studies to identify industry clusters, appraise the current information  
19 linkages within a cluster, and identify issues of common concern within  
20 a cluster;

21 (b) Supporting industry and cluster associations, publications of  
22 association and cluster directories, and related efforts to create or  
23 expand the activities of industry and cluster associations;

24 (c) Administering a competitive grant program to fund economic  
25 development activities designed to further regional cluster growth. In  
26 administering the program, the department shall work with (~~(an industry~~  
27 ~~cluster advisory committee with equal representation from)~~) the  
28 economic development commission, the workforce training and education  
29 coordinating board, the state board for community and technical  
30 colleges, the employment security department, business, and labor.

31 (i) The (~~(industry cluster advisory committee)~~) department shall  
32 (~~(recommend)~~) seek recommendations on criteria for evaluating  
33 applications for grant funds and recommend applicants for receipt of  
34 grant funds. Criteria shall include not duplicating the purpose or  
35 efforts of industry skill panels.

36 (ii) Applicants must include organizations from at least two  
37 counties and participants from the local business community. Eligible  
38 organizations include, but are not limited to, local governments,

1 economic development councils, chambers of commerce, federally  
2 recognized Indian tribes, workforce development councils, and  
3 educational institutions.

4 (iii) Applications must evidence financial participation of the  
5 partner organizations.

6 (iv) Eligible activities include the formation of cluster economic  
7 development partnerships, research and analysis of economic development  
8 needs of the cluster, the development of a plan to meet the economic  
9 development needs of the cluster, and activities to implement the plan.

10 (v) Priority shall be given to applicants that complement industry  
11 skill panels and will use the grant funds to build linkages and joint  
12 projects.

13 (vi) The maximum amount of a grant is one hundred thousand dollars.

14 (vii) A maximum of one hundred thousand dollars total can go to  
15 King, Pierce, Kitsap, and Snohomish counties combined.

16 (viii) No more than ten percent of funds received for the grant  
17 program may be used by the department for administrative costs.

18 (5) As used in this chapter, "industry cluster" means a geographic  
19 concentration of interconnected companies in a single industry, related  
20 businesses in other industries, including suppliers and customers, and  
21 associated institutions, including government and education.

22 **Integrated Justice Information Board**

23 NEW SECTION. **Sec. 54.** The following acts or parts of acts are  
24 each repealed:

25 (1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c  
26 104 s 1;

27 (2) RCW 10.98.210 (Washington integrated justice information  
28 board--Members) and 2003 c 104 s 3;

29 (3) RCW 10.98.220 (Washington integrated justice information  
30 board--Meetings) and 2003 c 104 s 4;

31 (4) RCW 10.98.230 (Washington integrated justice information  
32 board--Powers and duties) and 2003 c 104 s 5; and

33 (5) RCW 10.98.240 (Washington integrated justice information  
34 board--Report) and 2003 c 104 s 6.

1 **K-20 Educational Network Board**

2 **K-20 Network Technical Steering Committee**

3 NEW SECTION. **Sec. 55.** The following acts or parts of acts are  
4 each repealed:

5 (1) RCW 43.105.800 (K-20 educational network board) and 1999 c 285  
6 s 2; and

7 (2) RCW 43.105.810 (K-20 network technical steering committee) and  
8 1999 c 285 s 6.

9 **Sec. 56.** RCW 43.105.020 and 2009 c 565 s 32, 2009 c 509 s 7, and  
10 2009 c 486 s 14 are each reenacted and amended to read as follows:

11 The definitions in this section apply throughout this chapter  
12 unless the context clearly (~~required~~ [~~requires~~]) requires otherwise.

13 (1) "Administrator" means the community technology opportunity  
14 program administrator designated by the department.

15 (2) "Backbone network" means the shared high-density portions of  
16 the state's telecommunications transmission facilities. It includes  
17 specially conditioned high-speed communications carrier lines,  
18 multiplexors, switches associated with such communications lines, and  
19 any equipment and software components necessary for management and  
20 control of the backbone network.

21 (3) "Board" means the information services board.

22 (4) "Broadband" means a high-speed, high capacity transmission  
23 medium, using land-based, satellite, wireless, or any other mechanism,  
24 that can carry either signals or transmit data, or both, over long  
25 distances by using a wide range of frequencies.

26 (5) "Committee" means the state interoperability executive  
27 committee.

28 (6) "Common vendor registration and bid notification system" has  
29 the definition in RCW 39.29.006.

30 (7) "Community technology programs" means programs that are engaged  
31 in diffusing information and communications technology in local  
32 communities, particularly in unserved and underserved areas of the  
33 state. These programs may include, but are not limited to, programs  
34 that provide education and skill-building opportunities, hardware and  
35 software, internet connectivity, digital media literacy, development of  
36 locally relevant content, and delivery of vital services through  
37 technology.

1 (8) "Council" means the advisory council on digital inclusion  
2 created in RCW 43.105.400.

3 (9) "Department" means the department of information services.

4 (10) "Director" means the director of the department.

5 (11) "Educational sectors" means those institutions of higher  
6 education, school districts, and educational service districts that use  
7 the network for distance education, data transmission, and other uses  
8 permitted by the K-20 board.

9 (12) "Equipment" means the machines, devices, and transmission  
10 facilities used in information processing, such as computers, word  
11 processors, terminals, telephones, wireless communications system  
12 facilities, cables, and any physical facility necessary for the  
13 operation of such equipment.

14 (13) "High-speed internet" means broadband.

15 (14) "Information" includes, but is not limited to, data, text,  
16 voice, and video.

17 (15) "Information processing" means the electronic capture,  
18 collection, storage, manipulation, transmission, retrieval, and  
19 presentation of information in the form of data, text, voice, or image  
20 and includes telecommunications and office automation functions.

21 (16) "Information services" means data processing,  
22 telecommunications, office automation, and computerized information  
23 systems.

24 (17) "Information technology portfolio" or "portfolio" means a  
25 strategic management process documenting relationships between agency  
26 missions and information technology and telecommunications investments.

27 ~~(18) ("K-20 educational network board" or "K-20 board" means the~~  
28 ~~K-20 educational network board created in RCW 43.105.800.~~

29 ~~(19))~~ (19) "K-20 network" means the network established in RCW  
30 43.105.820.

31 ~~((20) "K-20 network technical steering committee" or "committee"~~  
32 ~~means the K-20 network technical steering committee created in RCW~~  
33 ~~43.105.810.~~

34 ~~(21))~~ (19) "Local governments" includes all municipal and quasi  
35 municipal corporations and political subdivisions, and all agencies of  
36 such corporations and subdivisions authorized to contract separately.

37 ~~((22))~~ (20) "Oversight" means a process of comprehensive risk

1 analysis and management designed to ensure optimum use of information  
2 technology resources and telecommunications.

3 ~~((+23))~~ (21) "Proprietary software" means that software offered  
4 for sale or license.

5 ~~((+24))~~ (22) "Purchased services" means services provided by a  
6 vendor to accomplish routine, continuing, and necessary functions.  
7 This term includes, but is not limited to, services acquired for  
8 equipment maintenance and repair, operation of a physical plant,  
9 security, computer hardware and software installation and maintenance,  
10 telecommunications installation and maintenance, data entry, keypunch  
11 services, programming services, and computer time-sharing.

12 ~~((+25))~~ (23) "Small business" has the definition in RCW 39.29.006.

13 ~~((+26))~~ (24) "Telecommunications" means the transmission of  
14 information by wire, radio, optical cable, electromagnetic, or other  
15 means.

16 ~~((+27))~~ (25) "Video telecommunications" means the electronic  
17 interconnection of two or more sites for the purpose of transmitting  
18 and/or receiving visual and associated audio information. Video  
19 telecommunications shall not include existing public television  
20 broadcast stations as currently designated by the department of  
21 commerce under chapter 43.330 RCW.

22 **Sec. 57.** RCW 43.105.041 and 2009 c 486 s 13 are each amended to  
23 read as follows:

24 (1) The board shall have the following powers and duties related to  
25 information services:

26 (a) To develop standards and procedures governing the acquisition  
27 and disposition of equipment, proprietary software and purchased  
28 services, licensing of the radio spectrum by or on behalf of state  
29 agencies, and confidentiality of computerized data;

30 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and  
31 maintain equipment, proprietary software, and purchased services, or to  
32 delegate to other agencies and institutions of state government, under  
33 appropriate standards, the authority to purchase, lease, rent, or  
34 otherwise acquire, dispose of, and maintain equipment, proprietary  
35 software, and purchased services: PROVIDED, That, agencies and  
36 institutions of state government are expressly prohibited from  
37 acquiring or disposing of equipment, proprietary software, and

1 purchased services without such delegation of authority. The  
2 acquisition and disposition of equipment, proprietary software, and  
3 purchased services is exempt from RCW 43.19.1919 and, as provided in  
4 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200,  
5 except that the board, the department, and state agencies, as  
6 delegated, must post notices of technology procurement bids on the  
7 state's common vendor registration and bid notification system. This  
8 subsection (1)(b) does not apply to the legislative branch;

9 (c) To develop statewide or interagency technical policies,  
10 standards, and procedures;

11 (d) To review and approve standards and common specifications for  
12 new or expanded telecommunications networks proposed by agencies,  
13 public postsecondary education institutions, educational service  
14 districts, or statewide or regional providers of K-12 information  
15 technology services, and to assure the cost-effective development and  
16 incremental implementation of a statewide video telecommunications  
17 system to serve: Public schools; educational service districts;  
18 vocational-technical institutes; community colleges; colleges and  
19 universities; state and local government; and the general public  
20 through public affairs programming;

21 (e) To provide direction concerning strategic planning goals and  
22 objectives for the state. The board shall seek input from the  
23 legislature and the judiciary;

24 (f) To develop and implement a process for the resolution of  
25 appeals by:

26 (i) Vendors concerning the conduct of an acquisition process by an  
27 agency or the department; or

28 (ii) A customer agency concerning the provision of services by the  
29 department or by other state agency providers;

30 (g) To establish policies for the periodic review by the department  
31 of agency performance which may include but are not limited to analysis  
32 of:

33 (i) Planning, management, control, and use of information services;

34 (ii) Training and education; and

35 (iii) Project management;

36 (h) To set its meeting schedules and convene at scheduled times, or  
37 meet at the request of a majority of its members, the chair, or the  
38 director;

1 (i) To review and approve that portion of the department's budget  
2 requests that provides for support to the board; and

3 (j) To develop procurement policies and procedures, such as  
4 unbundled contracting and subcontracting, that encourage and facilitate  
5 the purchase of products and services by state agencies and  
6 institutions from Washington small businesses to the maximum extent  
7 practicable and consistent with international trade agreement  
8 commitments.

9 (2) Statewide technical standards to promote and facilitate  
10 electronic information sharing and access are an essential component of  
11 acceptable and reliable public access service and complement content-  
12 related standards designed to meet those goals. The board shall:

13 (a) Establish technical standards to facilitate electronic access  
14 to government information and interoperability of information systems,  
15 including wireless communications systems. Local governments are  
16 strongly encouraged to follow the standards established by the board;  
17 and

18 (b) Require agencies to consider electronic public access needs  
19 when planning new information systems or major upgrades of systems.

20 In developing these standards, the board is encouraged to include  
21 the state library, state archives, and appropriate representatives of  
22 state and local government.

23 (3)(a) The board(~~(, in consultation with the K-20 board,)~~) has the  
24 duty to govern, operate, and oversee the technical design,  
25 implementation, and operation of the K-20 network including, but not  
26 limited to, the following duties: Establishment and implementation of  
27 K-20 network technical policy, including technical standards and  
28 conditions of use; review and approval of network design; procurement  
29 of shared network services and equipment; and resolving user/provider  
30 disputes concerning technical matters. The board shall delegate  
31 general operational and technical oversight to the (~~K-20 network~~  
32 ~~technical steering committee~~) department as appropriate.

33 (b) The board has the authority to adopt rules under chapter 34.05  
34 RCW to implement the provisions regarding the technical operations and  
35 conditions of use of the K-20 network.

36 **Sec. 58.** RCW 43.105.805 and 1999 c 285 s 3 are each amended to  
37 read as follows:

1 The ((K-20)) board has the following powers and duties:

2 (1) In cooperation with the educational sectors and other  
3 interested parties, to establish goals and measurable objectives for  
4 the network;

5 (2) To ensure that the goals and measurable objectives of the  
6 network are the basis for any decisions or recommendations regarding  
7 the technical development and operation of the network;

8 (3) To adopt, modify, and implement policies to facilitate network  
9 development, operation, and expansion. Such policies may include but  
10 need not be limited to the following issues: Quality of educational  
11 services; access to the network by recognized organizations and  
12 accredited institutions that deliver educational programming, including  
13 public libraries; prioritization of programming within limited  
14 resources; prioritization of access to the system and the sharing of  
15 technological advances; network security; identification and evaluation  
16 of emerging technologies for delivery of educational programs; future  
17 expansion or redirection of the system; network fee structures; and  
18 costs for the development and operation of the network;

19 (4) To prepare and submit to the governor and the legislature a  
20 coordinated budget for network development, operation, and expansion.  
21 The budget shall include the recommendations of the ((K-20)) board on  
22 (a) any state funding requested for network transport and equipment,  
23 distance education facilities and hardware or software specific to the  
24 use of the network, and proposed new network end sites, (b) annual  
25 copayments to be charged to public educational sector institutions and  
26 other public entities connected to the network, and (c) charges to  
27 nongovernmental entities connected to the network;

28 (5) To adopt and monitor the implementation of a methodology to  
29 evaluate the effectiveness of the network in achieving the educational  
30 goals and measurable objectives;

31 (6) To authorize the release of funds from the K-20 technology  
32 account under RCW 43.105.830 for network expenditures;

33 (7) To establish by rule acceptable use policies governing user  
34 eligibility for participation in the K-20 network, acceptable uses of  
35 network resources, and procedures for enforcement of such policies.  
36 The ((K-20)) board shall set forth appropriate procedures for  
37 enforcement of acceptable use policies, that may include suspension of  
38 network connections and removal of shared equipment for violations of

1 network conditions or policies. (~~However, the information services~~)  
2 The board shall have sole responsibility for the implementation of  
3 enforcement procedures relating to technical conditions of use.

4 **Sec. 59.** RCW 43.105.820 and 1999 c 285 s 11 are each amended to  
5 read as follows:

6 The information services board shall prepare a technical plan for  
7 the design and construction of the K-20 telecommunication system. The  
8 board shall ensure that the technical plan adheres to the goals and  
9 objectives established under RCW 43.105.041. The board shall provide  
10 formal project approval and oversight during the development and  
11 implementation of the K-20 telecommunications network. In approving  
12 the plan, the board shall conduct a request for proposal process. The  
13 technical plan shall be developed in phases as follows:

14 (1) Phase one shall provide a telecommunication backbone connecting  
15 educational service districts, the main campuses of public  
16 baccalaureate institutions, the branch campuses of public research  
17 institutions, and the main campuses of community colleges and technical  
18 colleges.

19 (2) Phase two shall provide for (a) connection to the network by  
20 entities that include, but need not be limited to: School districts,  
21 public higher education off-campus and extension centers, and branch  
22 campuses of community colleges and technical colleges, as prioritized  
23 by the K-20 telecommunications oversight and policy committee, or as  
24 modified by the board; (b) distance education facilities and components  
25 for entities listed in subsections (1) and (2) of this section; and (c)  
26 connection for independent nonprofit institutions of higher education,  
27 provided that:

28 (i) The (~~K-20~~) board and each independent nonprofit institution  
29 of higher education to be connected agree in writing to terms and  
30 conditions of connectivity. The terms and conditions shall ensure,  
31 among other things, that the provision of K-20 services does not  
32 violate Article VIII, section 5 of the state Constitution and that the  
33 institution shall adhere to network policies; and

34 (ii) The (~~K-20~~) board determines that inclusion of the  
35 independent nonprofit institutions of higher education will not  
36 significantly affect the network's eligibility for federal universal  
37 service fund discounts or subsidies.

1 (3) Subsequent phases may include, but need not be limited to,  
2 connections to public libraries, state and local governments, community  
3 resource centers, and the private sector.

4 **McNeil Island Secure Community Transition**  
5 **Facility Operational Advisory Board**

6 NEW SECTION. **Sec. 60.** RCW 71.09.320 (Transition facilities--  
7 Operational advisory boards) and 2001 2nd sp.s. c 12 s 220 are each  
8 repealed.

9 **On-site Wastewater Treatment Systems Advisory Committee**

10 NEW SECTION. **Sec. 61.** The following acts or parts of acts are  
11 each repealed:

- 12 (1) RCW 18.210.040 (Advisory committee) and 1999 c 263 s 5; and  
13 (2) RCW 18.210.070 (Advisory committee--Duties) and 1999 c 263 s 8.

14 **Sec. 62.** RCW 18.210.010 and 1999 c 263 s 2 are each amended to  
15 read as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

18 ~~((("Advisory committee" means a group of individuals with broad  
19 knowledge and experience in the design, construction, and regulation of  
20 on-site wastewater treatment systems, appointed under this chapter to  
21 offer recommendations to the board and the director on the  
22 administration of the program established under this chapter.~~

23 ~~(2))~~ "Board" means the board of registration for professional  
24 engineers and land surveyors as defined in chapter 18.43 RCW.

25 ~~((3))~~ (2) "Designer," "licensee," or "permit holder" means an  
26 individual authorized under this chapter to perform design services for  
27 on-site wastewater treatment systems.

28 ~~((4))~~ (3) "Director" means the director of the Washington state  
29 department of licensing.

30 ~~((5))~~ (4) "Engineer" means a professional engineer licensed under  
31 chapter 18.43 RCW.

1 ((+6+)) (5) "Practice of engineering" has the meaning set forth in  
2 RCW 18.43.020(5).

3 ((+7+)) (6) "On-site wastewater treatment system" means an  
4 integrated system of components that: Convey, store, treat, and/or  
5 provide subsurface soil treatment and disposal of wastewater effluent  
6 on the property where it originates or on adjacent or other property  
7 and includes piping, treatment devices, other accessories, and soil  
8 underlying the disposal component of the initial and reserve areas, for  
9 on-site wastewater treatment under three thousand five hundred gallons  
10 per day when not connected to a public sewer system.

11 ((+8+)) (7) "On-site wastewater design" means the development of  
12 plans, details, specifications, instructions, or inspections by  
13 application of specialized knowledge in analysis of soils, on-site  
14 wastewater treatment systems, disposal methods, and technologies to  
15 create an integrated system of collection, transport, distribution,  
16 treatment, and disposal of on-site wastewater.

17 ((+9+)) (8) "Local health jurisdiction" or "jurisdictional health  
18 department" means an administrative agency created under chapter 70.05,  
19 70.08, or 70.46 RCW, that administers the regulation and codes  
20 regarding on-site wastewater treatment systems.

21 ((+10+)) (9) "Practice permit" means an authorization to practice  
22 granted to an individual who designs on-site wastewater treatment  
23 systems and who has been authorized by a local health jurisdiction to  
24 practice on or before July 1, 2000.

25 ((+11+)) (10) "License" means a license to design on-site  
26 wastewater treatment systems under this chapter.

27 ((+12+)) (11) "Certificate of competency" means a certificate  
28 issued to employees of local health jurisdictions indicating that the  
29 certificate holder has passed the licensing examination required under  
30 this chapter.

31 **Sec. 63.** RCW 18.210.050 and 1999 c 263 s 6 are each amended to  
32 read as follows:

33 The director may:

34 (1) ~~((Appoint and reappoint members to the advisory committee,~~  
35 ~~including temporary additional members, and remove committee members~~  
36 ~~for just cause;~~



1                                   **Orthotic and Prosthetics Advisory Committee**

2            NEW SECTION.   **Sec. 67.**   RCW 18.200.060 (Advisory committee--  
3   Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

4            **Sec. 68.**   RCW 18.200.010 and 1997 c 285 s 2 are each amended to  
5   read as follows:

6            The definitions in this section apply throughout this chapter  
7   unless the context clearly requires otherwise.

8            (1) (~~("Advisory committee" means the orthotics and prosthetics~~  
9   ~~advisory committee.~~

10          ~~(2))~~) "Department" means the department of health.

11          ~~((3))~~) (2) "Secretary" means the secretary of health or the  
12   secretary's designee.

13          ~~((4))~~) (3) "Orthotics" means the science and practice of  
14   evaluating, measuring, designing, fabricating, assembling, fitting,  
15   adjusting, or servicing, as well as providing the initial training  
16   necessary to accomplish the fitting of, an orthosis for the support,  
17   correction, or alleviation of neuromuscular or musculoskeletal  
18   dysfunction, disease, injury, or deformity. The practice of orthotics  
19   encompasses evaluation, treatment, and consultation. With basic  
20   observational gait and postural analysis, orthotists assess and design  
21   orthoses to maximize function and provide not only the support but the  
22   alignment necessary to either prevent or correct deformity or to  
23   improve the safety and efficiency of mobility or locomotion, or both.  
24   Orthotic practice includes providing continuing patient care in order  
25   to assess its effect on the patient's tissues and to assure proper fit  
26   and function of the orthotic device by periodic evaluation.

27          ~~((5))~~) (4) "Orthotist" means a person licensed to practice  
28   orthotics under this chapter.

29          ~~((6))~~) (5) "Orthosis" means a custom-fabricated, definitive brace  
30   or support that is designed for long-term use. Except for the  
31   treatment of scoliosis, orthosis does not include prefabricated or  
32   direct-formed orthotic devices, as defined in this section, or any of  
33   the following assistive technology devices: Commercially available  
34   knee orthoses used following injury or surgery; spastic muscle tone-  
35   inhibiting orthoses; upper extremity adaptive equipment; finger  
36   splints; hand splints; custom-made, leather wrist gauntlets; face masks  
37   used following burns; wheelchair seating that is an integral part of

1 the wheelchair and not worn by the patient independent of the  
2 wheelchair; fabric or elastic supports; corsets; arch supports, also  
3 known as foot orthotics; low-temperature formed plastic splints;  
4 trusses; elastic hose; canes; crutches; cervical collars; dental  
5 appliances; and other similar devices as determined by the secretary,  
6 such as those commonly carried in stock by a pharmacy, department  
7 store, corset shop, or surgical supply facility. Prefabricated  
8 orthoses, also known as custom-fitted, or off-the-shelf, are devices  
9 that are manufactured as commercially available stock items for no  
10 specific patient. Direct-formed orthoses are devices formed or shaped  
11 during the molding process directly on the patient's body or body  
12 segment. Custom-fabricated orthoses, also known as custom-made  
13 orthoses, are devices designed and fabricated, in turn, from raw  
14 materials for a specific patient and require the generation of an  
15 image, form, or mold that replicates the patient's body or body segment  
16 and, in turn, involves the rectification of dimensions, contours, and  
17 volumes to achieve proper fit, comfort, and function for that specific  
18 patient.

19 ((+7)) (6) "Prosthetics" means the science and practice of  
20 evaluating, measuring, designing, fabricating, assembling, fitting,  
21 aligning, adjusting, or servicing, as well as providing the initial  
22 training necessary to accomplish the fitting of, a prosthesis through  
23 the replacement of external parts of a human body lost due to  
24 amputation or congenital deformities or absences. The practice of  
25 prosthetics also includes the generation of an image, form, or mold  
26 that replicates the patient's body or body segment and that requires  
27 rectification of dimensions, contours, and volumes for use in the  
28 design and fabrication of a socket to accept a residual anatomic limb  
29 to, in turn, create an artificial appendage that is designed either to  
30 support body weight or to improve or restore function or cosmesis, or  
31 both. Involved in the practice of prosthetics is observational gait  
32 analysis and clinical assessment of the requirements necessary to  
33 refine and mechanically fix the relative position of various parts of  
34 the prosthesis to maximize the function, stability, and safety of the  
35 patient. The practice of prosthetics includes providing continuing  
36 patient care in order to assess the prosthetic device's effect on the  
37 patient's tissues and to assure proper fit and function of the  
38 prosthetic device by periodic evaluation.

1        ~~((+8))~~ (7) "Prosthetist" means a person who is licensed to  
2 practice prosthetics under this chapter.

3        ~~((+9))~~ (8) "Prosthesis" means a definitive artificial limb that is  
4 alignable or articulated, or, in lower extremity applications, capable  
5 of weight bearing. Prosthesis means an artificial medical device that  
6 is not surgically implanted and that is used to replace a missing limb,  
7 appendage, or other external human body part including an artificial  
8 limb, hand, or foot. The term does not include artificial eyes, ears,  
9 fingers or toes, dental appliances, ostomy products, devices such as  
10 artificial breasts, eyelashes, wigs, or other devices as determined by  
11 the secretary that do not have a significant impact on the  
12 musculoskeletal functions of the body. In the lower extremity of the  
13 body, the term prosthesis does not include prostheses required for  
14 amputations distal to and including the transmetatarsal level. In the  
15 upper extremity of the body, the term prosthesis does not include  
16 prostheses that are provided to restore function for amputations distal  
17 to and including the carpal level.

18        ~~((+10))~~ (9) "Authorized health care practitioner" means licensed  
19 physicians, physician's assistants, osteopathic physicians,  
20 chiropractors, naturopaths, podiatric physicians and surgeons,  
21 dentists, and advanced registered nurse practitioners.

22        **Sec. 69.** RCW 18.200.050 and 1997 c 285 s 6 are each amended to  
23 read as follows:

24        In addition to other authority provided by law, the secretary has  
25 the authority to:

26        (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
27 chapter;

28        (2) Establish administrative procedures, administrative  
29 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.  
30 All fees collected under this section must be credited to the health  
31 professions account as required under RCW 43.70.320;

32        (3) Register applicants, issue licenses to applicants who have met  
33 the education, training, and examination requirements for licensure,  
34 and deny licenses to applicants who do not meet the minimum  
35 qualifications, except that proceedings concerning the denial of  
36 credentials based upon unprofessional conduct or impairment are  
37 governed by the uniform disciplinary act, chapter 18.130 RCW;

1 (4) Hire clerical, administrative, investigative, and other staff  
2 as needed to implement this chapter and hire individuals licensed under  
3 this chapter to serve as examiners for any practical examinations;

4 (5) Determine minimum education requirements and evaluate and  
5 designate those educational programs from which graduation will be  
6 accepted as proof of eligibility to take a qualifying examination for  
7 applicants for licensure;

8 (6) Establish the standards and procedures for revocation of  
9 approval of education programs;

10 (7) Utilize or contract with individuals or organizations having  
11 expertise in the profession or in education to assist in the  
12 evaluations;

13 (8) Prepare and administer, or approve the preparation and  
14 administration of, examinations for applicants for licensure;

15 (9) Determine whether alternative methods of training are  
16 equivalent to formal education, and establish forms, procedures, and  
17 criteria for evaluation of an applicant's alternative training to  
18 determine the applicant's eligibility to take any qualifying  
19 examination;

20 (10) Determine which jurisdictions have licensing requirements  
21 equivalent to those of this state and issue licenses without  
22 examinations to individuals licensed in those jurisdictions;

23 (11) Define and approve any experience requirement for licensing;

24 (12) Implement and administer a program for consumer education;

25 (13) Adopt rules implementing continuing competency requirements  
26 for renewal of the license and relicensing;

27 (14) Maintain the official department records of all applicants and  
28 licensees;

29 (15) Establish by rule the procedures for an appeal of an  
30 examination failure;

31 (16) Establish requirements and procedures for an inactive license;  
32 and

33 (17) (~~With the advice of the advisory committee, the secretary~~  
34 ~~may~~) Recommend collaboration with health professions, boards, and  
35 commissions to develop appropriate referral protocols.

36 **Sec. 70.** RCW 18.200.070 and 1997 c 285 s 8 are each amended to  
37 read as follows:

1 (1) An applicant must file a written application on forms provided  
2 by the department showing to the satisfaction of the secretary(~~(in~~  
3 ~~consultation with the advisory committee,~~) that the applicant meets  
4 the following requirements:

5 (a) The applicant possesses a baccalaureate degree with coursework  
6 appropriate for the profession approved by the secretary, or possesses  
7 equivalent training as determined by the secretary pursuant to  
8 subsections (3) and (5) of this section;

9 (b) The applicant has the amount of formal training, including the  
10 hours of classroom education and clinical practice, in areas of study  
11 as the secretary deems necessary and appropriate;

12 (c) The applicant has completed a clinical internship or residency  
13 in the professional area for which a license is sought in accordance  
14 with the standards, guidelines, or procedures for clinical internships  
15 or residencies inside or outside the state as established by the  
16 secretary, or that are otherwise substantially equivalent to the  
17 standards commonly accepted in the fields of orthotics and prosthetics  
18 as determined by the secretary pursuant to subsections (3) and (5) of  
19 this section. The secretary must set the internship as at least one  
20 year.

21 (2) An applicant for licensure as either an orthotist or  
22 prosthetist must pass all written and practical examinations that are  
23 required and approved by the secretary (~~(in consultation with the~~  
24 ~~advisory committee)~~).

25 (3) The standards and requirements for licensure established by the  
26 secretary must be substantially equal to the standards commonly  
27 accepted in the fields of orthotics and prosthetics.

28 (4) An applicant failing to make the required grade in the first  
29 examination may take up to three subsequent examinations as the  
30 applicant desires upon prepaying a fee, determined by the secretary  
31 under RCW 43.70.250, for each subsequent examination. Upon failing  
32 four examinations, the secretary may invalidate the original  
33 application and require remedial education before the person may take  
34 future examinations.

35 (5) The secretary may waive some of the education, examination, or  
36 experience requirements of this section if the secretary determines  
37 that the applicant meets alternative standards, established by the

1 secretary through rule, that are substantially equivalent to the  
2 requirements in subsections (1) and (2) of this section.

3 **Regional Fisheries Enhancement Group Advisory Board**

4 NEW SECTION. **Sec. 71.** The following acts or parts of acts are  
5 each repealed:

6 (1) RCW 77.95.110 (Regional fisheries enhancement group advisory  
7 board) and 2000 c 107 s 108; and

8 (2) RCW 77.95.120 (Regional fisheries enhancement group advisory  
9 board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, &  
10 1995 c 367 s 6.

11 **Sec. 72.** RCW 77.95.100 and 2000 c 107 s 107 are each amended to  
12 read as follows:

13 The department may provide start-up funds to regional fisheries  
14 enhancement groups for costs associated with any enhancement project.  
15 The ((~~regional fisheries enhancement group advisory board and the~~))  
16 commission shall develop guidelines for providing funds to the regional  
17 fisheries enhancement groups.

18 **Sec. 73.** RCW 77.95.180 and 1995 c 367 s 3 are each amended to read  
19 as follows:

20 To maximize available state resources, the department and the  
21 department of transportation shall work in partnership ((~~with the~~  
22 ~~regional fisheries enhancement group advisory board~~)) to identify  
23 cooperative projects to eliminate fish passage barriers caused by state  
24 roads and highways. ((~~The advisory board may provide input to the~~  
25 ~~department to aid in identifying priority barrier removal projects that~~  
26 ~~can be accomplished with the assistance of regional fisheries~~  
27 ~~enhancement groups.~~)) The department of transportation shall provide  
28 engineering and other technical services to assist regional fisheries  
29 enhancement groups with fish passage barrier removal projects, provided  
30 that the barrier removal projects have been identified as a priority by  
31 the department of fish and wildlife and the department of  
32 transportation has received an appropriation to continue the fish  
33 barrier removal program.

1           **Sec. 74.** RCW 77.95.190 and 1995 c 367 s 10 are each amended to  
2 read as follows:

3           The department shall ~~((coordinate with the regional fisheries~~  
4 ~~enhancement group advisory board to))~~ field test coho and chinook  
5 salmon remote site incubators. The purpose of field testing efforts  
6 shall be to gather conclusive scientific data on the effectiveness of  
7 coho and chinook remote site incubators.

8                           **Revenue-Simplified Sales and Use Tax Admin Advisory Group**

9           **Sec. 75.** RCW 82.58.020 and 2002 c 267 s 4 are each amended to read  
10 as follows:

11           ~~((1))~~ For the purposes of reviewing or amending the agreement  
12 embodying the simplification requirements in RCW 82.58.050, the state  
13 shall enter into multistate discussions. For purposes of these  
14 discussions, the state shall be represented by the department. The  
15 governor may appoint up to four persons to consult with the department  
16 at these discussions. The persons advising the department shall not be  
17 compensated and are not entitled to payment of travel expenses by the  
18 state.

19           ~~((2) The department shall regularly consult with an advisory group~~  
20 ~~composed of one member from each of the two largest caucuses of the~~  
21 ~~senate, appointed by the majority and minority leaders of the senate;~~  
22 ~~one member from each of the two largest caucuses of the house of~~  
23 ~~representatives, appointed by the speaker and minority leader of the~~  
24 ~~house of representatives; representatives of retailers, including those~~  
25 ~~selling via mail, telephone, and the internet; representatives of large~~  
26 ~~and small businesses; and representatives of counties and cities. The~~  
27 ~~department shall use its best efforts to consult with the advisory~~  
28 ~~group before any multistate discussions in which it is anticipated that~~  
29 ~~amendments — may — be — proposed — to — the — agreement — embodying — the~~  
30 ~~simplification requirements in RCW 82.58.050.))~~

31                           **State Solid Waste Advisory Committee**

32           NEW SECTION. **Sec. 76.** The following acts or parts of acts are  
33 each repealed:

- 1 (1) RCW 70.95.040 (Solid waste advisory committee--Members--
- 2 Meetings--Travel expenses--"Governor's award of excellence.") and 1991
- 3 c 319 s 401, 1987 c 115 s 1, 1982 c 108 s 1, & 1977 c 10 s 1;
- 4 (2) RCW 70.95.050 (Solid waste advisory committee--Staff services
- 5 and facilities) and 1969 ex.s. c 134 s 5;
- 6 (3) RCW 70.95.070 (Review of standards prior to adoption--
- 7 Revisions, additions and modifications--Factors) and 1975-'76 2nd ex.s.
- 8 c 41 s 4 & 1969 ex.s. c 134 s 7; and
- 9 (4) RCW 70.105.060 (Review of rules, regulations, criteria and fee
- 10 schedules) and 1975-'76 2nd ex.s. c 101 s 6.

11 **Sec. 77.** RCW 70.95.030 and 2004 c 101 s 1 are each amended to read  
 12 as follows:

13 As used in this chapter, unless the context indicates otherwise:

- 14 (1) "City" means every incorporated city and town.
- 15 (2) "Commission" means the utilities and transportation commission.
- 16 (3) (~~("Committee" means the state solid waste advisory committee.~~
- 17 ~~(4))~~) "Composted material" means organic solid waste that has been
- 18 subjected to controlled aerobic degradation at a solid waste facility
- 19 in compliance with the requirements of this chapter. Natural decay of
- 20 organic solid waste under uncontrolled conditions does not result in
- 21 composted material.
- 22 (~~(+5))~~) (4) "Department" means the department of ecology.
- 23 (~~(+6))~~) (5) "Director" means the director of the department of
- 24 ecology.
- 25 (~~(+7))~~) (6) "Disposal site" means the location where any final
- 26 treatment, utilization, processing, or deposit of solid waste occurs.
- 27 (~~(+8))~~) (7) "Energy recovery" means a process operating under
- 28 federal and state environmental laws and regulations for converting
- 29 solid waste into usable energy and for reducing the volume of solid
- 30 waste.
- 31 (~~(+9))~~) (8) "Functional standards" means criteria for solid waste
- 32 handling expressed in terms of expected performance or solid waste
- 33 handling functions.
- 34 (~~(+10))~~) (9) "Incineration" means a process of reducing the volume
- 35 of solid waste operating under federal and state environmental laws and
- 36 regulations by use of an enclosed device using controlled flame
- 37 combustion.

1        (~~(11)~~) (10) "Inert waste landfill" means a landfill that receives  
2 only inert waste, as determined under RCW 70.95.065, and includes  
3 facilities that use inert wastes as a component of fill.

4        (~~(12)~~) (11) "Jurisdictional health department" means city,  
5 county, city-county, or district public health department.

6        (~~(13)~~) (12) "Landfill" means a disposal facility or part of a  
7 facility at which solid waste is placed in or on land and which is not  
8 a land treatment facility.

9        (~~(14)~~) (13) "Local government" means a city, town, or county.

10       (~~(15)~~) (14) "Modify" means to substantially change the design or  
11 operational plans including, but not limited to, removal of a design  
12 element previously set forth in a permit application or the addition of  
13 a disposal or processing activity that is not approved in the permit.

14       (~~(16)~~) (15) "Multiple family residence" means any structure  
15 housing two or more dwelling units.

16       (~~(17)~~) (16) "Person" means individual, firm, association,  
17 copartnership, political subdivision, government agency, municipality,  
18 industry, public or private corporation, or any other entity  
19 whatsoever.

20       (~~(18)~~) (17) "Recyclable materials" means those solid wastes that  
21 are separated for recycling or reuse, such as papers, metals, and  
22 glass, that are identified as recyclable material pursuant to a local  
23 comprehensive solid waste plan. Prior to the adoption of the local  
24 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
25 local governments may identify recyclable materials by ordinance from  
26 July 23, 1989.

27       (~~(19)~~) (18) "Recycling" means transforming or remanufacturing  
28 waste materials into usable or marketable materials for use other than  
29 landfill disposal or incineration.

30       (~~(20)~~) (19) "Residence" means the regular dwelling place of an  
31 individual or individuals.

32       (~~(21)~~) (20) "Sewage sludge" means a semisolid substance  
33 consisting of settled sewage solids combined with varying amounts of  
34 water and dissolved materials, generated from a wastewater treatment  
35 system, that does not meet the requirements of chapter 70.95J RCW.

36       (~~(22)~~) (21) "Soil amendment" means any substance that is intended  
37 to improve the physical characteristics of the soil, except composted  
38 material, commercial fertilizers, agricultural liming agents,

1 unmanipulated animal manures, unmanipulated vegetable manures, food  
2 wastes, food processing wastes, and materials exempted by rule of the  
3 department, such as biosolids as defined in chapter 70.95J RCW and  
4 wastewater as regulated in chapter 90.48 RCW.

5 ~~((+23+))~~ (22) "Solid waste" or "wastes" means all putrescible and  
6 nonputrescible solid and semisolid wastes including, but not limited  
7 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
8 demolition and construction wastes, abandoned vehicles or parts  
9 thereof, and recyclable materials.

10 ~~((+24+))~~ (23) "Solid waste handling" means the management, storage,  
11 collection, transportation, treatment, utilization, processing, and  
12 final disposal of solid wastes, including the recovery and recycling of  
13 materials from solid wastes, the recovery of energy resources from  
14 solid wastes or the conversion of the energy in solid wastes to more  
15 useful forms or combinations thereof.

16 ~~((+25+))~~ (24) "Source separation" means the separation of different  
17 kinds of solid waste at the place where the waste originates.

18 ~~((+26+))~~ (25) "Vehicle" includes every device physically capable of  
19 being moved upon a public or private highway, road, street, or  
20 watercourse and in, upon, or by which any person or property is or may  
21 be transported or drawn upon a public or private highway, road, street,  
22 or watercourse, except devices moved by human or animal power or used  
23 exclusively upon stationary rails or tracks.

24 ~~((+27+))~~ (26) "Waste-derived soil amendment" means any soil  
25 amendment as defined in this chapter that is derived from solid waste  
26 as defined in ~~((RCW-70.95.030))~~ this section, but does not include  
27 biosolids or biosolids products regulated under chapter 70.95J RCW or  
28 wastewaters regulated under chapter 90.48 RCW.

29 ~~((+28+))~~ (27) "Waste reduction" means reducing the amount or  
30 toxicity of waste generated or reusing materials.

31 ~~((+29+))~~ (28) "Yard debris" means plant material commonly created  
32 in the course of maintaining yards and gardens, and through  
33 horticulture, gardening, landscaping, or similar activities. Yard  
34 debris includes but is not limited to grass clippings, leaves,  
35 branches, brush, weeds, flowers, roots, windfall fruit, vegetable  
36 garden debris, holiday trees, and tree prunings four inches or less in  
37 diameter.

1       **Sec. 78.** RCW 43.21A.520 and 1989 c 431 s 47 are each amended to  
2 read as follows:

3       (1) The department of ecology shall develop and implement an  
4 environmental excellence awards program that recognizes products that  
5 are produced, labeled, or packaged in a manner that helps ensure  
6 environmental protection. The award shall be in recognition of  
7 products that are made from recycled materials, easy to recycle,  
8 substitute for more hazardous products, or otherwise help protect the  
9 environment. Application for the award shall be voluntary. The awards  
10 may be made in a variety of product categories including, but not  
11 limited to:

- 12       (a) Paint products;
- 13       (b) Cleaning products;
- 14       (c) Pest control products;
- 15       (d) Automotive, marine, and related maintenance products;
- 16       (e) Hobby and recreation products; and
- 17       (f) Any other product available for retail or wholesale sale.

18       (2) ~~((The state solid waste advisory committee shall establish an  
19 environmental excellence product award subcommittee to develop and  
20 recommend criteria for awarding environmental excellence awards for  
21 products. The subcommittee shall also review award applications and  
22 make recommendations to the department. The subcommittee shall consist  
23 of equal representation of: (a) Product manufacturing or other  
24 business representatives; (b) environmental representatives; (c) labor  
25 or consumer representatives; and (d) independent technical experts.  
26 Members of the subcommittee need not necessarily be regular members of  
27 the state solid waste advisory committee.~~

28       (3)) Products receiving an environmental excellence award pursuant  
29 to this section shall be entitled to display a logo or other symbol  
30 developed by the department to signify the award. Awards shall be  
31 given each year to as many products as qualify. The award logo may be  
32 displayed for a period to be determined by the department.

33       **Sec. 79.** RCW 70.105.010 and 2009 c 549 s 1027 are each amended to  
34 read as follows:

35       The words and phrases defined in this section shall have the  
36 meanings indicated when used in this chapter unless the context clearly  
37 requires otherwise.

1 (1) "Dangerous wastes" means any discarded, useless, unwanted, or  
2 abandoned substances, including but not limited to certain pesticides,  
3 or any residues or containers of such substances which are disposed of  
4 in such quantity or concentration as to pose a substantial present or  
5 potential hazard to human health, wildlife, or the environment because  
6 such wastes or constituents or combinations of such wastes:

7 (a) Have short-lived, toxic properties that may cause death,  
8 injury, or illness or have mutagenic, teratogenic, or carcinogenic  
9 properties; or

10 (b) Are corrosive, explosive, flammable, or may generate pressure  
11 through decomposition or other means.

12 (2) "Department" means the department of ecology.

13 (3) "Designated zone facility" means any facility that requires an  
14 interim or final status permit under rules adopted under this chapter  
15 and that is not a preempted facility as defined in this section.

16 (4) "Director" means the director of the department of ecology or  
17 the director's designee.

18 (5) "Disposal site" means a geographical site in or upon which  
19 hazardous wastes are disposed of in accordance with the provisions of  
20 this chapter.

21 (6) "Dispose or disposal" means the discarding or abandoning of  
22 hazardous wastes or the treatment, decontamination, or recycling of  
23 such wastes once they have been discarded or abandoned.

24 (7) "Extremely hazardous waste" means any dangerous waste  
25 which(~~(+)~~):

26 (a) Will persist in a hazardous form for several years or more at  
27 a disposal site and which in its persistent form

28 (i) Presents a significant environmental hazard and may be  
29 concentrated by living organisms through a food chain or may affect the  
30 genetic make-up of human beings or wildlife, and

31 (ii) Is highly toxic to human beings or wildlife

32 (b) If disposed of at a disposal site in such quantities as would  
33 present an extreme hazard to human beings or the environment.

34 (8) "Facility" means all contiguous land and structures, other  
35 appurtenances, and improvements on the land used for recycling,  
36 storing, treating, incinerating, or disposing of hazardous waste.

37 (9) "Hazardous household substances" means those substances

1 identified by the department as hazardous household substances in the  
2 guidelines developed under RCW 70.105.220.

3 (10) "Hazardous substances" means any liquid, solid, gas, or  
4 sludge, including any material, substance, product, commodity, or  
5 waste, regardless of quantity, that exhibits any of the characteristics  
6 or criteria of hazardous waste as described in rules adopted under this  
7 chapter.

8 (11) "Hazardous waste" means and includes all dangerous and  
9 extremely hazardous waste, including substances composed of both  
10 radioactive and hazardous components.

11 (12) "Local government" means a city, town, or county.

12 (13) "Moderate-risk waste" means (a) any waste that exhibits any of  
13 the properties of hazardous waste but is exempt from regulation under  
14 this chapter solely because the waste is generated in quantities below  
15 the threshold for regulation, and (b) any household wastes which are  
16 generated from the disposal of substances identified by the department  
17 as hazardous household substances.

18 (14) "Person" means any person, firm, association, county, public  
19 or municipal or private corporation, agency, or other entity  
20 whatsoever.

21 (15) "Pesticide" shall have the meaning of the term as defined in  
22 RCW 15.58.030 as now or hereafter amended.

23 (16) "Preempted facility" means any facility that includes as a  
24 significant part of its activities any of the following operations:  
25 (a) Landfill, (b) incineration, (c) land treatment, (d) surface  
26 impoundment to be closed as a landfill, or (e) waste pile to be closed  
27 as a landfill.

28 (17) "Service charge" means an assessment imposed under RCW  
29 70.105.280 against those facilities that store, treat, incinerate, or  
30 dispose of dangerous or extremely hazardous waste that contains both a  
31 nonradioactive hazardous component and a radioactive component.  
32 Service charges shall also apply to facilities undergoing closure under  
33 this chapter in those instances where closure entails the physical  
34 characterization of remaining wastes which contain both a  
35 nonradioactive hazardous component and a radioactive component or the  
36 management of such wastes through treatment or removal, except any  
37 commercial low-level radioactive waste facility.

1       (~~((18) "Solid waste advisory committee" means the same advisory~~  
2 ~~committee as per RCW 70.95.040 through 70.95.070.))~~)

3       **Sec. 80.** RCW 70.105.160 and 1998 c 245 s 110 are each amended to  
4 read as follows:

5       The department shall conduct a study to determine the best  
6 management practices for categories of waste for the priority waste  
7 management methods established in RCW 70.105.150, with due  
8 consideration in the course of the study to sound environmental  
9 management and available technology. As an element of the study, the  
10 department shall review methods that will help achieve the priority of  
11 RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed  
12 rules, the department shall conduct public hearings regarding the best  
13 management practices for the various waste categories studied by the  
14 department. After conducting the study, the department shall prepare  
15 new rules or modify existing rules as appropriate to promote  
16 implementation of the priorities established in RCW 70.105.150 for  
17 management practices which assure use of sound environmental management  
18 techniques and available technology. The preliminary study shall be  
19 completed by July 1, 1986, and the rules shall be adopted by July 1,  
20 1987. (~~(The solid waste advisory committee shall review the studies~~  
21 ~~and the new or modified rules.))~~)

22       The studies shall be updated at least once every five years. The  
23 funding for these studies shall be from the hazardous waste control and  
24 elimination account, subject to legislative appropriation.

#### 25                                   **Water Supply Advisory Committee**

26       NEW SECTION. **Sec. 81.** RCW 70.119A.160 (Water supply advisory  
27 committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

28       **Sec. 82.** RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each  
29 amended to read as follows:

30       (1) It is the intent of the legislature that the department  
31 establish water use efficiency requirements designed to ensure  
32 efficient use of water while maintaining water system financial

1 viability, improving affordability of supplies, and enhancing system  
2 reliability.

3 (2) The requirements of this section shall apply to all municipal  
4 water suppliers and shall be tailored to be appropriate to system size,  
5 forecasted system demand, and system supply characteristics.

6 (3) For the purposes of this section:

7 (a) Water use efficiency includes conservation planning  
8 requirements, water distribution system leakage standards, and water  
9 conservation performance reporting requirements; and

10 (b) "Municipal water supplier" and "municipal water supply  
11 purposes" have the meanings provided by RCW 90.03.015.

12 (4) To accomplish the purposes of this section, the department  
13 shall adopt rules necessary to implement this section by December 31,  
14 2005. The department shall:

15 (a) Develop conservation planning requirements that ensure  
16 municipal water suppliers are: (i) Implementing programs to integrate  
17 conservation with water system operation and management; and (ii)  
18 identifying how to appropriately fund and implement conservation  
19 activities. Requirements shall apply to the conservation element of  
20 water system plans and small water system management programs developed  
21 pursuant to chapter 43.20 RCW. In establishing the conservation  
22 planning requirements the department shall review the current  
23 department conservation planning guidelines and include those elements  
24 that are appropriate for rule. Conservation planning requirements  
25 shall include but not be limited to:

26 (A) Selection of cost-effective measures to achieve a system's  
27 water conservation objectives. Requirements shall allow the municipal  
28 water supplier to select and schedule implementation of the best  
29 methods for achieving its conservation objectives;

30 (B) Evaluation of the feasibility of adopting and implementing  
31 water delivery rate structures that encourage water conservation;

32 (C) Evaluation of each system's water distribution system leakage  
33 and, if necessary, identification of steps necessary for achieving  
34 water distribution system leakage standards developed under (b) of this  
35 subsection;

36 (D) Collection and reporting of water consumption and source  
37 production and/or water purchase data. Data collection and reporting  
38 requirements shall be sufficient to identify water use patterns among

1 utility customer classes, where applicable, and evaluate the  
2 effectiveness of each system's conservation program. Requirements,  
3 including reporting frequency, shall be appropriate to system size and  
4 complexity. Reports shall be available to the public; and

5 (E) Establishment of minimum requirements for water demand forecast  
6 methodologies such that demand forecasts prepared by municipal water  
7 suppliers are sufficient for use in determining reasonably anticipated  
8 future water needs;

9 (b) Develop water distribution system leakage standards to ensure  
10 that municipal water suppliers are taking appropriate steps to reduce  
11 water system leakage rates or are maintaining their water distribution  
12 systems in a condition that results in leakage rates in compliance with  
13 the standards. Limits shall be developed in terms of percentage of  
14 total water produced and/or purchased and shall not be lower than ten  
15 percent. The department may consider alternatives to the percentage of  
16 total water supplied where alternatives provide a better evaluation of  
17 the water system's leakage performance. The department shall institute  
18 a graduated system of requirements based on levels of water system  
19 leakage. A municipal water supplier shall select one or more control  
20 methods appropriate for addressing leakage in its water system;

21 (c) Establish minimum requirements for water conservation  
22 performance reporting to assure that municipal water suppliers are  
23 regularly evaluating and reporting their water conservation  
24 performance. The objective of setting conservation goals is to enhance  
25 the efficient use of water by the water system customers. Performance  
26 reporting shall include:

27 (i) Requirements that municipal water suppliers adopt and achieve  
28 water conservation goals. The elected governing board or governing  
29 body of the water system shall set water conservation goals for the  
30 system. In setting water conservation goals the water supplier may  
31 consider historic conservation performance and conservation investment,  
32 customer base demographics, regional climate variations, forecasted  
33 demand and system supply characteristics, system financial viability,  
34 system reliability, and affordability of water rates. Conservation  
35 goals shall be established by the municipal water supplier in an open  
36 public forum;

37 (ii) Requirements that the municipal water supplier adopt schedules

1 for implementing conservation program elements and achieving  
2 conservation goals to ensure that progress is being made toward adopted  
3 conservation goals;

4 (iii) A reporting system for regular reviews of conservation  
5 performance against adopted goals. Performance reports shall be  
6 available to customers and the public. Requirements, including  
7 reporting frequency, shall be appropriate to system size and  
8 complexity;

9 (iv) Requirements that any system not meeting its water  
10 conservation goals shall develop a plan for modifying its conservation  
11 program to achieve its goals along with procedures for reporting  
12 performance to the department;

13 (v) If a municipal water supplier determines that further  
14 reductions in consumption are not reasonably achievable, it shall  
15 identify how current consumption levels will be maintained;

16 (d) Adopt rules that, to the maximum extent practical, utilize  
17 existing mechanisms and simplified procedures in order to minimize the  
18 cost and complexity of implementation and to avoid placing unreasonable  
19 financial burden on smaller municipal systems.

20 ~~(5) ((The department shall establish an advisory committee to~~  
21 ~~assist the department in developing rules for water use efficiency.~~  
22 ~~The advisory committee shall include representatives from public water~~  
23 ~~system customers, environmental interest groups, business interest~~  
24 ~~groups, a representative cross section of municipal water suppliers, a~~  
25 ~~water utility conservation professional, tribal governments, the~~  
26 ~~department of ecology, and any other members determined necessary by~~  
27 ~~the department. The department may use the water supply advisory~~  
28 ~~committee created pursuant to RCW 70.119A.160 augmented with additional~~  
29 ~~participants as necessary to comply with this subsection to assist the~~  
30 ~~department in developing rules.~~

31 ~~(6))~~ The department shall provide technical assistance upon  
32 request to municipal water suppliers and local governments regarding  
33 water conservation, which may include development of best management  
34 practices for water conservation programs, conservation landscape  
35 ordinances, conservation rate structures for public water systems, and  
36 general public education programs on water conservation.

37 ~~((7))~~ (6) To ensure compliance with this section, the department

1 shall establish a compliance process that incorporates a graduated  
2 approach employing the full range of compliance mechanisms available to  
3 the department.

4 ~~((+8))~~ (7) Prior to completion of rule making required in  
5 subsection (4) of this section, municipal water suppliers shall  
6 continue to meet the existing conservation requirements of the  
7 department and shall continue to implement their current water  
8 conservation programs.

9 **Sec. 83.** RCW 90.86.030 and 2005 c 60 s 3 are each amended to read  
10 as follows:

11 (1) The joint legislative committee on water supply during drought  
12 shall convene from time to time at the call of the chair when a drought  
13 conditions order under RCW 43.83B.405 is in effect, or when the chair  
14 determines, in consultation with the department of ecology, that it is  
15 likely that such an order will be issued within the next year.

16 (2) The committee may request and review information relating to  
17 water supply conditions in the state, and economic, environmental, and  
18 other impacts relating to decreased water supply being experienced or  
19 anticipated. The governor's executive water emergency committee, the  
20 department of ecology, ~~((the water supply advisory committee,))~~ and  
21 other state agencies with water management or related responsibilities  
22 shall cooperate in responding to requests from the committee.

23 (3) During drought conditions in which an order issued under RCW  
24 43.83B.405 is in effect, the department of ecology shall provide to the  
25 committee no less than monthly a report describing drought response  
26 activities of the department and other state and federal agencies  
27 participating on the water supply availability committee. The report  
28 shall include information regarding applications for, and approvals and  
29 denials of emergency water withdrawals and temporary changes or  
30 transfers of, water rights under RCW 43.83B.410.

31 (4) The committee from time to time shall make recommendations to  
32 the senate and house of representatives on budgetary and legislative  
33 actions that will improve the state's drought response programs and  
34 planning.

1 **Well Drilling Technical Advisory Group**

2 NEW SECTION. **Sec. 84.** RCW 18.104.190 (Technical advisory group)  
3 and 2005 c 84 s 8 & 1993 c 387 s 25 are each repealed.

4 **Sec. 85.** RCW 18.104.040 and 1993 c 387 s 4 are each amended to  
5 read as follows:

6 The department shall have the power:

7 (1) To issue, deny, suspend or revoke licenses pursuant to the  
8 provisions of this chapter;

9 (2) At all reasonable times, to enter upon lands for the purpose of  
10 inspecting, taking measurements from, or tagging any well, constructed  
11 or being constructed;

12 (3) To call upon or receive professional or technical advice from  
13 the department of health(~~(, the technical advisory group created in RCW~~  
14 ~~18.104.190,~~)) or any other public agency or person;

15 (4) To adopt rules, in consultation with the department of health  
16 (~~(and the technical advisory group created in RCW 18.104.190, governing~~  
17 ~~licensing and well construction)~~), as may be appropriate to carry out  
18 the purposes of this chapter. The rules adopted by the department may  
19 include, but are not limited to:

20 (a) Standards for the construction and maintenance of wells and  
21 their casings;

22 (b) Methods of capping, sealing, and decommissioning wells to  
23 prevent contamination of groundwater resources and to protect public  
24 health and safety;

25 (c) Methods of artificial recharge of groundwater bodies and of  
26 construction of wells which insure separation of individual water  
27 bearing formations;

28 (d) The manner of conducting and the content of examinations  
29 required to be taken by applicants for license hereunder;

30 (e) Requirements for the filing of notices of intent, well reports,  
31 and the payment of fees;

32 (f) Reporting requirements of well contractors;

33 (g) Limitations on well construction in areas identified by the  
34 department as requiring intensive control of withdrawals in the  
35 interests of sound management of the groundwater resource;

36 (5) To require the operator in the construction of a well and the

1 property owner in the maintenance of a well to guard against waste and  
2 contamination of the groundwater resources;

3 (6) To require the operator to place a well identification tag on  
4 a new well and on an existing well on which work is performed after the  
5 effective date of rules requiring well identification tags and to place  
6 or require the owner to place a well identification tag on an existing  
7 well;

8 (7) To require the well owner to repair or decommission any well:

9 (a) That is abandoned, unusable, or not intended for future use; or

10 (b) That is an environmental, safety, or public health hazard.

11 **Sec. 86.** RCW 18.104.043 and 2005 c 84 s 2 are each amended to read  
12 as follows:

13 (1) If requested in writing by the governing body of a local health  
14 district or county, the department by memorandum of agreement may  
15 delegate to the governing body the authority to administer and enforce  
16 the well tagging, sealing, and decommissioning portions of the water  
17 well construction program.

18 (2) The department shall determine whether a local health district  
19 or county that seeks delegation under this section has the resources,  
20 capability, and expertise, including qualified field inspectors, to  
21 administer the delegated program. If the department determines the  
22 local government has these resources, it shall notify well contractors  
23 and operators of the proposal. The department shall accept written  
24 comments on the proposal for sixty days after the notice is mailed.

25 (3) If the department determines that a delegation of authority to  
26 a local health district or county to administer and enforce the well  
27 sealing and decommissioning portions of the water well construction  
28 program will enhance the public health and safety and the environment,  
29 the department and the local governing body may enter into a memorandum  
30 of agreement setting forth the specific authorities delegated by the  
31 department to the local governing body. The memorandum of agreement  
32 must be, at a minimum, reviewed annually. The department(~~(7) in~~  
33 ~~consultation with the technical advisory group, created under RCW~~  
34 ~~18.104.190,)) shall adopt rules outlining the annual review and  
35 reporting process. A detailed summary of the review must be made  
36 available to well contractors and operators upon request and be  
37 published on the department's web site.~~

1 (4) With regard to the portions of the water well construction  
2 program delegated under this section, the local governing agency shall  
3 exercise only the authority delegated to it under this section. If,  
4 after a public hearing, the department determines that a local  
5 governing body is not administering the program in accordance with this  
6 chapter, it shall notify the local governing body of the deficiencies.  
7 If corrective action is not taken within a reasonable time, not to  
8 exceed sixty days, the department by order shall withdraw the  
9 delegation of authority.

10 (5) The department shall promptly furnish the local governing body  
11 with a copy of each water well report and notification of start cards  
12 received in the area covered by a delegated program.

13 (6) The department and the local governing body shall coordinate to  
14 reduce duplication of effort and shall share all appropriate  
15 information including technical reports, violations, and well reports.

16 (7) Any person aggrieved by a decision of a local health district  
17 or county under a delegated program may appeal the decision to the  
18 department. The department's decision is subject to review by the  
19 pollution control hearings board as provided in RCW 43.21B.110.

20 (8) The department shall not delegate the authority to license well  
21 contractors, renew licenses, receive notices of intent to commence  
22 constructing a well, receive well reports, or collect state fees  
23 provided for in this chapter.

24 **Sec. 87.** RCW 18.104.049 and 1993 c 387 s 7 are each amended to  
25 read as follows:

26 The department by rule shall adopt procedures to permit a well  
27 operator to modify construction standards to meet unforeseen  
28 circumstances encountered during the construction of a well. ((The  
29 procedures shall be developed in consultation with the technical  
30 advisory group established in RCW 18.104.190.))

31 **Sec. 88.** RCW 18.104.100 and 2005 c 84 s 5 are each amended to read  
32 as follows:

33 (1) Licenses issued pursuant to this chapter shall be renewed every  
34 two years. A license shall be renewed upon payment of a renewal fee  
35 and completion of continuing education requirements and receipt of a  
36 completed license renewal application. If a licensee fails to submit

1 an application for renewal, the renewal fee, and proof of completion of  
2 the required continuing education, the license shall be suspended at  
3 the end of its effective term. The licensee is not allowed to perform  
4 work authorized by their license during the time that it is suspended.  
5 The licensee is allowed thirty days to submit an application for  
6 renewal, the renewal fee, and proof of completion of the required  
7 continuing education for the renewal period. Continuing education  
8 obtained during the thirty-day suspension period may be applied only to  
9 the next renewal period. If a licensee fails to submit an application  
10 for renewal, the renewal fee, and proof of completion of the required  
11 continuing education by the end of the thirty-day suspension period,  
12 the license expires. The department shall adopt rules(~~(7—  
13 consultation—with—the—technical—advisory—group—created—under—RCW  
14 18.104.190,~~) that allow for an extension of the thirty-day suspension  
15 period for certain situations that are beyond the control of the  
16 licensee. The rules must also allow for a retirement or inactive  
17 license.

18 (2) A person whose license has expired must apply for a new license  
19 as provided in this chapter. The department may waive the requirement  
20 for a written examination and on-site testing for a person whose  
21 license has expired.

22 (3) The department may refuse to renew a license if the licensee  
23 has not complied with an order issued by the department or has not paid  
24 a penalty imposed in accordance with this chapter, unless the order or  
25 penalty is under appeal.

26 (4) The department may issue a conditional license to enable a  
27 former licensee to comply with an order to correct problems with a  
28 well.

29 **Sec. 89.** RCW 18.104.200 and 2005 c 84 s 6 are each amended to read  
30 as follows:

31 (1) A person seeking a new license or to renew an existing license  
32 under this chapter must demonstrate a willingness to maintain a high  
33 level of professional competency by completing continuing education  
34 programs as required by the department by rule. The department shall  
35 not approve any continuing education program unless: (a) It is offered  
36 by an approved provider; (b) it is open to all persons licensed or

1 pursuing a license under this chapter; and (c) the fees charged are  
2 reasonable for all persons desiring to attend the program.

3 (2) The department(~~(, in consultation with the technical advisory~~  
4 ~~group created in RCW 18.104.190,))~~ shall adopt rules governing  
5 continuing education programs. At a minimum, the rules must establish:  
6 A method of approving providers of continuing education; a criteria to  
7 evaluate the offerings, workshops, courses, classes, or programs; a  
8 criteria for assigning credits; and a criteria for reporting and  
9 verifying completion.

10 (3) The department shall support approved providers by providing,  
11 upon request and at the department's discretion, technical assistance  
12 and presenters for continuing education offerings.

13 (4) The department shall maintain a current list of all continuing  
14 education offerings by approved providers and ensure that the list is  
15 available to all licensees by request. The list must also be posted on  
16 the department's web site.

17 NEW SECTION. **Sec. 90.** A new section is added to chapter 34.05 RCW  
18 to read as follows:

19 The following acts or parts of acts are each temporarily suspended  
20 until July 1, 2012: RCW 34.05.610 (joint administrative rules review  
21 committee).

22 NEW SECTION. **Sec. 91.** A new section is added to chapter 43.185B  
23 RCW to read as follows:

24 The following acts or parts of acts are each temporarily suspended  
25 until July 1, 2012: RCW 43.185B.020 (affordable housing advisory  
26 board).

27 NEW SECTION. **Sec. 92.** A new section is added to chapter 43.20A  
28 RCW to read as follows:

29 The following acts or parts of acts are each temporarily suspended  
30 until July 1, 2012: RCW 43.20A.685 (council on aging).

31 NEW SECTION. **Sec. 93.** A new section is added to chapter 28B.108  
32 RCW to read as follows:

33 The following acts or parts of acts are each temporarily suspended

1 until July 1, 2012: RCW 28B.108.030 (American Indian endowed  
2 scholarship advisory and selection commission).

3 NEW SECTION. **Sec. 94.** A new section is added to chapter 46.66 RCW  
4 to read as follows:

5 The following acts or parts of acts are each temporarily suspended  
6 until July 1, 2012: RCW 46.66.010 (auto theft prevention authority).  
7 During the temporary suspension, the powers, duties, and authority of  
8 the auto theft prevention authority shall be assumed by the executive  
9 board of the Washington association of sheriffs and police chiefs  
10 within the current resources of the association.

11 NEW SECTION. **Sec. 95.** A new section is added to chapter 70.195  
12 RCW to read as follows:

13 The following acts or parts of acts are each temporarily suspended  
14 until July 1, 2012: RCW 70.195.010 (birth-to-six interagency  
15 coordinating council).

16 NEW SECTION. **Sec. 96.** The following act is temporarily suspended  
17 until July 1, 2012: 2007 c 354 s 12 (uncodified) (career and technical  
18 education curricula advisory committee).

19 NEW SECTION. **Sec. 97.** A new section is added to chapter 43.31 RCW  
20 to read as follows:

21 The following acts or parts of acts are each temporarily suspended  
22 until July 1, 2012: RCW 43.31.504 (child care facility fund  
23 committee).

24 NEW SECTION. **Sec. 98.** A new section is added to chapter 26.19 RCW  
25 to read as follows:

26 The following acts or parts of acts are each temporarily suspended  
27 until July 1, 2012: RCW 26.19.025 (child support guidelines and review  
28 report work group).

29 NEW SECTION. **Sec. 99.** A new section is added to chapter 35.78 RCW  
30 to read as follows:

31 The following acts or parts of acts are each temporarily suspended  
32 until July 1, 2012: RCW 35.78.020 (city and county design standards).

1        NEW SECTION.    **Sec. 100.**    A new section is added to chapter 43.32  
2    RCW to read as follows:

3        The following acts or parts of acts are each temporarily suspended  
4    until July 1, 2012:    RCW 43.32.010.

5        **Sec. 101.**    RCW 18.235.020 and 2009 c 412 s 22 and 2009 c 102 s 5  
6    are each reenacted and amended to read as follows:

7        (1) This chapter applies only to the director and the boards and  
8    commissions having jurisdiction in relation to the businesses and  
9    professions licensed under the chapters specified in this section.  
10   This chapter does not apply to any business or profession not licensed  
11   under the chapters specified in this section.

12        (2)(a) The director has authority under this chapter in relation to  
13   the following businesses and professions:

14        (i) Auctioneers under chapter 18.11 RCW;

15        (ii) Bail bond agents and bail bond recovery agents under chapter  
16   18.185 RCW;

17        (iii) Camping resorts' operators and salespersons under chapter  
18   19.105 RCW;

19        (iv) Commercial telephone solicitors under chapter 19.158 RCW;

20        (v) Cosmetologists, barbers, manicurists, and estheticians under  
21   chapter 18.16 RCW;

22        (vi) Court reporters under chapter 18.145 RCW;

23        (vii) Driver training schools and instructors under chapter 46.82  
24   RCW;

25        (viii) Employment agencies under chapter 19.31 RCW;

26        (ix) For hire vehicle operators under chapter 46.72 RCW;

27        (x) Limousines under chapter 46.72A RCW;

28        (xi) Notaries public under chapter 42.44 RCW;

29        (xii) Private investigators under chapter 18.165 RCW;

30        (xiii) Professional boxing, martial arts, and wrestling under  
31   chapter 67.08 RCW;

32        (xiv) Real estate appraisers under chapter 18.140 RCW;

33        (xv) Real estate brokers and salespersons under chapters 18.85 and  
34   18.86 RCW;

35        (xvi) Security guards under chapter 18.170 RCW;

36        (xvii) Sellers of travel under chapter 19.138 RCW;

1 (xviii) Timeshares and timeshare salespersons under chapter 64.36  
2 RCW;  
3 (xix) Collection agencies under chapter 19.16 RCW;  
4 (xx) Whitewater river outfitters under chapter 79A.60 RCW; (~~and~~  
5 ~~(xx)~~) (xxi) Home inspectors under chapter 18.280 RCW; and  
6 (~~(xxi)~~) (xxii) Body artists, body piercers, and tattoo artists,  
7 and body art, body piercing, and tattooing shops and businesses, under  
8 chapter 18.300 RCW.

9 (b) The boards and commissions having authority under this chapter  
10 are as follows:

11 (i) The state board of registration for architects established in  
12 chapter 18.08 RCW;

13 (~~(ii) (The Washington state collection agency board established in~~  
14 ~~chapter 19.16 RCW~~;

15 ~~(iii)~~) The state board of registration for professional engineers  
16 and land surveyors established in chapter 18.43 RCW governing licenses  
17 issued under chapters 18.43 and 18.210 RCW;

18 (~~(iv)~~) (iii) The funeral and cemetery board established in  
19 chapter 18.39 RCW governing licenses issued under chapters 18.39 and  
20 68.05 RCW;

21 (~~(v)~~) (iv) The state board of registration for landscape  
22 architects established in chapter 18.96 RCW; and

23 (~~(vi)~~) (v) The state geologist licensing board established in  
24 chapter 18.220 RCW.

25 (3) In addition to the authority to discipline license holders, the  
26 disciplinary authority may grant or deny licenses based on the  
27 conditions and criteria established in this chapter and the chapters  
28 specified in subsection (2) of this section. This chapter also governs  
29 any investigation, hearing, or proceeding relating to denial of  
30 licensure or issuance of a license conditioned on the applicant's  
31 compliance with an order entered under RCW 18.235.110 by the  
32 disciplinary authority.

33 **Sec. 102.** RCW 18.235.020 and 2009 c 412 s 22, 2009 c 370 s 20, and  
34 2009 c 102 s 5 are each reenacted and amended to read as follows:

35 (1) This chapter applies only to the director and the boards and  
36 commissions having jurisdiction in relation to the businesses and

1 professions licensed under the chapters specified in this section.  
2 This chapter does not apply to any business or profession not licensed  
3 under the chapters specified in this section.

4 (2)(a) The director has authority under this chapter in relation to  
5 the following businesses and professions:

- 6 (i) Auctioneers under chapter 18.11 RCW;
- 7 (ii) Bail bond agents and bail bond recovery agents under chapter  
8 18.185 RCW;
- 9 (iii) Camping resorts' operators and salespersons under chapter  
10 19.105 RCW;
- 11 (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- 12 (v) Cosmetologists, barbers, manicurists, and estheticians under  
13 chapter 18.16 RCW;
- 14 (vi) Court reporters under chapter 18.145 RCW;
- 15 (vii) Driver training schools and instructors under chapter 46.82  
16 RCW;
- 17 (viii) Employment agencies under chapter 19.31 RCW;
- 18 (ix) For hire vehicle operators under chapter 46.72 RCW;
- 19 (x) Limousines under chapter 46.72A RCW;
- 20 (xi) Notaries public under chapter 42.44 RCW;
- 21 (xii) Private investigators under chapter 18.165 RCW;
- 22 (xiii) Professional boxing, martial arts, and wrestling under  
23 chapter 67.08 RCW;
- 24 (xiv) Real estate appraisers under chapter 18.140 RCW;
- 25 (xv) Real estate brokers and salespersons under chapters 18.85 and  
26 18.86 RCW;
- 27 (xvi) Security guards under chapter 18.170 RCW;
- 28 (xvii) Sellers of travel under chapter 19.138 RCW;
- 29 (xviii) Timeshares and timeshare salespersons under chapter 64.36  
30 RCW;
- 31 (xix) Collection agencies under chapter 19.16 RCW;
- 32 (xx) Whitewater river outfitters under chapter 79A.60 RCW; (~~and~~  
33 ~~xx~~) (xxi) Home inspectors under chapter 18.280 RCW; and  
34 (~~(xxi)~~) (xxii) Body artists, body piercers, and tattoo artists,  
35 and body art, body piercing, and tattooing shops and businesses, under  
36 chapter 18.300 RCW.

37 (b) The boards and commissions having authority under this chapter  
38 are as follows:

1 (i) The state board of registration for architects established in  
2 chapter 18.08 RCW;

3 ~~(ii) ((The Washington state collection agency board established in  
4 chapter 19.16 RCW;~~

5 ~~(iii))~~ The state board of registration for professional engineers  
6 and land surveyors established in chapter 18.43 RCW governing licenses  
7 issued under chapters 18.43 and 18.210 RCW;

8 ~~((iv))~~ (iii) The funeral and cemetery board established in  
9 chapter 18.39 RCW governing licenses issued under chapters 18.39 and  
10 68.05 RCW;

11 ~~((v))~~ (iv) The state board of licensure for landscape architects  
12 established in chapter 18.96 RCW; and

13 ~~((vi))~~ (v) The state geologist licensing board established in  
14 chapter 18.220 RCW.

15 (3) In addition to the authority to discipline license holders, the  
16 disciplinary authority may grant or deny licenses based on the  
17 conditions and criteria established in this chapter and the chapters  
18 specified in subsection (2) of this section. This chapter also governs  
19 any investigation, hearing, or proceeding relating to denial of  
20 licensure or issuance of a license conditioned on the applicant's  
21 compliance with an order entered under RCW 18.235.110 by the  
22 disciplinary authority.

23 **Sec. 103.** RCW 19.16.100 and 2003 c 203 s 1 are each amended to  
24 read as follows:

25 Unless a different meaning is plainly required by the context, the  
26 following words and phrases as hereinafter used in this chapter shall  
27 have the following meanings:

28 (1) "Person" includes individual, firm, partnership, trust, joint  
29 venture, association, or corporation.

30 (2) "Collection agency" means and includes:

31 (a) Any person directly or indirectly engaged in soliciting claims  
32 for collection, or collecting or attempting to collect claims owed or  
33 due or asserted to be owed or due another person;

34 (b) Any person who directly or indirectly furnishes or attempts to  
35 furnish, sells, or offers to sell forms represented to be a collection  
36 system or scheme intended or calculated to be used to collect claims

1 even though the forms direct the debtor to make payment to the creditor  
2 and even though the forms may be or are actually used by the creditor  
3 himself or herself in his or her own name;

4 (c) Any person who in attempting to collect or in collecting his or  
5 her own claim uses a fictitious name or any name other than his or her  
6 own which would indicate to the debtor that a third person is  
7 collecting or attempting to collect such claim.

8 (3) "Collection agency" does not mean and does not include:

9 (a) Any individual engaged in soliciting claims for collection, or  
10 collecting or attempting to collect claims on behalf of a licensee  
11 under this chapter, if said individual is an employee of the licensee;

12 (b) Any individual collecting or attempting to collect claims for  
13 not more than one employer, if all the collection efforts are carried  
14 on in the name of the employer and if the individual is an employee of  
15 the employer;

16 (c) Any person whose collection activities are carried on in his,  
17 her, or its true name and are confined and are directly related to the  
18 operation of a business other than that of a collection agency, such as  
19 but not limited to: Trust companies; savings and loan associations;  
20 building and loan associations; abstract companies doing an escrow  
21 business; real estate brokers; property management companies collecting  
22 assessments, charges, or fines on behalf of condominium unit owners  
23 associations, associations of apartment owners, or homeowners'  
24 associations; public officers acting in their official capacities;  
25 persons acting under court order; lawyers; insurance companies; credit  
26 unions; loan or finance companies; mortgage banks; and banks;

27 (d) Any person who on behalf of another person prepares or mails  
28 monthly or periodic statements of accounts due if all payments are made  
29 to that other person and no other collection efforts are made by the  
30 person preparing the statements of account;

31 (e) An "out-of-state collection agency" as defined in this chapter;  
32 or

33 (f) Any person while acting as a debt collector for another person,  
34 both of whom are related by common ownership or affiliated by corporate  
35 control, if the person acting as a debt collector does so only for  
36 persons to whom it is so related or affiliated and if the principal  
37 business of the person is not the collection of debts.

1 (4) "Out-of-state collection agency" means a person whose  
2 activities within this state are limited to collecting debts from  
3 debtors located in this state by means of interstate communications,  
4 including telephone, mail, or facsimile transmission, from the person's  
5 location in another state on behalf of clients located outside of this  
6 state, but does not include any person who is excluded from the  
7 definition of the term "debt collector" under the federal fair debt  
8 collection practices act (15 U.S.C. Sec. 1692a(6)).

9 (5) "Claim" means any obligation for the payment of money or thing  
10 of value arising out of any agreement or contract, express or implied.

11 (6) "Statement of account" means a report setting forth only  
12 amounts billed, invoices, credits allowed, or aged balance due.

13 (7) "Director" means the director of licensing.

14 (8) "Client" or "customer" means any person authorizing or  
15 employing a collection agency to collect a claim.

16 (9) "Licensee" means any person licensed under this chapter.

17 (10) (~~("Board" means the Washington state collection agency board.~~

18 ~~(11))~~) "Debtor" means any person owing or alleged to owe a claim.

19 (~~(12))~~) (11) "Commercial claim" means any obligation for payment  
20 of money or thing of value arising out of any agreement or contract,  
21 express or implied, where the transaction which is the subject of the  
22 agreement or contract is not primarily for personal, family, or  
23 household purposes.

24 **Sec. 104.** RCW 19.16.420 and 1971 ex.s. c 253 s 33 are each amended  
25 to read as follows:

26 On or about the first day of February in each year, the director  
27 shall cause to be made available at reasonable expense to a licensee a  
28 copy of this chapter, a copy of the current rules and regulations of  
29 the director(~~(, and board,)~~) and such other materials as the director  
30 or board may prescribe.

31 NEW SECTION. **Sec. 105.** A new section is added to chapter 19.16  
32 RCW to read as follows:

33 The following acts or parts of acts are each temporarily suspended  
34 until July 1, 2012:

35 (1) RCW 19.16.280 (Board created--Composition of board--  
36 Qualification of members) and 1971 ex.s. c 253 s 19;

- 1 (2) RCW 19.16.290 (Board--Initial members--Terms--Oath--Removal)  
2 and 1971 ex.s. c 253 s 20;
- 3 (3) RCW 19.16.300 (Board meetings--Quorum--Effect of vacancy) and  
4 1971 ex.s. c 253 s 21;
- 5 (4) RCW 19.16.310 (Board--Compensation--Reimbursement of travel  
6 expenses) and 1984 c 287 s 54, 1975-'76 2nd ex.s. c 34 s 58, & 1971  
7 ex.s. c 253 s 22;
- 8 (5) RCW 19.16.320 (Board--Territorial scope of operations) and 1971  
9 ex.s. c 253 s 23;
- 10 (6) RCW 19.16.330 (Board--Immunity from suit) and 1971 ex.s. c 253  
11 s 24;
- 12 (7) RCW 19.16.340 (Board--Records) and 1971 ex.s. c 253 s 25;
- 13 (8) RCW 19.16.351 (Additional powers and duties of board) and 2002  
14 c 86 s 267, 1977 ex.s. c 194 s 2, & 1973 1st ex.s. c 20 s 8;
- 15 (9) RCW 19.16.410 (Rules, orders, decisions, etc) and 2007 c 256 s  
16 4 & 1971 ex.s. c 253 s 32; and
- 17 (10) RCW 19.16.420 (Copy of this chapter, rules and regulations  
18 available to licensee) and 1971 ex.s. c 253 s 33.

19 NEW SECTION. **Sec. 106.** A new section is added to chapter 72.78  
20 RCW to read as follows:

21 The following acts or parts of acts are each temporarily suspended  
22 until July 1, 2012: RCW 72.78.030 (community transition coordination  
23 networks advisory committee).

24 NEW SECTION. **Sec. 107.** A new section is added to chapter 70.198  
25 RCW to read as follows:

26 The following acts or parts of acts are each temporarily suspended  
27 until July 1, 2012: RCW 79.198.020 (deaf and hard of hearing advisory  
28 council).

29 NEW SECTION. **Sec. 108.** A new section is added to chapter 28A.175  
30 RCW to read as follows:

31 The following acts or parts of acts are each temporarily suspended  
32 until July 1, 2012: RCW 28A.175.075 (drop-out prevention state-level  
33 leadership group).

1        NEW SECTION.    **Sec. 109.**    A new section is added to chapter 43.06B  
2    RCW to read as follows:

3        The following acts or parts of acts are each temporarily suspended  
4    until July 1, 2012:    RCW 43.06B.010 (education ombudsman appointment  
5    committee).

6        NEW SECTION.    **Sec. 110.**    A new section is added to chapter 44.39  
7    RCW to read as follows:

8        The following acts or parts of acts are each temporarily suspended  
9    until July 1, 2012:    RCW 44.39.010 (joint committee on energy supply  
10   and energy conservation).

11       NEW SECTION.    **Sec. 111.**    A new section is added to chapter 38.52  
12   RCW to read as follows:

13       The following acts or parts of acts are each temporarily suspended  
14   until July 1, 2012:    RCW 38.52.530 (enhanced 911 advisory committee).

15       NEW SECTION.    **Sec. 112.**    A new section is added to chapter 43.22  
16   RCW to read as follows:

17       The following acts or parts of acts are each temporarily suspended  
18   until July 1, 2012:    RCW 43.22.420 (factory assembled structures  
19   advisory board).

20       NEW SECTION.    **Sec. 113.**    The following act is temporarily suspended  
21   until July 1, 2012:    2007 c 357 s 2 (uncodified) (joint legislative  
22   task force on family leave insurance).

23       NEW SECTION.    **Sec. 114.**    A new section is added to chapter 28A.300  
24   RCW to read as follows:

25       The following acts or parts of acts are each temporarily suspended  
26   until July 1, 2012:    RCW 28A.300.450 (financial literacy public-private  
27   partnership).

28       NEW SECTION.    **Sec. 115.**    A new section is added to chapter 43.31  
29   RCW to read as follows:

30       The following acts or parts of acts are each temporarily suspended  
31   until July 1, 2012:    RCW 43.31.425 (Hanford area economic investment  
32   fund committee).

1        NEW SECTION.    **Sec. 116.**    A new section is added to chapter 70.47A  
2    RCW to read as follows:

3        The following acts or parts of acts are each temporarily suspended  
4    until July 1, 2012:    RCW 70.47A.100 (health insurance partnership  
5    board).

6        NEW SECTION.    **Sec. 117.**    A new section is added to chapter 28B.115  
7    RCW to read as follows:

8        The following acts or parts of acts are each temporarily suspended  
9    until July 1, 2012:    RCW 28B.115.050 (health professional loan  
10   repayment and scholarship advisory committee).

11       NEW SECTION.    **Sec. 118.**    RCW 79A.30.030 (Washington state horse  
12   park authority--Formation--Powers--Articles of incorporation--Board)  
13   and 2000 c 11 s 85 & 1995 c 200 s 4 are each repealed.

14       NEW SECTION.    **Sec. 119.**    A new section is added to chapter 77.85  
15   RCW to read as follows:

16       The following acts or parts of acts are each temporarily suspended  
17   until July 1, 2012:    RCW 77.85.200 (lower Columbia fish recovery  
18   board).

19       NEW SECTION.    **Sec. 120.**    A new section is added to chapter 28A.305  
20   RCW to read as follows:

21       The following acts or parts of acts are each temporarily suspended  
22   until July 1, 2012:    RCW 28A.305.219 (mathematics advisory panel and  
23   science advisory panel).

24       NEW SECTION.    **Sec. 121.**    A new section is added to chapter 1.40 RCW  
25   to read as follows:

26       The following acts or parts of acts are each temporarily suspended  
27   until July 1, 2012:    RCW 1.40.020 (medal of merit committee).

28       NEW SECTION.    **Sec. 122.**    A new section is added to chapter 1.60 RCW  
29   to read as follows:

30       The following acts or parts of acts are each temporarily suspended  
31   until July 1, 2012:    RCW 1.60.020 (state medal of valor committee).

1        NEW SECTION.    **Sec. 123.**    A new section is added to chapter 13.60  
2    RCW to read as follows:

3        The following acts or parts of acts are each temporarily suspended  
4    until July 1, 2012:    RCW 13.60.120 (missing and exploited children task  
5    force).

6        NEW SECTION.    **Sec. 124.**    A new section is added to chapter 28B.10  
7    RCW to read as follows:

8        The following acts or parts of acts are each temporarily suspended  
9    until July 1, 2012:    RCW 28B.10.922 (performance agreement committee).

10       NEW SECTION.    **Sec. 125.**    A new section is added to chapter 28A.195  
11    RCW to read as follows:

12       The following acts or parts of acts are each temporarily suspended  
13    until July 1, 2012:    RCW 28A.195.050 (private school advisory  
14    committee).

15       NEW SECTION.    **Sec. 126.**    A new section is added to chapter 36.102  
16    RCW to read as follows:

17       The following acts or parts of acts are each temporarily suspended  
18    until July 1, 2012:    RCW 36.102.040 (public stadium authority advisory  
19    committee).

20       NEW SECTION.    **Sec. 127.**    A new section is added to chapter 41.04  
21    RCW to read as follows:

22       The following acts or parts of acts are each temporarily suspended  
23    until July 1, 2012:    RCW 41.04.276 (select committee on pension  
24    policy).

25       NEW SECTION.    **Sec. 128.**    The following act is temporarily suspended  
26    until July 1, 2012:    2008 c 195 s 2 (uncodified) (recreation on state  
27    trust lands work group).

28       NEW SECTION.    **Sec. 129.**    A new section is added to chapter 74.18  
29    RCW to read as follows:

30       The following acts or parts of acts are each temporarily suspended  
31    until July 1, 2012:    RCW 74.18.070 (rehabilitation council for the  
32    department of services for the blind).

1        NEW SECTION.    **Sec. 130.**    A new section is added to chapter 28A.600  
2    RCW to read as follows:

3        The following acts or parts of acts are each temporarily suspended  
4    until July 1, 2012:    RCW 28A.600.130 (scholars advisory and selection  
5    committee).

6        NEW SECTION.    **Sec. 131.**    A new section is added to chapter 28A.160  
7    RCW to read as follows:

8        The following acts or parts of acts are each temporarily suspended  
9    until July 1, 2012:    RCW 28A.160.195 (school bus equipment and  
10   specifications committee).

11       NEW SECTION.    **Sec. 132.**    The following acts or parts of acts are  
12   each repealed:    2007 c 520 s 6016 (uncodified) (joint legislative task  
13   force on school construction funding); and

14       2007 c 520 s 6026 (uncodified) (study committee on public  
15   infrastructure programs and funding structures).

16       NEW SECTION.    **Sec. 133.**    A new section is added to chapter 28A.525  
17   RCW to read as follows:

18       The following acts or parts of acts are each temporarily suspended  
19   until July 1, 2012:    RCW 28A.525.025 (school facilities citizen  
20   advisory panel).

21       NEW SECTION.    **Sec. 134.**    A new section is added to chapter 43.210  
22   RCW to read as follows:

23       The following acts or parts of acts are each temporarily suspended  
24   until July 1, 2012:    RCW 43.210.030 (small business export finance  
25   assistance center board).

26       NEW SECTION.    **Sec. 135.**    A new section is added to chapter 28A.175  
27   RCW to read as follows:

28       The following acts or parts of acts are each temporarily suspended  
29   until July 1, 2012:    RCW 28A.175.075 (state-level leadership group).

30       NEW SECTION.    **Sec. 136.**    A new section is added to chapter 58.24  
31   RCW to read as follows:

1 The following acts or parts of acts are each temporarily suspended  
2 until July 1, 2012: RCW 58.24.020 (survey advisory board).

3 NEW SECTION. **Sec. 137.** A new section is added to chapter 44.55  
4 RCW to read as follows:

5 The following acts or parts of acts are each temporarily suspended  
6 until July 1, 2012: RCW 44.55.020 (joint legislative oversight  
7 committee on trade policy).

8 NEW SECTION. **Sec. 138.** The following act is temporarily suspended  
9 until July 1, 2012: 2007 c 288 s 2 (uncodified) (joint legislative  
10 task force on underground economy in the construction industry).

11 NEW SECTION. **Sec. 139.** A new section is added to chapter 90.86  
12 RCW to read as follows:

13 The following acts or parts of acts are each temporarily suspended  
14 until July 1, 2012: RCW 90.86.010 (joint legislative committee on  
15 water supply during drought).

16 NEW SECTION. **Sec. 140.** The activities of the following boards and  
17 commissions shall be suspended until July 1, 2012:

- 18 (1) The joint select committee on beer and wine regulation; and  
19 (2) The committee on legislative old timers events.

20 NEW SECTION. **Sec. 141.** A new section is added to chapter 90.56  
21 RCW to read as follows:

22 The following acts or parts of acts are each temporarily suspended  
23 until July 1, 2012: RCW 90.56.120 (oil spill advisory council--  
24 Meetings--Travel expenses and compensation).

25 NEW SECTION. **Sec. 142.** A new section is added to chapter 43.20A  
26 RCW to read as follows:

27 The following committees established pursuant to authority granted  
28 in RCW 43.20A.350 are each suspended until July 1, 2012:

- 29 (1) Economic services advisory committee;  
30 (2) Medicaid school administrative match advisory committee;  
31 (3) Family to family advisory council, region 3.

1 **Commission on Equipment**

2 NEW SECTION. **Sec. 143.** The following acts or parts of acts are  
3 each repealed:

4 (1) RCW 46.38.010 (Compact enacted--Provisions) and 1963 c 204 s 1;

5 (2) RCW 46.38.020 (Legislative findings) and 1987 c 330 s 735 &  
6 1963 c 204 s 2;

7 (3) RCW 46.38.030 (Effective date of rules, etc. of vehicle safety  
8 equipment commission) and 1987 c 330 s 736, 1967 ex.s. c 145 s 57, &  
9 1963 c 204 s 3;

10 (4) RCW 46.38.040 (Appointment of commissioner and alternate  
11 commissioner) and 1987 c 330 s 737 & 1963 c 204 s 4;

12 (5) RCW 46.38.050 (Cooperation of state agencies with vehicle  
13 equipment safety commission) and 1963 c 204 s 5;

14 (6) RCW 46.38.060 (State officers for the filing of documents and  
15 receipt of notices) and 1987 c 330 s 738 & 1963 c 204 s 6;

16 (7) RCW 46.38.070 (Vehicle equipment safety commission to submit  
17 budgets to director of financial management) and 1979 c 151 s 160 &  
18 1963 c 204 s 7;

19 (8) RCW 46.38.080 (State auditor to inspect accounts of vehicle  
20 equipment safety commission) and 1963 c 204 s 8; and

21 (9) RCW 46.38.090 (Withdrawal from compact, "executive head"  
22 defined) and 1963 c 204 s 9.

23 **Western States School Bus Safety Commission**

24 NEW SECTION. **Sec. 144.** The following acts or parts of acts are  
25 each repealed:

26 (1) RCW 46.39.010 (Compact enacted--Provisions) and 1977 ex.s. c 88  
27 s 1; and

28 (2) RCW 46.39.020 (Designation of Washington state commissioners)  
29 and 1984 c 7 s 51 & 1977 ex.s. c 88 s 2.

30 NEW SECTION. **Sec. 145.** The traumatic brain injury grant advisory  
31 board must be dissolved by July 1, 2011. The traumatic brain injury  
32 council shall assume all duties and powers of the traumatic brain  
33 injury grant advisory board necessary to retain any federal grants.



1 the director. In making the appointments, the governor shall consider  
2 these recommendations or request additional nominations.

3 (d) Two members shall be veterans at large. Any individual or  
4 organization may nominate a veteran for an at-large position.  
5 Organizational affiliation shall not be a prerequisite for nomination  
6 or appointment. All nominations for the at-large positions shall be  
7 forwarded by the director to the governor.

8 (e) No organization shall have more than one official  
9 representative on the committee at any one time.

10 (f) In making appointments to the committee, care shall be taken to  
11 ensure that members represent all geographical portions of the state  
12 and minority viewpoints, and that the issues and views of concern to  
13 women veterans are represented.

14 (2) All members shall have terms of four years. In the case of a  
15 vacancy, appointment shall be only for the remainder of the unexpired  
16 term for which the vacancy occurs. No member may serve more than two  
17 consecutive terms, with vacancy appointments to an unexpired term not  
18 considered as a term. Members appointed before June 11, 1992, shall  
19 continue to serve until the expiration of their current terms; and  
20 then, subject to the conditions contained in this section, are eligible  
21 for reappointment.

22 (3) The committee shall adopt an order of business for conducting  
23 its meetings.

24 (4) The committee shall have the following powers and duties:

25 (a) To serve in an advisory capacity to the governor and the  
26 director on matters pertaining to the department of veterans affairs;

27 (b) To acquaint themselves fully with the operations of the  
28 department and recommend such changes to the governor and the director  
29 as they deem advisable; and

30 (c) To exercise the powers granted under RCW 43.60A.160 through  
31 43.60A.185 related to the competitive grant program.

32 (5) Members of the committee shall receive no compensation for the  
33 performance of their duties but shall receive a per diem allowance and  
34 mileage expense according to the provisions of chapter 43.03 RCW.

35 NEW SECTION. **Sec. 148.** The following acts or parts of acts are  
36 each repealed:

- 1 (1) RCW 43.60A.170 (Competitive grant program--Veterans innovations  
2 program board--Travel expenses) and 2006 c 343 s 5;  
3 (2) RCW 43.131.405 (Veterans innovations program--Termination) and  
4 2006 c 343 s 10; and  
5 (3) RCW 43.131.406 (Veterans innovations program--Repeal) and 2006  
6 c 343 s 11.

7 NEW SECTION. **Sec. 149.** The HIV policy collaborative established  
8 under RCW 43.70.040 must be dissolved by July 1, 2011. The HIV/AIDS  
9 education program review panel must assume all duties and powers of the  
10 HIV policy collaborative necessary to retain any federal grants.

11 NEW SECTION. **Sec. 150.** By July 1, 2011, the governor shall  
12 recommend to the legislature which of the boards and commissions,  
13 created either by statute or by action of the executive branch, shall  
14 receive state funding, those whose activities shall be suspended, and  
15 those which shall be terminated either by legislative or executive  
16 branch action.

17 NEW SECTION. **Sec. 151.** (1) All documents and papers, equipment,  
18 or other tangible property in the possession of the terminated entity  
19 shall be delivered to the custody of the entity assuming the  
20 responsibilities of the terminated entity or if such responsibilities  
21 have been eliminated, documents and papers shall be delivered to the  
22 state archivist and equipment or other tangible property to the  
23 department of general administration.

24 (2) All funds held by, or other moneys due to, the terminated  
25 entity shall revert to the fund from which they were appropriated, or  
26 if that fund is abolished to the general fund.

27 (3) All contractual rights and duties of an entity shall be  
28 assigned or delegated to the entity assuming the responsibilities of  
29 the terminated entity, or if there is none to such entity as the  
30 governor shall direct.

31 **Title and Registration Advisory Committee**

1        NEW SECTION.    **Sec. 152.**    RCW 46.01.320 (Title and registration  
2 advisory committee) and 2005 c 319 s 115, 1996 c 315 s 2, & 1992 c 216  
3 s 3 are each repealed.

4        **Sec. 153.**    RCW 46.01.325 and 2005 c 319 s 116 are each amended to  
5 read as follows:

6        (1) The director shall prepare(~~(, with the advice of the title and~~  
7 ~~registration advisory committee,)~~) an annual comprehensive analysis and  
8 evaluation of agent and subagent fees. The director shall make  
9 recommendations for agent and subagent fee revisions (~~(approved by the~~  
10 ~~title and registration advisory committee)~~) to the senate and house  
11 transportation committees by January 1st of every third year starting  
12 with 1996. Fee revision recommendations may be made more frequently  
13 when justified by the annual analysis and evaluation(~~(, and requested~~  
14 ~~by the title and registration advisory committee)~~).

15        (2) The annual comprehensive analysis and evaluation must consider,  
16 but is not limited to:

17        (a) Unique and significant financial, legislative, or other  
18 relevant developments that may impact fees;

19        (b) Current funding for ongoing operating and maintenance  
20 automation project costs affecting revenue collection and service  
21 delivery;

22        (c) Future system requirements including an appropriate sharing of  
23 costs between the department, agents, and subagents;

24        (d) Beneficial mix of customer service delivery options based on a  
25 fee structure commensurate with quality performance standards;

26        (e) Appropriate indices projecting state and national growth in  
27 business and economic conditions prepared by the United States  
28 department of commerce, the department of revenue, and the revenue  
29 forecast council for the state of Washington.

30        **Sec. 154.**    RCW 46.01.140 and 2005 c 343 s 1 are each amended to  
31 read as follows:

32        (1) The county auditor, if appointed by the director of licensing  
33 shall carry out the provisions of this title relating to the licensing  
34 of vehicles and the issuance of vehicle license number plates under the  
35 direction and supervision of the director and may with the approval of

1 the director appoint assistants as special deputies and recommend  
2 subagents to accept applications and collect fees for vehicle licenses  
3 and transfers and to deliver vehicle license number plates.

4 (2) A county auditor appointed by the director may request that the  
5 director appoint subagencies within the county.

6 (a) Upon authorization of the director, the auditor shall use an  
7 open competitive process including, but not limited to, a written  
8 business proposal and oral interview to determine the qualifications of  
9 all interested applicants.

10 (b) A subagent may recommend a successor who is either the  
11 subagent's sibling, spouse, or child, or a subagency employee, as long  
12 as the recommended successor participates in the open, competitive  
13 process used to select an applicant. In making successor  
14 recommendation and appointment determinations, the following provisions  
15 apply:

16 (i) If a subagency is held by a partnership or corporate entity,  
17 the nomination must be submitted on behalf of, and agreed to by, all  
18 partners or corporate officers.

19 (ii) No subagent may receive any direct or indirect compensation or  
20 remuneration from any party or entity in recognition of a successor  
21 nomination. A subagent may not receive any financial benefit from the  
22 transfer or termination of an appointment.

23 (iii) (a) and (b) of this subsection are intended to assist in the  
24 efficient transfer of appointments in order to minimize public  
25 inconvenience. They do not create a proprietary or property interest  
26 in the appointment.

27 (c) The auditor shall submit all proposals to the director, and  
28 shall recommend the appointment of one or more subagents who have  
29 applied through the open competitive process. The auditor shall  
30 include in his or her recommendation to the director, not only the name  
31 of the successor who is a relative or employee, if applicable and if  
32 otherwise qualified, but also the name of one other applicant who is  
33 qualified and was chosen through the open competitive process. The  
34 director has final appointment authority.

35 (3)(a) A county auditor who is appointed as an agent by the  
36 department shall enter into a standard contract provided by the  
37 director(~~(, developed with the advice of the title and registration~~  
38 ~~advisory committee)).~~

1 (b) A subagent appointed under subsection (2) of this section shall  
2 enter into a standard contract with the county auditor(~~(7-developed~~  
3 ~~with the advice of the title and registration advisory committee)~~).  
4 The director shall provide the standard contract to county auditors.

5 (c) The contracts provided for in (a) and (b) of this subsection  
6 must contain at a minimum provisions that:

7 (i) Describe the responsibilities, and where applicable, the  
8 liability, of each party relating to the service expectations and  
9 levels, equipment to be supplied by the department, and equipment  
10 maintenance;

11 (ii) Require the specific type of insurance or bonds so that the  
12 state is protected against any loss of collected motor vehicle tax  
13 revenues or loss of equipment;

14 (iii) Specify the amount of training that will be provided by the  
15 state, the county auditor, or subagents;

16 (iv) Describe allowable costs that may be charged to vehicle  
17 licensing activities as provided for in (d) of this subsection;

18 (v) Describe the causes and procedures for termination of the  
19 contract, which may include mediation and binding arbitration.

20 (d) The department shall develop procedures that will standardize  
21 and prescribe allowable costs that may be assigned to vehicle licensing  
22 and vessel registration and title activities performed by county  
23 auditors.

24 (e) The contracts may include any provision that the director deems  
25 necessary to ensure acceptable service and the full collection of  
26 vehicle and vessel tax revenues.

27 (f) The director may waive any provisions of the contract deemed  
28 necessary in order to ensure that readily accessible service is  
29 provided to the citizens of the state.

30 (4)(a) At any time any application is made to the director, the  
31 county auditor, or other agent pursuant to any law dealing with  
32 licenses, registration, or the right to operate any vehicle or vessel  
33 upon the public highways or waters of this state, excluding applicants  
34 already paying such fee under RCW 46.16.070 or 46.16.085, the applicant  
35 shall pay to the director, county auditor, or other agent a fee of  
36 three dollars for each application in addition to any other fees  
37 required by law.

1 (b) Counties that do not cover the expenses of vehicle licensing  
2 and vessel registration and title activities may submit to the  
3 department a request for cost-coverage moneys. The request must be  
4 submitted on a form developed by the department. The department shall  
5 develop procedures to verify whether a request is reasonable. Payment  
6 shall be made on requests found to be allowable from the licensing  
7 services account.

8 (c) Applicants for certificates of ownership, including applicants  
9 paying fees under RCW 46.16.070 or 46.16.085, shall pay to the  
10 director, county auditor, or other agent a fee of four dollars in  
11 addition to any other fees required by law.

12 (d) The fees under (a) and (c) of this subsection, if paid to the  
13 county auditor as agent of the director, or if paid to a subagent of  
14 the county auditor, shall be paid to the county treasurer in the same  
15 manner as other fees collected by the county auditor and credited to  
16 the county current expense fund. If the fee is paid to another agent  
17 of the director, the fee shall be used by the agent to defray his or  
18 her expenses in handling the application.

19 (e) Applicants required to pay the three-dollar fee established  
20 under (a) of this subsection, must pay an additional seventy-five  
21 cents, which must be collected and remitted to the state treasurer and  
22 distributed as follows:

23 (i) Fifty cents must be deposited into the department of licensing  
24 services account of the motor vehicle fund and must be used for agent  
25 and subagent support, which is to include but not be limited to the  
26 replacement of department-owned equipment in the possession of agents  
27 and subagents.

28 (ii) Twenty-five cents must be deposited into the license plate  
29 technology account created under RCW 46.16.685.

30 (5) A subagent shall collect a service fee of (a) ten dollars for  
31 changes in a certificate of ownership, with or without registration  
32 renewal, or verification of record and preparation of an affidavit of  
33 lost title other than at the time of the title application or transfer  
34 and (b) four dollars for registration renewal only, issuing a transit  
35 permit, or any other service under this section.

36 (6) If the fee is collected by the state patrol as agent for the  
37 director, the fee so collected shall be certified to the state  
38 treasurer and deposited to the credit of the state patrol highway

1 account. If the fee is collected by the department of transportation  
2 as agent for the director, the fee shall be certified to the state  
3 treasurer and deposited to the credit of the motor vehicle fund. All  
4 such fees collected by the director or branches of his office shall be  
5 certified to the state treasurer and deposited to the credit of the  
6 highway safety fund.

7 (7) Any county revenues that exceed the cost of providing vehicle  
8 licensing and vessel registration and title activities in a county,  
9 calculated in accordance with the procedures in subsection (3)(d) of  
10 this section, shall be expended as determined by the county legislative  
11 authority during the process established by law for adoption of county  
12 budgets.

13 (8) The director may adopt rules to implement this section.

14 NEW SECTION. **Sec. 155.** Any agency or state or local government  
15 entity that is required by statute to consult with a board or  
16 commission suspended or eliminated by this act shall instead seek  
17 informed opinions from other individuals or groups engaged in similar  
18 activities, as the director or governing body feels is appropriate.

19 NEW SECTION. **Sec. 156.** Sections 2 through 11, 118, 132, 133, 142,  
20 144, 145, and 151 through 156 of this act take effect June 30, 2010.

21 NEW SECTION. **Sec. 157.** Section 101 of this act expires July 1,  
22 2010.

23 NEW SECTION. **Sec. 158.** Section 102 of this act takes effect July  
24 1, 2010.

25 NEW SECTION. **Sec. 159.** Sections 12 through 89 of this act take  
26 effect June 30, 2011.

27 NEW SECTION. **Sec. 160.** Sections 90 through 100 and 103 through  
28 148 of this act expire July 1, 2012.

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