
HOUSE BILL 2581

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Appelwick, Padden, Dellwo, Jones and Springer; by request of Statute Law Committee

Read first time 01/19/94. Referred to Committee on Trade, Economic Development & Housing.

1 AN ACT Relating to obsolete references; amending RCW 4.24.400,
2 9.40.100, 18.20.130, 18.46.110, 18.51.140, 18.51.145, 18.85.310,
3 19.02.050, 19.27.070, 19.27.097, 19.27.150, 19.27A.110, 24.46.010,
4 27.34.020, 27.34.210, 27.34.310, 27.53.030, 27.53.130, 27.53.140,
5 27.60.040, 28A.160.090, 28A.215.110, 28A.215.120, 28A.300.150,
6 28A.300.160, 28A.305.130, 28A.335.310, 28A.610.030, 28B.20.283,
7 28B.20.289, 28B.20.293, 28B.65.060, 28B.80.800, 28C.04.440, 28C.04.460,
8 35.02.260, 35.13.171, 35.21.300, 35.21.687, 35.21.755, 35.21.779,
9 36.01.120, 36.27.100, 36.70A.030, 36.70A.040, 36.70A.210, 36.70A.385,
10 36.93.080, 36.110.030, 38.52.005, 38.52.090, 38.52.420, 38.54.010,
11 38.54.020, 38.54.030, 38.54.050, 39.19.040, 39.44.210, 39.44.230,
12 39.84.090, 39.86.110, 40.10.020, 41.06.072, 43.06.115, 43.08.260,
13 43.19.1920, 43.19.19201, 43.20A.037, 43.21A.170, 43.21A.510,
14 43.21A.515, 43.21A.612, 43.21J.030, 43.22.495, 43.23.035, 43.31.093,
15 43.31.960, 43.43.710, 43.63A.465, 43.63A.700, 43.70.330, 43.79.201,
16 43.83.184, 43.132.020, 43.132.030, 43.133.030, 43.133.050, 43.143.040,
17 43.150.040, 43.155.020, 43.160.030, 43.160.115, 43.160.180, 43.163.020,
18 43.163.060, 43.163.120, 43.165.010, 43.168.031, 43.170.020, 43.170.030,
19 43.170.070, 43.172.011, 43.172.020, 43.180.040, 43.180.200, 43.185.015,
20 43.185.020, 43.185.050, 43.185A.010, 43.185A.020, 43.185B.010,
21 43.190.030, 43.210.030, 43.210.050, 43.210.060, 43.210.070, 43.210.100,

1 43.210.120, 43.220.070, 43.280.020, 43.280.060, 43.280.070, 43.310.020,
2 46.12.295, 46.16.340, 46.37.467, 47.01.290, 47.06.110, 47.12.064,
3 47.39.040, 47.39.090, 47.50.090, 47.76.230, 48.05.320, 48.48.030,
4 48.48.040, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080,
5 48.48.090, 48.48.110, 48.48.140, 48.48.150, 48.50.020, 48.50.040,
6 48.53.020, 48.53.060, 50.38.030, 53.36.030, 54.16.285, 54.52.010,
7 54.52.020, 56.40.010, 56.40.020, 57.46.010, 57.46.020, 59.18.440,
8 59.21.010, 59.21.050, 59.22.010, 59.22.020, 59.22.070, 59.24.020,
9 59.24.050, 59.24.060, 59.28.040, 59.28.050, 59.28.060, 59.28.110,
10 66.08.190, 66.08.195, 67.16.100, 67.38.070, 68.60.030, 70.41.080,
11 70.62.290, 70.75.020, 70.75.030, 70.75.040, 70.77.170, 70.77.250,
12 70.77.305, 70.77.315, 70.77.325, 70.77.330, 70.77.355, 70.77.360,
13 70.77.365, 70.77.375, 70.77.415, 70.77.430, 70.77.435, 70.77.440,
14 70.77.450, 70.77.455, 70.77.460, 70.77.465, 70.77.575, 70.77.580,
15 70.94.537, 70.95.260, 70.95.265, 70.95.810, 70.95H.007, 70.95H.020,
16 70.95H.050, 70.105.020, 70.108.040, 70.128.180, 70.136.030, 70.160.060,
17 70.164.020, 70.190.010, 71.12.485, 72.09.055, 72.65.210, 74.13.090,
18 74.15.050, 74.15.080, 76.09.030, 76.56.020, 77.12.710, 79.08.1078,
19 79.90.565, 80.50.030, 81.80.450, 82.14.330, 82.14.335, 82.23B.020,
20 82.61.070, 88.12.275, 88.46.100, 90.56.100, and 90.56.280; reenacting
21 and amending RCW 28B.30.537, 28B.65.040, 28B.65.050, 38.52.010,
22 42.17.2401, and 80.28.010; decodifying RCW 41.06.089; providing an
23 effective date; providing an expiration date; and providing a
24 contingent expiration date.

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

26 **Sec. 1.** RCW 4.24.400 and 1986 c 266 s 79 are each amended to read
27 as follows:

28 No building warden, who acts in good faith, with or without
29 compensation, shall be personally liable for civil damages arising from
30 his or her negligent acts or omissions during the course of assigned
31 duties in assisting others to evacuate industrial, commercial,
32 governmental or multi-unit residential buildings or in attempting to
33 control or alleviate a hazard to the building or its occupants caused
34 by fire, earthquake or other threat to life or limb. The term
35 "building warden" means an individual who is assigned to take charge of
36 the occupants on a floor or in an area of a building during an
37 emergency in accordance with a predetermined fire safety or evacuation

1 plan; and/or an individual selected by a municipal fire chief or the
2 director of community, trade, and economic development, through the
3 director of fire protection, after an emergency is in progress to
4 assist in evacuating the occupants of such a building or providing for
5 their safety. This section shall not apply to any acts or omissions
6 constituting gross negligence or willful or wanton misconduct.

7 **Sec. 2.** RCW 9.40.100 and 1990 c 177 s 1 are each amended to read
8 as follows:

9 (1) Any person who willfully and without cause tampers with,
10 molests, injures or breaks any public or private fire alarm apparatus,
11 emergency phone, radio, or other wire or signal, or any fire fighting
12 equipment, or who willfully and without having reasonable grounds for
13 believing a fire exists, sends, gives, transmits, or sounds any false
14 alarm of fire, by shouting in a public place or by means of any public
15 or private fire alarm system or signal, or by telephone, is guilty of
16 a misdemeanor. This provision shall not prohibit the testing of fire
17 alarm systems by persons authorized to do so, by a fire department or
18 the director of community, trade, and economic development, through the
19 director of fire protection.

20 (2) Any person who willfully and without cause tampers with,
21 molests, injures, or breaks any public or private fire alarm apparatus,
22 emergency phone, radio, or other wire or signal, or any fire fighting
23 equipment with the intent to commit arson, is guilty of a felony.

24 **Sec. 3.** RCW 18.20.130 and 1986 c 266 s 81 are each amended to read
25 as follows:

26 Standards for fire protection and the enforcement thereof, with
27 respect to all boarding homes to be licensed hereunder, shall be the
28 responsibility of the director of community, trade, and economic
29 development, through the director of fire protection, who shall adopt
30 such recognized standards as may be applicable to boarding homes for
31 the protection of life against the cause and spread of fire and fire
32 hazards. The department upon receipt of an application for a license,
33 shall submit to the director of community, trade, and economic
34 development, through the director of fire protection, in writing, a
35 request for an inspection, giving the applicant's name and the location
36 of the premises to be licensed. Upon receipt of such a request, the
37 director of community, trade, and economic development, through the

1 director of fire protection, or his or her deputy, shall make an
2 inspection of the boarding home to be licensed, and if it is found that
3 the premises do not comply with the required safety standards and fire
4 regulations as promulgated by the director of community, trade, and
5 economic development, through the director of fire protection, he or
6 she shall promptly make a written report to the boarding home and the
7 department or authorized department as to the manner and time allowed
8 in which the premises must qualify for a license and set forth the
9 conditions to be remedied with respect to fire regulations. The
10 department, authorized department, applicant or licensee shall notify
11 the director of community, trade, and economic development, through the
12 director of fire protection, upon completion of any requirements made
13 by him or her, and the director of community, trade, and economic
14 development, through the director of fire protection, or his or her
15 deputy, shall make a reinspection of such premises. Whenever the
16 boarding home to be licensed meets with the approval of the director of
17 community, trade, and economic development, through the director of
18 fire protection, he or she shall submit to the department or authorized
19 department, a written report approving same with respect to fire
20 protection before a full license can be issued. The director of
21 community, trade, and economic development, through the director of
22 fire protection, shall make or cause to be made inspections of such
23 homes at least annually.

24 In cities which have in force a comprehensive building code, the
25 provisions of which are determined by the director of community, trade,
26 and economic development, through the director of fire protection, to
27 be equal to the minimum standards of the code for boarding homes
28 adopted by the director of community, trade, and economic development,
29 through the director of fire protection, the chief of the fire
30 department, provided the latter is a paid chief of a paid fire
31 department, shall make the inspection with the director of community,
32 trade, and economic development, through the director of fire
33 protection, or his or her deputy and they shall jointly approve the
34 premises before a full license can be issued.

35 **Sec. 4.** RCW 18.46.110 and 1986 c 266 s 82 are each amended to read
36 as follows:

37 Fire protection with respect to all maternity homes to be licensed
38 hereunder, shall be the responsibility of the director of community,

1 trade, and economic development, through the director of fire
2 protection, who shall adopt by reference, such recognized standards as
3 may be applicable to nursing homes, places of refuge, and maternity
4 homes for the protection of life against the cause and spread of fire
5 and fire hazards. The department upon receipt of an application for a
6 license, shall submit to the director of community, trade, and economic
7 development, through the director of fire protection, in writing, a
8 request for an inspection, giving the applicant's name and the location
9 of the premises to be licensed. Upon receipt of such a request, the
10 director of community, trade, and economic development, through the
11 director of fire protection, or his or her deputy, shall make an
12 inspection of the maternity home to be licensed, and if it is found
13 that the premises do not comply with the required safety standards and
14 fire regulations as promulgated by the director of community, trade,
15 and economic development, through the director of fire protection, he
16 or she shall promptly make a written report to the department as to the
17 manner in which the premises may qualify for a license and set forth
18 the conditions to be remedied with respect to fire regulations. The
19 department, applicant or licensee shall notify the director of
20 community, trade, and economic development, through the director of
21 fire protection, upon completion of any requirements made by him or
22 her, and the director of community, trade, and economic development,
23 through the director of fire protection, or his or her deputy, shall
24 make a reinspection of such premises. Whenever the maternity home to
25 be licensed meets with the approval of the director of community,
26 trade, and economic development, through the director of fire
27 protection, he or she shall submit to the department, a written report
28 approving same with respect to fire protection before a license can be
29 issued. The director of community, trade, and economic development,
30 through the director of fire protection, shall make or cause to be made
31 such inspection of such maternity homes as he or she deems necessary.

32 In cities which have in force a comprehensive building code, the
33 regulation of which is equal to the minimum standards of the code for
34 maternity homes adopted by the director of community, trade, and
35 economic development, through the director of fire protection, the
36 building inspector and the chief of the fire department, provided the
37 latter is a paid chief of a paid fire department, shall make the
38 inspection and shall approve the premises before a license can be
39 issued.

1 In cities where such building codes are in force, the director of
2 community, trade, and economic development, through the director of
3 fire protection, may, upon request by the chief fire official, or the
4 local governing body, or of a taxpayer of such city, assist in the
5 enforcement of any such code pertaining to maternity homes.

6 **Sec. 5.** RCW 18.51.140 and 1986 c 266 s 83 are each amended to read
7 as follows:

8 Standards for fire protection and the enforcement thereof, with
9 respect to all nursing homes to be licensed hereunder, shall be the
10 responsibility of the director of community, trade, and economic
11 development, through the director of fire protection, who shall adopt
12 such recognized standards as may be applicable to nursing homes for the
13 protection of life against the cause and spread of fire and fire
14 hazards. The department upon receipt of an application for a license,
15 shall submit to the director of community, trade, and economic
16 development, through the director of fire protection, in writing, a
17 request for an inspection, giving the applicant's name and the location
18 of the premises to be licensed. Upon receipt of such a request, the
19 director of community, trade, and economic development, through the
20 director of fire protection, or his or her deputy, shall make an
21 inspection of the nursing home to be licensed, and if it is found that
22 the premises do not comply with the required safety standards and fire
23 regulations as promulgated by the director of community, trade, and
24 economic development, through the director of fire protection, he or
25 she shall promptly make a written report to the nursing home and the
26 department as to the manner and time allowed in which the premises must
27 qualify for a license and set forth the conditions to be remedied with
28 respect to fire regulations. The department, applicant or licensee
29 shall notify the director of community, trade, and economic
30 development, through the director of fire protection, upon completion
31 of any requirements made by him or her, and the director of community,
32 trade, and economic development, through the director of fire
33 protection, or his or her deputy, shall make a reinspection of such
34 premises. Whenever the nursing home to be licensed meets with the
35 approval of the director of community, trade, and economic development,
36 through the director of fire protection, he or she shall submit to the
37 department, a written report approving same with respect to fire
38 protection before a full license can be issued. The director of

1 community, trade, and economic development, through the director of
2 fire protection, shall make or cause to be made inspections of such
3 nursing homes at least annually.

4 In cities which have in force a comprehensive building code, the
5 provisions of which are determined by the director of community, trade,
6 and economic development, through the director of fire protection, to
7 be equal to the minimum standards of the code for nursing homes adopted
8 by the director of community, trade, and economic development, through
9 the director of fire protection, the chief of the fire department,
10 provided the latter is a paid chief of a paid fire department, shall
11 make the inspection with the director of community, trade, and economic
12 development, through the director of fire protection, or his or her
13 deputy and they shall jointly approve the premises before a full
14 license can be issued.

15 **Sec. 6.** RCW 18.51.145 and 1986 c 266 s 84 are each amended to read
16 as follows:

17 Inspections of nursing homes by local authorities shall be
18 consistent with the requirements of chapter 19.27 RCW, the state
19 building code. Findings of a serious nature shall be coordinated with
20 the department and the director of community, trade, and economic
21 development, through the director of fire protection, for determination
22 of appropriate actions to ensure a safe environment for nursing home
23 residents. The director of community, trade, and economic development,
24 through the director of fire protection, shall have exclusive authority
25 to determine appropriate corrective action under this section.

26 **Sec. 7.** RCW 18.85.310 and 1993 c 50 s 2 are each amended to read
27 as follows:

28 (1) Every licensed real estate broker shall keep adequate records
29 of all real estate transactions handled by or through ~~((him))~~ the
30 broker. The records shall include, but are not limited to, a copy of
31 the earnest money receipt, and an itemization of the broker's receipts
32 and disbursements with each transaction. These records and all other
33 records hereinafter specified shall be open to inspection by the
34 director or ~~((his))~~ the director's authorized representatives.

35 (2) Every real estate broker shall also deliver or cause to be
36 delivered to all parties signing the same, at the time of signing,
37 conformed copies of all earnest money receipts, listing agreements and

1 all other like or similar instruments signed by the parties, including
2 the closing statement.

3 (3) Every real estate broker shall also keep separate real estate
4 fund accounts in a recognized Washington state depository authorized to
5 receive funds in which shall be kept separate and apart and physically
6 segregated from licensee broker's own funds, all funds or moneys of
7 clients which are being held by such licensee broker pending the
8 closing of a real estate sale or transaction, or which have been
9 collected for said client and are being held for disbursement for or to
10 said client and such funds shall be deposited not later than the first
11 banking day following receipt thereof.

12 (4) Separate accounts comprised of clients' funds required to be
13 maintained under this section, with the exception of property
14 management trust accounts, shall be interest-bearing accounts from
15 which withdrawals or transfers can be made without delay, subject only
16 to the notice period which the depository institution is required to
17 reserve by law or regulation.

18 (5) Every real estate broker shall maintain a pooled interest-
19 bearing escrow account for deposit of client funds, with the exception
20 of property management trust accounts, which are nominal. As used in
21 this section, a "nominal" deposit is a deposit of not more than five
22 thousand dollars.

23 The interest accruing on this account, net of any reasonable and
24 appropriate financial institution service charges or fees, shall be
25 paid to the state treasurer for deposit in the Washington housing trust
26 fund created in RCW 43.185.030 and the real estate education account
27 created in RCW 18.85.317. Appropriate service charges or fees are
28 those charges made by financial institutions on other demand deposit or
29 "now" accounts. An agent may, but shall not be required to, notify the
30 client of the intended use of such funds.

31 (6) All client funds not required to be deposited in the account
32 specified in subsection (5) of this section shall be deposited in:

33 (a) A separate interest-bearing trust account for the particular
34 client or client's matter on which the interest will be paid to the
35 client; or

36 (b) The pooled interest-bearing trust account specified in
37 subsection (5) of this section if the parties to the transaction agree.

1 The department of licensing shall promulgate regulations which will
2 serve as guidelines in the choice of an account specified in subsection
3 (5) of this section or an account specified in this subsection.

4 (7) For an account created under subsection (5) of this section, an
5 agent shall direct the depository institution to:

6 (a) Remit interest or dividends, net of any reasonable and
7 appropriate service charges or fees, on the average monthly balance in
8 the account, or as otherwise computed in accordance with an
9 institution's standard accounting practice, at least quarterly, to the
10 state treasurer for deposit in the housing trust fund created by RCW
11 43.185.030 and the real estate education account created in RCW
12 18.85.317; and

13 (b) Transmit to the director of community, trade, and economic
14 development a statement showing the name of the person or entity for
15 whom the remittance is spent, the rate of interest applied, and the
16 amount of service charges deducted, if any, and the account balance(s)
17 of the period in which the report is made, with a copy of such
18 statement to be transmitted to the depositing person or firm.

19 (8) The director shall forward a copy of the reports required by
20 subsection (7) of this section to the department of licensing to aid in
21 the enforcement of the requirements of this section consistent with the
22 normal enforcement and auditing practices of the department of
23 licensing.

24 (9) This section does not relieve any real estate broker from any
25 obligation with respect to the safekeeping of clients' funds.

26 (10) Any violation by a real estate broker of any of the provisions
27 of this section, or RCW 18.85.230, shall be grounds for revocation of
28 the licenses issued to the broker.

29 **Sec. 8.** RCW 19.02.050 and 1989 1st ex.s. c 9 s 317 are each
30 amended to read as follows:

31 ~~((1))~~ The legislature hereby directs the full participation by
32 the following agencies in the implementation of this chapter:

33 ~~((a))~~ (1) Department of agriculture;

34 ~~((b))~~ (2) Secretary of state;

35 ~~((c))~~ (3) Department of social and health services;

36 ~~((d))~~ (4) Department of revenue;

37 ~~((e))~~ (5) Department of ~~((fisheries))~~ fish and wildlife;

38 ~~((f))~~ (6) Department of employment security;

1 (~~(g)~~) (7) Department of labor and industries;
2 (~~(h)~~) (8) Department of community, trade, and economic
3 development;
4 (~~(i)~~) (9) Liquor control board;
5 (~~(j)~~) (10) Department of health;
6 (~~(k)~~) (11) Department of licensing;
7 (~~(l)~~) (12) Utilities and transportation commission; and
8 (~~(m)~~) (13) Other agencies as determined by the governor.

9 **Sec. 9.** RCW 19.27.070 and 1989 c 246 s 2 are each amended to read
10 as follows:

11 There is hereby established a state building code council to be
12 appointed by the governor.

13 (1) The state building code council shall consist of fifteen
14 members, two of whom shall be county elected legislative body members
15 or elected executives and two of whom shall be city elected legislative
16 body members or mayors. One of the members shall be a local government
17 building code enforcement official and one of the members shall be a
18 local government fire service official. Of the remaining nine members,
19 one member shall represent general construction, specializing in
20 commercial and industrial building construction; one member shall
21 represent general construction, specializing in residential and
22 multifamily building construction; one member shall represent the
23 architectural design profession; one member shall represent the
24 structural engineering profession; one member shall represent the
25 mechanical engineering profession; one member shall represent the
26 construction building trades; one member shall represent manufacturers,
27 installers, or suppliers of building materials and components; one
28 member shall be a person with a physical disability and shall represent
29 the disability community; and one member shall represent the general
30 public. At least six of these fifteen members shall reside east of the
31 crest of the Cascade mountains. The council shall include: Two
32 members of the house of representatives appointed by the speaker of the
33 house, one from each caucus; two members of the senate appointed by the
34 president of the senate, one from each caucus; and an employee of the
35 electrical division of the department of labor and industries, as ex
36 officio, nonvoting members with all other privileges and rights of
37 membership. Terms of office shall be for three years. The council
38 shall elect a member to serve as chair of the council for one-year

1 terms of office. Any member who is appointed by virtue of being an
2 elected official or holding public employment shall be removed from the
3 council if he or she ceases being such an elected official or holding
4 such public employment. Before making any appointments to the building
5 code council, the governor shall seek nominations from recognized
6 organizations which represent the entities or interests listed in this
7 subsection. Members serving on the council on July 28, 1985, may
8 complete their terms of office. Any vacancy shall be filled by
9 alternating appointments from governmental and nongovernmental entities
10 or interests until the council is constituted as required by this
11 subsection.

12 (2) Members shall not be compensated but shall receive
13 reimbursement for travel expenses in accordance with RCW 43.03.050 and
14 43.03.060.

15 (3) The department of community, trade, and economic development
16 shall provide administrative and clerical assistance to the building
17 code council.

18 **Sec. 10.** RCW 19.27.097 and 1991 sp.s. c 32 s 28 are each amended
19 to read as follows:

20 (1) Each applicant for a building permit of a building
21 necessitating potable water shall provide evidence of an adequate water
22 supply for the intended use of the building. Evidence may be in the
23 form of a water right permit from the department of ecology, a letter
24 from an approved water purveyor stating the ability to provide water,
25 or another form sufficient to verify the existence of an adequate water
26 supply. In addition to other authorities, the county or city may
27 impose conditions on building permits requiring connection to an
28 existing public water system where the existing system is willing and
29 able to provide safe and reliable potable water to the applicant with
30 reasonable economy and efficiency. An application for a water right
31 shall not be sufficient proof of an adequate water supply.

32 (2) Within counties not required or not choosing to plan pursuant
33 to RCW 36.70A.040, the county and the state may mutually determine
34 those areas in the county in which the requirements of subsection (1)
35 of this section shall not apply. The departments of health and ecology
36 shall coordinate on the implementation of this section. Should the
37 county and the state fail to mutually determine those areas to be
38 designated pursuant to this subsection, the county may petition the

1 department of community, trade, and economic development to mediate or,
2 if necessary, make the determination.

3 (3) Buildings that do not need potable water facilities are exempt
4 from the provisions of this section. The department of ecology, after
5 consultation with local governments, may adopt rules to implement this
6 section, which may recognize differences between high-growth and low-
7 growth counties.

8 **Sec. 11.** RCW 19.27.150 and 1989 c 246 s 6 are each amended to read
9 as follows:

10 Every month a copy of the United States department of commerce,
11 bureau of the census' "report of building or zoning permits issued and
12 local public construction" or equivalent report shall be transmitted by
13 the governing bodies of counties and cities to the department of
14 community, trade, and economic development.

15 **Sec. 12.** RCW 19.27A.110 and 1986 c 266 s 85 are each amended to
16 read as follows:

17 The director of community, trade, and economic development, through
18 the director of fire protection, is the only authority having
19 jurisdiction over the approval of portable oil-fueled heaters. The
20 sale and use of portable oil-fueled heaters is governed exclusively by
21 RCW 19.27A.080 through 19.27A.120: PROVIDED, That cities and counties
22 may adopt local standards as provided in RCW 19.27.040.

23 **Sec. 13.** RCW 24.46.010 and 1985 c 466 s 39 are each amended to
24 read as follows:

25 It is the finding of the legislature that foreign trade zones serve
26 an important public purpose by the creation of employment opportunities
27 within the state and that the establishment of zones designed to
28 accomplish this purpose is to be encouraged. It is the further intent
29 of the legislature that the department of community, trade, and
30 economic development provide assistance to entities planning to apply
31 to the United States for permission to establish such zones.

32 **Sec. 14.** RCW 27.34.020 and 1993 c 101 s 10 are each amended to
33 read as follows:

34 Unless the context clearly requires otherwise, the definitions in
35 this section apply throughout this chapter:

1 (1) "Advisory council" means the advisory council on historic
2 preservation.

3 (2) "Department" means the department of community, trade, and
4 economic development.

5 (3) "Director" means the director of community, trade, and economic
6 development.

7 (4) "Federal act" means the national historic preservation act of
8 1966 (Public Law 89-655; 80 Stat. 915).

9 (5) "Heritage council" means the Washington state heritage council.

10 (6) "Historic preservation" includes the protection,
11 rehabilitation, restoration, identification, scientific excavation, and
12 reconstruction of districts, sites, buildings, structures, and objects
13 significant in American and Washington state history, architecture,
14 archaeology, or culture.

15 (7) "Office" means the office of archaeology and historic
16 preservation within the department (~~(of community development)~~).

17 (8) "Preservation officer" means the state historic preservation
18 officer as provided for in RCW 27.34.210.

19 (9) "Project" means programs leading to the preservation for public
20 benefit of historical properties, whether by state and local
21 governments or other public bodies, or private organizations or
22 individuals, including the acquisition of title or interests in, and
23 the development of, any district, site, building, structure, or object
24 that is significant in American and Washington state history,
25 architecture, archaeology, or culture, and property used in connection
26 therewith, or for its development.

27 (10) "State historical agencies" means the state historical
28 societies and the office of archaeology and historic preservation
29 within the department (~~(of community development)~~).

30 (11) "State historical societies" means the Washington state
31 historical society and the eastern Washington state historical society.

32 (12) "Cultural resource management plan" means a comprehensive plan
33 which identifies and organizes information on the state of Washington's
34 historic, archaeological, and architectural resources into a set of
35 management criteria, and which is to be used for producing reliable
36 decisions, recommendations, and advice relative to the identification,
37 evaluation, and protection of these resources.

1 **Sec. 15.** RCW 27.34.210 and 1986 c 266 s 10 are each amended to
2 read as follows:

3 There is hereby established the office of archaeology and historic
4 preservation within the department (~~(of community development)~~).

5 The director shall appoint the preservation officer to assist the
6 director in implementing this chapter. The preservation officer shall
7 have a background in program administration, an active involvement in
8 historic preservation, and a knowledge of the national, state, and
9 local preservation programs as they affect the state of Washington.

10 **Sec. 16.** RCW 27.34.310 and 1993 c 325 s 3 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the following
13 definitions apply throughout RCW 27.34.320.

14 (1) "Agency" means the state agency, department, or institution
15 that has ownership of historic property.

16 (2) "Historic properties" means those buildings, sites, objects,
17 structures, and districts that are listed in or eligible for listing in
18 the National Register of Historic Places.

19 (3) "Office" means the office of archaeology and historic
20 preservation within the department of community, trade, and economic
21 development.

22 **Sec. 17.** RCW 27.53.030 and 1989 c 44 s 6 are each amended to read
23 as follows:

24 Unless the context clearly requires otherwise, the definitions
25 contained in this section shall apply throughout this chapter.

26 (1) "Archaeology" means systematic, scientific study of man's past
27 through material remains.

28 (2) "Archaeological object" means an object that comprises the
29 physical evidence of an indigenous and subsequent culture including
30 material remains of past human life including monuments, symbols,
31 tools, facilities, and technological by-products.

32 (3) "Archaeological site" means a geographic locality in
33 Washington, including but not limited to, submerged and submersible
34 lands and the bed of the sea within the state's jurisdiction, that
35 contains archaeological objects.

36 (4) "Department" means the department of community, trade, and
37 economic development.

1 (5) "Director" means the director of community, trade, and economic
2 development or the director's designee.

3 (6) "Historic" means peoples and cultures who are known through
4 written documents in their own or other languages. As applied to
5 underwater archaeological resources, the term historic shall include
6 only those properties which are listed in or eligible for listing in
7 the Washington State Register of Historic Places (RCW 27.34.220) or the
8 National Register of Historic Places as defined in the National
9 Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-
10 665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

11 (7) "Prehistoric" means peoples and cultures who are unknown
12 through contemporaneous written documents in any language.

13 (8) "Professional archaeologist" means a person who has met the
14 educational, training, and experience requirements of the society of
15 professional archaeologists.

16 (9) "Qualified archaeologist" means a person who has had formal
17 training and/or experience in archaeology over a period of at least
18 three years, and has been certified in writing to be a qualified
19 archaeologist by two professional archaeologists.

20 (10) "Amateur society" means any organization composed primarily of
21 persons who are not professional archaeologists, whose primary interest
22 is in the archaeological resources of the state, and which has been
23 certified in writing by two professional archaeologists.

24 (11) "Historic archaeological resources" means those properties
25 which are listed in or eligible for listing in the Washington State
26 Register of Historic Places (RCW 27.34.220) or the National Register of
27 Historic Places as defined in the National Historic Preservation Act of
28 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C.
29 Sec. 470) as now or hereafter amended.

30 **Sec. 18.** RCW 27.53.130 and 1988 c 124 s 10 are each amended to
31 read as follows:

32 The department (~~(of community development)~~) shall publish annually
33 and update as necessary a list of those areas where permits are
34 required to protect historic archaeological sites on aquatic lands.

35 **Sec. 19.** RCW 27.53.140 and 1988 c 124 s 11 are each amended to
36 read as follows:

1 The department (~~(of community development)~~) shall have such rule-
2 making authority as is necessary to carry out the provisions of this
3 chapter.

4 **Sec. 20.** RCW 27.60.040 and 1987 c 195 s 1 are each amended to read
5 as follows:

6 The 1989 Washington centennial commission shall develop a
7 comprehensive program for celebrating the centennial of Washington's
8 admission to the union in 1889. The program shall be developed to
9 represent the contributions of all peoples and cultures to Washington
10 state history and to the maximum feasible extent shall be designed to
11 encourage and support participation in the centennial by all interested
12 communities in the state. Program elements shall include:

13 (1) An annual report to the governor and the legislature
14 incorporating the commission's specific recommendations for the
15 centennial celebration. The report shall recommend projects and
16 activities including, but not limited to:

17 (a) Restoration of historic properties, with emphasis on those
18 properties appropriate for use in the observance of the centennial;

19 (b) State and local historic preservation programs and activities;

20 (c) State and local archaeological programs and activities;

21 (d) Publications, films, and other educational materials;

22 (e) Bibliographical and documentary projects;

23 (f) Conferences, lectures, seminars, and other programs;

24 (g) Museum, library, cultural center, and park improvements,
25 services, and exhibits, including mobile exhibits;

26 (h) Destination tourism attractions. Such destination tourism
27 attractions (i) shall be based upon the heritage of the state, (ii)
28 shall be sponsored and owned by the state, a municipal corporation
29 thereof, or a nonprofit corporation which has qualified under section
30 501(c)(3) of the federal internal revenue code, and (iii) shall satisfy
31 economic development criteria established in cooperation with the
32 director of community, trade, and economic development in accordance
33 with the administrative procedure act, chapter 34.05 RCW; and

34 (i) Ceremonies and celebrations.

35 (2) The implementation of programs as supported by legislative
36 appropriation, gifts and grants provided for the purposes of this
37 chapter, and earned income as provided in RCW 27.60.060, for a Pacific

1 celebration, centennial games, centennial publications, audio-visual
2 productions, and local celebrations throughout the state.

3 **Sec. 21.** RCW 28A.160.090 and 1990 c 33 s 137 are each amended to
4 read as follows:

5 Each school district board shall determine its own policy as to
6 whether or not its school buses will be rented or leased for the
7 purposes of RCW 28A.160.080, and if the board decision is to rent or
8 lease, under what conditions, subject to the following:

9 (1) Such renting or leasing may take place only after the ((state))
10 director of community, trade, and economic development or any of his or
11 her agents so authorized has, at the request of an involved
12 governmental agency, declared that an emergency exists in a designated
13 area insofar as the need for additional transport is concerned.

14 (2) The agency renting or leasing the school buses must agree, in
15 writing, to reimburse the school district for all costs and expenses
16 related to their use and also must provide an indemnity agreement
17 protecting the district against any type of claim or legal action
18 whatsoever, including all legal costs incident thereto.

19 **Sec. 22.** RCW 28A.215.110 and 1990 c 33 s 213 are each amended to
20 read as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section apply throughout RCW 28A.215.100 through 28A.215.200 and
23 28A.215.900 through 28A.215.908.

24 (1) "Advisory committee" means the advisory committee under RCW
25 28A.215.140.

26 (2) "At risk" means a child not eligible for kindergarten whose
27 family circumstances would qualify that child for eligibility under the
28 federal head start program.

29 (3) "Department" means the department of community, trade, and
30 economic development.

31 (4) "Eligible child" means an at-risk child as defined in this
32 section who is not a participant in a federal or state program
33 providing like educational services and may include children who are
34 eligible under rules adopted by the department if the number of such
35 children equals not more than ten percent of the total enrollment in
36 the preschool program.

1 (5) "Approved preschool programs" means those state-supported
2 education and special assistance programs which are recognized by the
3 department of community, trade, and economic development as meeting the
4 minimum program rules adopted by the department to qualify under RCW
5 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 and
6 are designated as eligible for funding by the department under RCW
7 28A.215.160 and 28A.215.180.

8 **Sec. 23.** RCW 28A.215.120 and 1988 c 174 s 3 are each amended to
9 read as follows:

10 The department of community, trade, and economic development shall
11 administer a state-supported preschool education and assistance program
12 to assist eligible children with educational, social, health,
13 nutritional, and cultural development to enhance their opportunity for
14 success in the common school system. Eligible children shall be
15 admitted to approved preschool programs to the extent that the
16 legislature provides funds, and additional eligible children may be
17 admitted to the extent that grants and contributions from community
18 sources provide sufficient funds for a program equivalent to that
19 supported by state funds.

20 **Sec. 24.** RCW 28A.300.150 and 1987 c 489 s 2 are each amended to
21 read as follows:

22 The superintendent of public instruction shall collect and
23 disseminate to school districts information on child abuse and neglect
24 prevention curriculum through the state clearinghouse for education
25 information. The superintendent of public instruction and the
26 departments of social and health services and community, trade, and
27 economic development shall share relevant information.

28 **Sec. 25.** RCW 28A.300.160 and 1987 c 489 s 3 are each amended to
29 read as follows:

30 (1) The office of the superintendent of public instruction shall be
31 the lead agency and shall assist the department of social and health
32 services, the department of community, trade, and economic development,
33 and school districts in establishing a coordinated primary prevention
34 program for child abuse and neglect.

35 (2) In developing the program, consideration shall be given to the
36 following:

1 (a) Parent, teacher, and children's workshops whose information and
2 training is:

3 (i) Provided in a clear, age-appropriate, nonthreatening manner,
4 delineating the problem and the range of possible solutions;

5 (ii) Culturally and linguistically appropriate to the population
6 served;

7 (iii) Appropriate to the geographic area served; and

8 (iv) Designed to help counteract common stereotypes about child
9 abuse victims and offenders;

10 (b) Training for school age children's parents and school staff,
11 which includes:

12 (i) Physical and behavioral indicators of abuse;

13 (ii) Crisis counseling techniques;

14 (iii) Community resources;

15 (iv) Rights and responsibilities regarding reporting;

16 (v) School district procedures to facilitate reporting and apprise
17 supervisors and administrators of reports; and

18 (vi) Caring for a child's needs after a report is made;

19 (c) Training for licensed day care providers and parents that
20 includes:

21 (i) Positive child guidance techniques;

22 (ii) Physical and behavioral indicators of abuse;

23 (iii) Recognizing and providing safe, quality day care;

24 (iv) Community resources;

25 (v) Rights and responsibilities regarding reporting; and

26 (vi) Caring for the abused or neglected child;

27 (d) Training for children that includes:

28 (i) The right of every child to live free of abuse;

29 (ii) How to disclose incidents of abuse and neglect;

30 (iii) The availability of support resources and how to obtain help;

31 (iv) Child safety training and age-appropriate self-defense
32 techniques; and

33 (v) A period for crisis counseling and reporting immediately
34 following the completion of each children's workshop in a school
35 setting which maximizes the child's privacy and sense of safety.

36 (3) The primary prevention program established under this section
37 shall be a voluntary program and shall not be part of the basic program
38 of education.

1 (4) Parents shall be given notice of the primary prevention program
2 and may refuse to have their children participate in the program.

3 **Sec. 26.** RCW 28A.305.130 and 1991 c 116 s 11 are each amended to
4 read as follows:

5 In addition to any other powers and duties as provided by law, the
6 state board of education shall:

7 (1) Approve or disapprove the program of courses leading to
8 teacher, school administrator, and school specialized personnel
9 certification offered by all institutions of higher education within
10 the state which may be accredited and whose graduates may become
11 entitled to receive such certification.

12 (2) Conduct every five years a review of the program approval
13 standards, including the minimum standards for teachers,
14 administrators, and educational staff associates, to reflect research
15 findings and assure continued improvement of preparation programs for
16 teachers, administrators, and educational staff associates.

17 (3) Investigate the character of the work required to be performed
18 as a condition of entrance to and graduation from any institution of
19 higher education in this state relative to such certification as
20 provided for in subsection (1) above, and prepare a list of accredited
21 institutions of higher education of this and other states whose
22 graduates may be awarded such certificates.

23 (4)(a) The state board of education shall adopt rules to allow a
24 teacher certification candidate to fulfill, in part, teacher
25 preparation program requirements through work experience as a
26 noncertificated teacher's aide in a public school or private school
27 meeting the requirements of RCW 28A.195.010. The rules shall include,
28 but are not limited to, limitations based upon the recency of the
29 teacher preparation candidate's teacher aide work experience, and
30 limitations based on the amount of work experience that may apply
31 toward teacher preparation program requirements under this chapter.

32 (b) The state board of education shall require that at the time of
33 the individual's enrollment in a teacher preparation program, the
34 supervising teacher and the building principal shall jointly provide to
35 the teacher preparation program of the higher education institution at
36 which the teacher candidate is enrolled, a written assessment of the
37 performance of the teacher candidate. The assessment shall contain
38 such information as determined by the state board of education and

1 shall include: Evidence that at least fifty percent of the candidate's
2 work as a noncertificated teacher's aide was involved in instructional
3 activities with children under the supervision of a certificated
4 teacher and that the candidate worked a minimum of six hundred thirty
5 hours for one school year; the type of work performed by the candidate;
6 and a recommendation of whether the candidate's work experience as a
7 noncertificated teacher's aide should be substituted for teacher
8 preparation program requirements. In compliance with such rules as may
9 be established by the state board of education under this section, the
10 teacher preparation programs of the higher education institution where
11 the candidate is enrolled shall make the final determination as to what
12 teacher preparation program requirements may be fulfilled by teacher
13 aide work experience.

14 (5) Supervise the issuance of such certificates as provided for in
15 subsection (1) above and specify the types and kinds of certificates
16 necessary for the several departments of the common schools by rule or
17 regulation in accordance with RCW 28A.410.010.

18 (6) Accredite, subject to such accreditation standards and
19 procedures as may be established by the state board of education, all
20 schools that apply for accreditation, and approve, subject to the
21 provisions of RCW 28A.195.010, private schools carrying out a program
22 for any or all of the grades one through twelve: PROVIDED, That no
23 public or private schools shall be placed upon the list of accredited
24 schools so long as secret societies are knowingly allowed to exist
25 among its students by school officials: PROVIDED FURTHER, That the
26 state board may elect to require all or certain classifications of the
27 public schools to conduct and participate in such pre-accreditation
28 examination and evaluation processes as may now or hereafter be
29 established by the board.

30 (7) Make rules and regulations governing the establishment in any
31 existing nonhigh school district of any secondary program or any new
32 grades in grades nine through twelve. Before any such program or any
33 new grades are established the district must obtain prior approval of
34 the state board.

35 (8) Prepare such outline of study for the common schools as the
36 board shall deem necessary, and prescribe such rules for the general
37 government of the common schools, as shall seek to secure regularity of
38 attendance, prevent truancy, secure efficiency, and promote the true
39 interest of the common schools.

1 (9) Continuously reevaluate courses and adopt and enforce
2 regulations within the common schools so as to meet the educational
3 needs of students and articulate with the institutions of higher
4 education and unify the work of the public school system.

5 (10) Carry out board powers and duties relating to the organization
6 and reorganization of school districts under RCW 28A.315.010 through
7 28A.315.680 and 28A.315.900.

8 (11) By rule or regulation promulgated upon the advice of the
9 director of community, trade, and economic development, through the
10 director of fire protection, provide for instruction of pupils in the
11 public and private schools carrying out a K through 12 program, or any
12 part thereof, so that in case of sudden emergency they shall be able to
13 leave their particular school building in the shortest possible time or
14 take such other steps as the particular emergency demands, and without
15 confusion or panic; such rules and regulations shall be published and
16 distributed to certificated personnel throughout the state whose duties
17 shall include a familiarization therewith as well as the means of
18 implementation thereof at their particular school.

19 (12) Hear and decide appeals as otherwise provided by law.

20 The state board of education is given the authority to promulgate
21 information and rules dealing with the prevention of child abuse for
22 purposes of curriculum use in the common schools.

23 **Sec. 27.** RCW 28A.335.310 and 1993 c 461 s 3 are each amended to
24 read as follows:

25 (1) Every school district shall identify and catalog real property
26 of the district that is no longer required for school purposes and is
27 suitable for the development of affordable housing for very low-income,
28 low-income, and moderate-income households as defined in RCW
29 43.63A.510. The inventory shall include the location, approximate
30 size, and current zoning classification of the property. Every school
31 district shall provide a copy of the inventory to the department of
32 community, trade, and economic development by November 1, 1993, with
33 inventory revisions each November 1 thereafter.

34 (2) By November 1 of each year, beginning in 1994, every school
35 district shall purge the inventory of real property of sites that are
36 no longer available for the development of affordable housing. The
37 inventory revision shall include an updated listing of real property

1 that has become available since the last update. As used in this
2 section, "real property" means buildings, land, or buildings and land.

3 **Sec. 28.** RCW 28A.610.030 and 1990 c 33 s 507 are each amended to
4 read as follows:

5 (1) The superintendent of public instruction, in consultation with
6 the department of community, trade, and economic development, the
7 department of social and health services, the state board for community
8 and technical colleges (~~(education)~~), and community-based, nonprofit
9 providers of adult literacy services, shall develop an adult literacy
10 program to serve eligible parents as defined under RCW 28A.610.020.
11 The program shall give priority to serving parents with children who
12 have not yet enrolled in school or are in grades kindergarten through
13 three.

14 (2) In addition to providing basic skills instruction to eligible
15 parents, the program may include other program components which may
16 include transportation, child care, and such other directly necessary
17 activities as may be necessary to accomplish the purposes of RCW
18 28A.610.020 through 28A.610.060.

19 (3) Parents who elect to participate in training or work programs,
20 as a condition of receiving public assistance, shall have the hours
21 spent in parent participation programs, conducted as part of a federal
22 head start program, or the state early childhood education and
23 assistance program under RCW 28A.215.100 through 28A.215.200 and
24 28A.215.900 through 28A.215.908, or parent literacy programs under RCW
25 28A.610.020 through 28A.610.060, counted toward the fulfillment of
26 their work and training obligation for the receipt of public
27 assistance.

28 (4) State funds as may be appropriated for project even start shall
29 be used solely to expand and complement, but not supplant, federal
30 funds for adult literary programs.

31 (5) The superintendent of public instruction shall adopt rules as
32 necessary to carry out the purposes of RCW 28A.610.020 through
33 28A.610.060.

34 **Sec. 29.** RCW 28B.20.283 and 1992 c 142 s 1 are each amended to
35 read as follows:

36 The legislature finds that the development and commercialization of
37 new technology is a vital part of economic development.

1 The legislature also finds that it is in the interests of the state
2 of Washington to provide a mechanism to transfer and apply research and
3 technology developed at the institutions of higher education to the
4 private sector in order to create new products and technologies which
5 provide job opportunities in advanced technology for the citizens of
6 this state.

7 It is the intent of the legislature that the University of
8 Washington, the Washington State University, and the department of
9 community, trade, and economic development work cooperatively with the
10 private sector in the development and implementation of a world class
11 technology transfer program.

12 **Sec. 30.** RCW 28B.20.289 and 1992 c 142 s 4 are each amended to
13 read as follows:

14 (1) The technology center shall be administered by the board of
15 directors of the technology center.

16 (2) The board shall consist of the following members: Fourteen
17 members from among individuals who are associated with or employed by
18 technology-based industries and have broad business experience and an
19 understanding of high technology; eight members from the state's
20 universities with graduate science and engineering programs; the
21 executive director of the Spokane Intercollegiate Research and
22 Technology Institute or his or her designated representative; the
23 provost of the University of Washington or his or her designated
24 representative; the provost of the Washington State University or his
25 or her designated representative; and the director of the ((state))
26 department of community, trade, and economic development or his or her
27 designated representative. The term of office for each board member,
28 excluding the executive director of the Spokane Intercollegiate
29 Research and Technology Institute, the provost of the University of
30 Washington, the provost of the Washington State University, and the
31 director of the ((state)) department of community, trade, and economic
32 development, shall be three years. The executive director of the
33 technology center shall be an ex officio, nonvoting member of the
34 board. The board shall meet at least quarterly. Board members shall
35 be appointed by the governor based on the recommendations of the
36 existing board of the technology center, and the research universities.
37 The governor shall stagger the terms of the first group of appointees
38 to ensure the long term continuity of the board.

1 (3) The duties of the board include:

2 (a) Developing the general operating policies for the technology
3 center;

4 (b) Appointing the executive director of the technology center;

5 (c) Approving the annual operating budget of the technology center;

6 (d) Establishing priorities for the selection and funding of
7 research projects that guarantee the greatest potential return on the
8 state's investment;

9 (e) Approving and allocating funding for research projects
10 conducted by the technology center, based on the recommendations of the
11 advisory committees for each of the research centers;

12 (f) In cooperation with the department of community, trade, and
13 economic development, developing a biennial work plan and five-year
14 strategic plan for the technology center that are consistent with the
15 state-wide technology development and commercialization goals;

16 (g) Coordinating with the University of Washington, Washington
17 State University, and other participating institutions of higher
18 education in the development of training, research, and development
19 programs to be conducted at the technology center that shall be
20 targeted to meet industrial needs;

21 (h) Assisting the department of community, trade, and economic
22 development in the department's efforts to develop state science and
23 technology public policies and coordinate publicly funded programs;

24 (i) Reviewing annual progress reports on funded research projects
25 that are prepared by the advisory committees for each of the research
26 centers;

27 (j) Providing an annual report to the governor and the legislature
28 detailing the activities and performance of the technology center; and

29 (k) Submitting annually to the department of community, trade, and
30 economic development an updated strategic plan and a statement of
31 performance measured against the mission, roles, and contractual
32 obligations of the technology center.

33 **Sec. 31.** RCW 28B.20.293 and 1992 c 142 s 6 are each amended to
34 read as follows:

35 The department of community, trade, and economic development shall
36 contract with the University of Washington for the expenditure of
37 state-appropriated funds for the operation of the Washington technology
38 center. The department of community, trade, and economic development

1 shall provide guidance to the technology center regarding expenditure
2 of state-appropriated funds and the development of the center's
3 strategic plan. The director of the department of community, trade,
4 and economic development shall not withhold funds appropriated for the
5 technology center if the technology center complies with the provisions
6 of its contract with the department of community, trade, and economic
7 development. The department shall be responsible to the legislature
8 for the contractual performance of the center.

9 **Sec. 32.** RCW 28B.30.537 and 1987 c 505 s 14 and 1987 c 195 s 3 are
10 each reenacted and amended to read as follows:

11 The IMPACT center shall:

12 (1) Coordinate the teaching, research, and extension expertise of
13 the college of agriculture and home economics at Washington State
14 University to assist in:

15 (a) The design and development of information and strategies to
16 expand the long-term international markets for Washington agricultural
17 products; and

18 (b) The dissemination of such information and strategies to
19 Washington exporters, overseas users, and public and private trade
20 organizations;

21 (2) Research and identify current impediments to increased exports
22 of Washington agricultural products, and determine methods of
23 surmounting those impediments and opportunities for exporting new
24 agricultural products and commodities to foreign markets;

25 (3) Prepare curricula to present and distribute information
26 concerning international trade in agricultural commodities and products
27 to students, exporters, international traders, and the public;

28 (4) Provide high-quality research and graduate education and
29 professional nondegree training in international trade in agricultural
30 commodities in cooperation with other existing programs;

31 (5) Ensure that activities of the center adequately reflect the
32 objectives for the state's agricultural market development programs
33 established by the department of agriculture as the lead state agency
34 for such programs under chapter 43.23 RCW;

35 (6) Link itself through cooperative agreements with the center for
36 international trade in forest products at the University of Washington,
37 the state department of agriculture, the ((state)) department of
38 community, trade, and economic development, Washington's agriculture

1 businesses and associations, and other state agency data collection,
2 processing, and dissemination efforts; and

3 (7) Subject to RCW 40.07.040, report biennially to the governor and
4 the legislature on the IMPACT center, state agricultural commodities
5 marketing programs, and the center's success in obtaining nonstate
6 funding for its operation.

7 **Sec. 33.** RCW 28B.65.040 and 1985 c 381 s 1 and 1985 c 370 s 86 are
8 each reenacted and amended to read as follows:

9 (1) The Washington high-technology coordinating board is hereby
10 created.

11 (2) The board shall be composed of eighteen members as follows:

12 (a) Eleven shall be citizen members appointed by the governor, with
13 the consent of the senate, for four-year terms. In making the
14 appointments the governor shall ensure that a balanced geographic
15 representation of the state is achieved and shall attempt to choose
16 persons experienced in high-technology fields, including at least one
17 representative of labor. Any person appointed to fill a vacancy
18 occurring before a term expires shall be appointed only for the
19 remainder of that term; and

20 (b) Seven of the members shall be as follows: One representative
21 from each of the state's two research universities, one representative
22 of the state college and regional universities, the director for the
23 state system of community and technical colleges or the director's
24 designee, the superintendent of public instruction or the
25 superintendent's designee, a representative of the higher education
26 coordinating board, and the director of the department of community,
27 trade, and economic development or the director's designee.

28 (3) Members of the board shall not receive any salary for their
29 services, but shall be reimbursed for travel expenses under RCW
30 43.03.050 and 43.03.060 for each day actually spent in attending to
31 duties as a member of the board.

32 (4) A citizen member of the board shall not be, during the term of
33 office, a member of the governing board of any public or private
34 educational institution, or an employee of any state or local agency.

35 **Sec. 34.** RCW 28B.65.050 and 1985 c 381 s 2 and 1985 c 370 s 87 are
36 each reenacted and amended to read as follows:

1 (1) The board shall oversee, coordinate, and evaluate the high-
2 technology programs.

3 (2) The board shall:

4 (a) Determine the specific high-technology occupational fields in
5 which technical training is needed and advise the institutions of
6 higher education and the higher education coordinating board on their
7 findings;

8 (b) Identify economic areas and high-technology industries in need
9 of technical training and research and development critical to economic
10 development and advise the institutions of higher education and the
11 higher education coordinating board on their findings;

12 (c) Oversee and coordinate the Washington high-technology education
13 and training program to insure high standards, efficiency, and
14 effectiveness;

15 (d) Work cooperatively with the superintendent of public
16 instruction to identify the skills prerequisite to the high-technology
17 programs in the institutions of higher education;

18 (e) Work cooperatively with and provide any information or advice
19 which may be requested by the higher education coordinating board
20 during the board's review of new baccalaureate degree program proposals
21 which are submitted under this chapter. Nothing in this chapter shall
22 be construed as altering or superseding the powers or prerogatives of
23 the higher education coordinating board over the review of new degree
24 programs as established in ((RCW-28B.80.035)) section 6(2) of this 1985
25 act;

26 (f) Work cooperatively with the department of community, trade, and
27 economic development to identify the high-technology education and
28 training needs of existing Washington businesses and businesses with
29 the potential to locate in Washington;

30 (g) Work towards increasing private sector participation and
31 contributions in Washington high-technology programs;

32 (h) Identify and evaluate the effectiveness of state sponsored
33 research related to high technology;

34 (i) Establish and maintain a plan, including priorities, to guide
35 high-technology program development in public institutions of higher
36 education, which plan shall include an assessment of current high-
37 technology programs, steps to increase existing programs, new
38 initiatives and programs necessary to promote high technology, and

1 methods to coordinate and target high-technology programs to changing
2 market opportunities in business and industry; and

3 (j) Prepare and submit to the legislature before the first day of
4 each regular session an annual report on Washington high-technology
5 programs including, but not limited to:

6 (i) An evaluation of each program;

7 (ii) A determination of the feasibility of expanding the program;
8 and

9 (iii) Recommendations, including recommendations for further
10 legislation as the board deems necessary.

11 (3) The board may adopt rules under chapter 34.05 RCW as it deems
12 necessary to carry out the purposes of this chapter.

13 (4) The board shall cease to exist on June 30, 1987, unless
14 extended by law for an additional fixed period of time.

15 **Sec. 35.** RCW 28B.65.060 and 1985 c 381 s 3 are each amended to
16 read as follows:

17 Staff support for the high-technology coordinating board shall be
18 provided by the department of community, trade, and economic
19 development.

20 **Sec. 36.** RCW 28B.80.800 and 1993 c 382 s 1 are each amended to
21 read as follows:

22 The Washington task force on international education and cultural
23 exchanges is established. The task force shall be administered by the
24 higher education coordinating board, with the assistance and support of
25 the superintendent of public instruction, institutions of higher
26 education, the department of community, trade, and economic
27 development, and other appropriate state agencies. The members of the
28 task force may include but need not be limited to: Legislators;
29 executives from business and agriculture; labor leaders; native
30 American tribal representatives; officials from local government;
31 regents and trustees; administrators from schools, community and
32 technical colleges, colleges, and universities; faculty; and
33 representatives from cultural and cultural exchange organizations. To
34 the extent possible when selecting members for the task force, the
35 board shall select members from diverse cultural backgrounds and shall
36 strive to promote geographic balance.

1 **Sec. 37.** RCW 28C.04.440 and 1985 c 466 s 40 are each amended to
2 read as follows:

3 The department of community, trade, and economic development (~~or~~
4 ~~its successor~~) and the employment security department shall each enter
5 into an interagency agreement with the commission on vocational
6 education to establish cooperative working arrangements for the
7 purposes of RCW 28C.04.410 through 28C.04.480.

8 **Sec. 38.** RCW 28C.04.460 and 1985 c 466 s 41 are each amended to
9 read as follows:

10 The department of community, trade, and economic development or its
11 successor shall for the purposes of RCW 28C.04.410 through 28C.04.480:

12 (1) Work cooperatively with the commission on vocational education
13 to market the job skills program to business and economic development
14 agencies and other firms;

15 (2) Recruit industries from outside the state to participate in the
16 job skills training program; and

17 (3) Refer business and industry interested in developing a job
18 skills training program to the commission on vocational education.

19 **Sec. 39.** RCW 35.02.260 and 1991 c 360 s 6 are each amended to read
20 as follows:

21 The department of community, trade, and economic development shall
22 identify federal, state, and local agencies that should receive
23 notification that a new city or town is about to incorporate and shall
24 assist newly formed cities and towns during the interim period before
25 the official date of incorporation in providing such notification to
26 the identified agencies.

27 **Sec. 40.** RCW 35.13.171 and 1985 c 6 s 2 are each amended to read
28 as follows:

29 Within thirty days after the filing of a city's or town's
30 annexation resolution pursuant to RCW 35.13.015 with the board of
31 county commissioners or within thirty days after filing with the county
32 commissioners a petition calling for an election on annexation, as
33 provided in RCW 35.13.020, or within thirty days after approval by the
34 legislative body of a city or town of a petition of property owners
35 calling for annexation, as provided in RCW 35.13.130, the mayor of the
36 city or town concerned that is not subject to the jurisdiction of a

1 boundary review board under chapter 36.93 RCW, shall convene a review
2 board composed of the following persons:

3 (1) The mayor of the city or town initiating the annexation by
4 resolution, or the mayor in the event of a twenty percent annexation
5 petition pursuant to RCW 35.13.020, or an alternate designated by
6 ((him)) the mayor;

7 (2) The chairman of the board of county commissioners of the county
8 wherein the property to be annexed is situated, or an alternate
9 designated by him or her;

10 (3) The director of community, trade, and economic development, or
11 an alternate designated by ((him)) the director;

12 Two additional members to be designated, one by the mayor of the
13 annexing city, which member shall be a resident property owner of the
14 city, and one by the chairman of the county legislative authority,
15 which member shall be a resident of and a property owner or a resident
16 or a property owner if there be no resident property owner in the area
17 proposed to be annexed, shall be added to the original membership and
18 the full board thereafter convened upon call of the mayor: PROVIDED
19 FURTHER, That three members of the board shall constitute a quorum.

20 **Sec. 41.** RCW 35.21.300 and 1991 c 165 s 2 are each amended to read
21 as follows:

22 (1) The lien for charges for service by a city waterworks, or
23 electric light or power plant may be enforced only by cutting off the
24 service until the delinquent and unpaid charges are paid, except that
25 until June 30, 1991, utility service for residential space heating may
26 be terminated between November 15 and March 15 only as provided in
27 subsections (2) and (4) of this section. In the event of a disputed
28 account and tender by the owner of the premises of the amount ((he))
29 the owner claims to be due before the service is cut off, the right to
30 refuse service to any premises shall not accrue until suit has been
31 entered by the city and judgment entered in the case.

32 (2) Utility service for residential space heating shall not be
33 terminated between November 15 through March 15 if the customer:

34 (a) Notifies the utility of the inability to pay the bill,
35 including a security deposit. This notice should be provided within
36 five business days of receiving a payment overdue notice unless there
37 are extenuating circumstances. If the customer fails to notify the
38 utility within five business days and service is terminated, the

1 customer can, by paying reconnection charges, if any, and fulfilling
2 the requirements of this section, receive the protections of this
3 chapter;

4 (b) Provides self-certification of household income for the prior
5 twelve months to a grantee of the department of community, trade, and
6 economic development which administers federally funded energy
7 assistance programs. The grantee shall determine that the household
8 income does not exceed the maximum allowed for eligibility under the
9 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
10 shall provide a dollar figure that is seven percent of household
11 income. The grantee may verify information in the self-certification;

12 (c) Has applied for home heating assistance from applicable
13 government and private sector organizations and certifies that any
14 assistance received will be applied to the current bill and future
15 utility bills;

16 (d) Has applied for low-income weatherization assistance to the
17 utility or other appropriate agency if such assistance is available for
18 the dwelling;

19 (e) Agrees to a payment plan and agrees to maintain the payment
20 plan. The plan will be designed both to pay the past due bill by the
21 following October 15 and to pay for continued utility service. If the
22 past due bill is not paid by the following October 15, the customer
23 shall not be eligible for protections under this chapter until the past
24 due bill is paid. The plan shall not require monthly payments in
25 excess of seven percent of the customer's monthly income plus one-
26 twelfth of any arrearage accrued from the date application is made and
27 thereafter during November 15 through March 15. A customer may agree
28 to pay a higher percentage during this period, but shall not be in
29 default unless payment during this period is less than seven percent of
30 monthly income plus one-twelfth of any arrearage accrued from the date
31 application is made and thereafter. If assistance payments are
32 received by the customer subsequent to implementation of the plan, the
33 customer shall contact the utility to reformulate the plan; and

34 (f) Agrees to pay the moneys owed even if he or she moves.

35 (3) The utility shall:

36 (a) Include in any notice that an account is delinquent and that
37 service may be subject to termination, a description of the customer's
38 duties in this section;

1 (b) Assist the customer in fulfilling the requirements under this
2 section;

3 (c) Be authorized to transfer an account to a new residence when a
4 customer who has established a plan under this section moves from one
5 residence to another within the same utility service area;

6 (d) Be permitted to disconnect service if the customer fails to
7 honor the payment program. Utilities may continue to disconnect
8 service for those practices authorized by law other than for nonpayment
9 as provided for in this section. Customers who qualify for payment
10 plans under this section who default on their payment plans and are
11 disconnected can be reconnected and maintain the protections afforded
12 under this chapter by paying reconnection charges, if any, and by
13 paying all amounts that would have been due and owing under the terms
14 of the applicable payment plan, absent default, on the date on which
15 service is reconnected; and

16 (e) Advise the customer in writing at the time it disconnects
17 service that it will restore service if the customer contacts the
18 utility and fulfills the other requirements of this section.

19 (4) All municipal utilities shall offer residential customers the
20 option of a budget billing or equal payment plan. The budget billing
21 or equal payment plan shall be offered low-income customers eligible
22 under the state's plan for low-income energy assistance prepared in
23 accordance with 42 U.S.C. 8624(C)(1) without limiting availability to
24 certain months of the year, without regard to the length of time the
25 customer has occupied the premises, and without regard to whether the
26 customer is the tenant or owner of the premises occupied.

27 (5) An agreement between the customer and the utility, whether oral
28 or written, shall not waive the protections afforded under this
29 chapter.

30 **Sec. 42.** RCW 35.21.687 and 1993 c 461 s 4 are each amended to read
31 as follows:

32 (1) Every city and town, including every code city operating under
33 Title 35A RCW, shall identify and catalog real property owned by the
34 city or town that is no longer required for its purposes and is
35 suitable for the development of affordable housing for very low-income,
36 low-income, and moderate-income households as defined in RCW
37 43.63A.510. The inventory shall include the location, approximate
38 size, and current zoning classification of the property. Every city

1 and town shall provide a copy of the inventory to the department of
2 community, trade, and economic development by November 1, 1993, with
3 inventory revisions each November 1 thereafter.

4 (2) By November 1 of each year, beginning in 1994, every city and
5 town, including every code city operating under Title 35A RCW, shall
6 purge the inventory of real property of sites that are no longer
7 available for the development of affordable housing. The inventory
8 revision shall also contain a list of real property that has become
9 available since the last update. As used in this section, "real
10 property" means buildings, land, or buildings and land.

11 **Sec. 43.** RCW 35.21.755 and 1993 c 220 s 1 are each amended to read
12 as follows:

13 (1) A public corporation, commission, or authority created pursuant
14 to RCW 35.21.730 or 35.21.660 shall receive the same immunity or
15 exemption from taxation as that of the city, town, or county creating
16 the same: PROVIDED, That, except for (a) any property within a special
17 review district established by ordinance prior to January 1, 1976, or
18 listed on or which is within a district listed on any federal or state
19 register of historical sites or (b) any property owned, operated, or
20 controlled by a public corporation that is used primarily for low-
21 income housing, or that is used as a convention center, performing arts
22 center, public assembly hall, or public meeting place, any such public
23 corporation, commission, or authority shall pay to the county treasurer
24 an annual excise tax equal to the amounts which would be paid upon real
25 property and personal property devoted to the purposes of such public
26 corporation, commission, or authority were it in private ownership, and
27 such real property and personal property is acquired and/or operated
28 under RCW 35.21.730 through 35.21.755, and the proceeds of such excise
29 tax shall be allocated by the county treasurer to the various taxing
30 authorities in which such property is situated, in the same manner as
31 though the property were in private ownership: PROVIDED FURTHER, That
32 the provisions of chapter 82.29A RCW shall not apply to property within
33 a special review district established by ordinance prior to January 1,
34 1976, or listed on or which is within a district listed on any federal
35 or state register of historical sites and which is controlled by a
36 public corporation, commission, or authority created pursuant to RCW
37 35.21.730 or 35.21.660, which was in existence prior to January 1,
38 1987: AND PROVIDED FURTHER, That property within a special review

1 district established by ordinance prior to January 1, 1976, or property
2 which is listed on any federal or state register of historical sites
3 and controlled by a public corporation, commission, or authority
4 created pursuant to RCW 35.21.730 or 35.21.660, which was in existence
5 prior to January 1, 1976, shall receive the same immunity or exemption
6 from taxation as if such property had been within a district listed on
7 any such federal or state register of historical sites as of January 1,
8 1976, and controlled by a public corporation, commission, or authority
9 created pursuant to RCW 35.21.730 or 35.21.660 which was in existence
10 prior to January 1, 1976.

11 (2) As used in this section:

12 (a) "Low-income" means a total annual income, adjusted for family
13 size, not exceeding fifty percent of the area median income.

14 (b) "Area median income" means:

15 (i) For an area within a standard metropolitan statistical area,
16 the area median income reported by the United States department of
17 housing and urban development for that standard metropolitan
18 statistical area; or

19 (ii) For an area not within a standard metropolitan statistical
20 area, the county median income reported by the department of community,
21 trade, and economic development.

22 **Sec. 44.** RCW 35.21.779 and 1992 c 117 s 6 are each amended to read
23 as follows:

24 (1) In cities or towns where the estimated value of state-owned
25 facilities constitutes ten percent or more of the total assessed
26 valuation, the state agency or institution owning the facilities shall
27 contract with the city or town to pay an equitable share for fire
28 protection services. The contract shall be negotiated as provided in
29 subsections (2) through (6) of this section and shall provide for
30 payment by the agency or institution to the city or town.

31 (2) A city or town seeking to enter into fire protection contract
32 negotiations shall provide written notification to the department of
33 community, trade, and economic development and the state agencies or
34 institutions that own property within the jurisdiction, of its intent
35 to contract for fire protection services. Where there are multiple
36 state agencies located within a single jurisdiction, a city may choose
37 to notify only the department of community, trade, and economic
38 development, which in turn shall notify the agencies or institution

1 that own property within the jurisdiction of the city's intent to
2 contract for fire protection services. Any such notification shall be
3 based on the valuation procedures, based on commonly accepted
4 standards, adopted by the department of community, trade, and economic
5 development in consultation with the department of general
6 administration and the association of Washington cities.

7 (3) The department of community, trade, and economic development
8 shall review any such notification to ensure that the valuation
9 procedures and results are accurate. The department will notify each
10 affected city or town and state agency or institution of the results of
11 their review within thirty days of receipt of notification.

12 (4) The parties negotiating fire protection contracts under this
13 section shall conduct those negotiations in good faith. Whenever there
14 are multiple state agencies located within a single jurisdiction, every
15 effort shall be made by the state to consolidate negotiations on behalf
16 of all affected agencies.

17 (5) In the event of notification by one of the parties that an
18 agreement cannot be reached on the terms and conditions of a fire
19 protection contract, the director of the department of community,
20 trade, and economic development shall mediate a resolution of the
21 disagreement. In the event of a continued impasse, the director of the
22 department of community, trade, and economic development shall
23 recommend a resolution.

24 (6) If the parties reject the recommendation of the director and an
25 impasse continues, the director shall direct the parties to
26 arbitration. The parties shall agree on a neutral arbitrator, and the
27 fees and expenses of the arbitrator shall be shared equally between the
28 parties. The arbitration shall be a final offer, total arbitration,
29 with the arbitrator empowered only to pick the final offer of one of
30 the parties or the recommended resolution by the director of the
31 department of community, trade, and economic development. The decision
32 of the arbitrator shall be final, binding, and nonappealable on the
33 parties.

34 (7) The provisions of this section shall not apply if a city or
35 town and a state agency or institution have contracted pursuant to RCW
36 35.21.775.

37 (8) The provisions of this section do not apply to cities and towns
38 not meeting the conditions in subsection (1) of this section. Cities

1 and towns not meeting the conditions of subsection (1) of this section
2 may enter into contracts pursuant to RCW 35.21.775.

3 **Sec. 45.** RCW 36.01.120 and 1985 c 466 s 44 are each amended to
4 read as follows:

5 It is the finding of the legislature that foreign trade zones serve
6 an important public purpose by the creation of employment opportunities
7 within the state and that the establishment of zones designed to
8 accomplish this purpose is to be encouraged. It is the further intent
9 of the legislature that the department of community, trade, and
10 economic development provide assistance to entities planning to apply
11 to the United States for permission to establish such zones.

12 **Sec. 46.** RCW 36.27.100 and 1989 c 271 s 236 are each amended to
13 read as follows:

14 The legislature recognizes that, due to the magnitude or volume of
15 offenses in a given area of the state, there is a recurring need for
16 supplemental assistance in the prosecuting of drug and drug-related
17 offenses that can be directed to the area of the state with the
18 greatest need for short-term assistance. A state-wide drug prosecution
19 assistance program is created within the department of community,
20 trade, and economic development to assist county prosecuting attorneys
21 in the prosecution of drug and drug-related offenses.

22 **Sec. 47.** RCW 36.70A.030 and 1990 1st ex.s. c 17 s 3 are each
23 amended to read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Adopt a comprehensive land use plan" means to enact a new
27 comprehensive land use plan or to update an existing comprehensive land
28 use plan.

29 (2) "Agricultural land" means land primarily devoted to the
30 commercial production of horticultural, viticultural, floricultural,
31 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
32 straw, turf, seed, Christmas trees not subject to the excise tax
33 imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has
34 long-term commercial significance for agricultural production.

35 (3) "City" means any city or town, including a code city.

1 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"
2 means a generalized coordinated land use policy statement of the
3 governing body of a county or city that is adopted pursuant to this
4 chapter.

5 (5) "Critical areas" include the following areas and ecosystems:
6 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
7 used for potable water; (c) fish and wildlife habitat conservation
8 areas; (d) frequently flooded areas; and (e) geologically hazardous
9 areas.

10 (6) "Department" means the department of community, trade, and
11 economic development.

12 (7) "Development regulations" means any controls placed on
13 development or land use activities by a county or city, including, but
14 not limited to, zoning ordinances, official controls, planned unit
15 development ordinances, subdivision ordinances, and binding site plan
16 ordinances.

17 (8) "Forest land" means land primarily useful for growing trees,
18 including Christmas trees subject to the excise tax imposed under RCW
19 84.33.100 through 84.33.140, for commercial purposes, and that has
20 long-term commercial significance for growing trees commercially.

21 (9) "Geologically hazardous areas" means areas that because of
22 their susceptibility to erosion, sliding, earthquake, or other
23 geological events, are not suited to the siting of commercial,
24 residential, or industrial development consistent with public health or
25 safety concerns.

26 (10) "Long-term commercial significance" includes the growing
27 capacity, productivity, and soil composition of the land for long-term
28 commercial production, in consideration with the land's proximity to
29 population areas, and the possibility of more intense uses of the land.

30 (11) "Minerals" include gravel, sand, and valuable metallic
31 substances.

32 (12) "Public facilities" include streets, roads, highways,
33 sidewalks, street and road lighting systems, traffic signals, domestic
34 water systems, storm and sanitary sewer systems, parks and recreational
35 facilities, and schools.

36 (13) "Public services" include fire protection and suppression, law
37 enforcement, public health, education, recreation, environmental
38 protection, and other governmental services.

1 (14) "Urban growth" refers to growth that makes intensive use of
2 land for the location of buildings, structures, and impermeable
3 surfaces to such a degree as to be incompatible with the primary use of
4 such land for the production of food, other agricultural products, or
5 fiber, or the extraction of mineral resources. When allowed to spread
6 over wide areas, urban growth typically requires urban governmental
7 services. "Characterized by urban growth" refers to land having urban
8 growth located on it, or to land located in relationship to an area
9 with urban growth on it as to be appropriate for urban growth.

10 (15) "Urban growth areas" means those areas designated by a county
11 pursuant to RCW 36.70A.110.

12 (16) "Urban governmental services" include those governmental
13 services historically and typically delivered by cities, and include
14 storm and sanitary sewer systems, domestic water systems, street
15 cleaning services, fire and police protection services, public transit
16 services, and other public utilities associated with urban areas and
17 normally not associated with nonurban areas.

18 (17) "Wetland" or "wetlands" means areas that are inundated or
19 saturated by surface water or ground water at a frequency and duration
20 sufficient to support, and that under normal circumstances do support,
21 a prevalence of vegetation typically adapted for life in saturated soil
22 conditions. Wetlands generally include swamps, marshes, bogs, and
23 similar areas. Wetlands do not include those artificial wetlands
24 intentionally created from nonwetland sites, including, but not limited
25 to, irrigation and drainage ditches, grass-lined swales, canals,
26 detention facilities, wastewater treatment facilities, farm ponds, and
27 landscape amenities. However, wetlands may include those artificial
28 wetlands intentionally created from nonwetland areas created to
29 mitigate conversion of wetlands, if permitted by the county or city.

30 **Sec. 48.** RCW 36.70A.040 and 1993 1st sp.s. c 6 s 1 are each
31 amended to read as follows:

32 (1) Each county that has both a population of fifty thousand or
33 more and has had its population increase by more than ten percent in
34 the previous ten years, and the cities located within such county, and
35 any other county regardless of its population that has had its
36 population increase by more than twenty percent in the previous ten
37 years, and the cities located within such county, shall conform with
38 all of the requirements of this chapter. However, the county

1 legislative authority of such a county with a population of less than
2 fifty thousand population may adopt a resolution removing the county,
3 and the cities located within the county, from the requirements of
4 adopting comprehensive land use plans and development regulations under
5 this chapter if this resolution is adopted and filed with the
6 department by December 31, 1990, for counties initially meeting this
7 set of criteria, or within sixty days of the date the office of
8 financial management certifies that a county meets this set of criteria
9 under subsection (5) of this section.

10 Once a county meets either of these sets of criteria, the
11 requirement to conform with all of the requirements of this chapter
12 remains in effect, even if the county no longer meets one of these sets
13 of criteria.

14 (2) The county legislative authority of any county that does not
15 meet either of the sets of criteria established under subsection (1) of
16 this section may adopt a resolution indicating its intention to have
17 subsection (1) of this section apply to the county. Each city, located
18 in a county that chooses to plan under this subsection, shall conform
19 with all of the requirements of this chapter. Once such a resolution
20 has been adopted, the county and the cities located within the county
21 remain subject to all of the requirements of this chapter.

22 (3) Any county or city that is initially required to conform with
23 all of the requirements of this chapter under subsection (1) of this
24 section shall take actions under this chapter as follows: (a) The
25 county legislative authority shall adopt a county-wide planning policy
26 under RCW 36.70A.210; (b) the county and each city located within the
27 county shall designate critical areas, agricultural lands, forest
28 lands, and mineral resource lands, and adopt development regulations
29 conserving these designated agricultural lands, forest lands, and
30 mineral resource lands and protecting these designated critical areas,
31 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
32 take other actions related to urban growth areas under RCW 36.70A.110;
33 (d) if the county has a population of fifty thousand or more, the
34 county and each city located within the county shall adopt a comprehen-
35 sive plan under this chapter and development regulations that are
36 consistent with and implement the comprehensive plan on or before July
37 1, 1994, and if the county has a population of less than fifty
38 thousand, the county and each city located within the county shall
39 adopt a comprehensive plan under this chapter and development

1 regulations that are consistent with and implement the comprehensive
2 plan by January 1, 1995, but if the governor makes written findings
3 that a county with a population of less than fifty thousand or a city
4 located within such a county is not making reasonable progress toward
5 adopting a comprehensive plan and development regulations the governor
6 may reduce this deadline for such actions to be taken by no more than
7 one hundred eighty days. Any county or city subject to this subsection
8 may obtain an additional six months before it is required to have
9 adopted its development regulations by submitting a letter notifying
10 the department (~~(of community development)~~) of its need prior to the
11 deadline for adopting both a comprehensive plan and development regula-
12 tions.

13 (4) Any county or city that is required to conform with all the
14 requirements of this chapter, as a result of the county legislative
15 authority adopting its resolution of intention under subsection (2) of
16 this section, shall take actions under this chapter as follows: (a)
17 The county legislative authority shall adopt a county-wide planning
18 policy under RCW 36.70A.210; (b) the county and each city that is
19 located within the county shall adopt development regulations
20 conserving agricultural lands, forest lands, and mineral resource lands
21 it designated under RCW 36.70A.060 within one year of the date the
22 county legislative authority adopts its resolution of intention; (c)
23 the county shall designate and take other actions related to urban
24 growth areas under RCW 36.70A.110; and (d) the county and each city
25 that is located within the county shall adopt a comprehensive plan and
26 development regulations that are consistent with and implement the
27 comprehensive plan not later than four years from the date the county
28 legislative authority adopts its resolution of intention, but a county
29 or city may obtain an additional six months before it is required to
30 have adopted its development regulations by submitting a letter
31 notifying the department (~~(of community development)~~) of its need prior
32 to the deadline for adopting both a comprehensive plan and development
33 regulations.

34 (5) If the office of financial management certifies that the
35 population of a county that previously had not been required to plan
36 under subsection (1) or (2) of this section has changed sufficiently to
37 meet either of the sets of criteria specified under subsection (1) of
38 this section, and where applicable, the county legislative authority
39 has not adopted a resolution removing the county from these

1 requirements as provided in subsection (1) of this section, the county
2 and each city within such county shall take actions under this chapter
3 as follows: (a) The county legislative authority shall adopt a county-
4 wide planning policy under RCW 36.70A.210; (b) the county and each city
5 located within the county shall adopt development regulations under RCW
6 36.70A.060 conserving agricultural lands, forest lands, and mineral
7 resource lands it designated within one year of the certification by
8 the office of financial management; (c) the county shall designate and
9 take other actions related to urban growth areas under RCW 36.70A.110;
10 and (d) the county and each city located within the county shall adopt
11 a comprehensive land use plan and development regulations that are
12 consistent with and implement the comprehensive plan within four years
13 of the certification by the office of financial management, but a
14 county or city may obtain an additional six months before it is
15 required to have adopted its development regulations by submitting a
16 letter notifying the department ((of community development)) of its
17 need prior to the deadline for adopting both a comprehensive plan and
18 development regulations.

19 (6) A copy of each document that is required under this section
20 shall be submitted to the department at the time of its adoption.

21 **Sec. 49.** RCW 36.70A.210 and 1993 1st sp.s. c 6 s 4 are each
22 amended to read as follows:

23 (1) The legislature recognizes that counties are regional
24 governments within their boundaries, and cities are primary providers
25 of urban governmental services within urban growth areas. For the
26 purposes of this section, a "county-wide planning policy" is a written
27 policy statement or statements used solely for establishing a county-
28 wide framework from which county and city comprehensive plans are
29 developed and adopted pursuant to this chapter. This framework shall
30 ensure that city and county comprehensive plans are consistent as
31 required in RCW 36.70A.100. Nothing in this section shall be construed
32 to alter the land-use powers of cities.

33 (2) The legislative authority of a county that plans under RCW
34 36.70A.040 shall adopt a county-wide planning policy in cooperation
35 with the cities located in whole or in part within the county as
36 follows:

37 (a) No later than sixty calendar days from July 16, 1991, the
38 legislative authority of each county that as of June 1, 1991, was

1 required or chose to plan under RCW 36.70A.040 shall convene a meeting
2 with representatives of each city located within the county for the
3 purpose of establishing a collaborative process that will provide a
4 framework for the adoption of a county-wide planning policy. In other
5 counties that are required or choose to plan under RCW 36.70A.040, this
6 meeting shall be convened no later than sixty days after the date the
7 county adopts its resolution of intention or was certified by the
8 office of financial management.

9 (b) The process and framework for adoption of a county-wide
10 planning policy specified in (a) of this subsection shall determine the
11 manner in which the county and the cities agree to all procedures and
12 provisions including but not limited to desired planning policies,
13 deadlines, ratification of final agreements and demonstration thereof,
14 and financing, if any, of all activities associated therewith.

15 (c) If a county fails for any reason to convene a meeting with
16 representatives of cities as required in (a) of this subsection, the
17 governor may immediately impose any appropriate sanction or sanctions
18 on the county from those specified under RCW 36.70A.340.

19 (d) If there is no agreement by October 1, 1991, in a county that
20 was required or chose to plan under RCW 36.70A.040 as of June 1, 1991,
21 or if there is no agreement within one hundred twenty days of the date
22 the county adopted its resolution of intention or was certified by the
23 office of financial management in any other county that is required or
24 chooses to plan under RCW 36.70A.040, the governor shall first inquire
25 of the jurisdictions as to the reason or reasons for failure to reach
26 an agreement. If the governor deems it appropriate, the governor may
27 immediately request the assistance of the department (~~of community~~
28 ~~development~~) to mediate any disputes that preclude agreement. If
29 mediation is unsuccessful in resolving all disputes that will lead to
30 agreement, the governor may impose appropriate sanctions from those
31 specified under RCW 36.70A.340 on the county, city, or cities for
32 failure to reach an agreement as provided in this section. The
33 governor shall specify the reason or reasons for the imposition of any
34 sanction.

35 (e) No later than July 1, 1992, the legislative authority of each
36 county that was required or chose to plan under RCW 36.70A.040 as of
37 June 1, 1991, or no later than fourteen months after the date the
38 county adopted its resolution of intention or was certified by the
39 office of financial management the county legislative authority of any

1 other county that is required or chooses to plan under RCW 36.70A.040,
2 shall adopt a county-wide planning policy according to the process
3 provided under this section and that is consistent with the agreement
4 pursuant to (b) of this subsection, and after holding a public hearing
5 or hearings on the proposed county-wide planning policy.

6 (3) A county-wide planning policy shall at a minimum, address the
7 following:

8 (a) Policies to implement RCW 36.70A.110;

9 (b) Policies for promotion of contiguous and orderly development
10 and provision of urban services to such development;

11 (c) Policies for siting public capital facilities of a county-wide
12 or state-wide nature;

13 (d) Policies for county-wide transportation facilities and
14 strategies;

15 (e) Policies that consider the need for affordable housing, such as
16 housing for all economic segments of the population and parameters for
17 its distribution;

18 (f) Policies for joint county and city planning within urban growth
19 areas;

20 (g) Policies for county-wide economic development and employment;
21 and

22 (h) An analysis of the fiscal impact.

23 (4) Federal agencies and Indian tribes may participate in and
24 cooperate with the county-wide planning policy adoption process.
25 Adopted county-wide planning policies shall be adhered to by state
26 agencies.

27 (5) Failure to adopt a county-wide planning policy that meets the
28 requirements of this section may result in the imposition of a sanction
29 or sanctions on a county or city within the county, as specified in RCW
30 36.70A.340. In imposing a sanction or sanctions, the governor shall
31 specify the reasons for failure to adopt a county-wide planning policy
32 in order that any imposed sanction or sanctions are fairly and
33 equitably related to the failure to adopt a county-wide planning
34 policy.

35 (6) Cities and the governor may appeal an adopted county-wide
36 planning policy to the growth planning hearings board within sixty days
37 of the adoption of the county-wide planning policy.

38 (7) Multicounty planning policies shall be adopted by two or more
39 counties, each with a population of four hundred fifty thousand or

1 more, with contiguous urban areas and may be adopted by other counties,
2 according to the process established under this section or other
3 processes agreed to among the counties and cities within the affected
4 counties throughout the multicounty region.

5 **Sec. 50.** RCW 36.70A.385 and 1991 sp.s. c 32 s 20 are each amended
6 to read as follows:

7 (1) The legislature intends to determine whether the environmental
8 review process mandated under chapter 43.21C RCW may be enhanced and
9 simplified, and coordination improved, when applied to comprehensive
10 plans mandated by this chapter. The department (~~of community~~
11 ~~development~~) shall undertake pilot projects on environmental review to
12 determine if the review process can be improved by fostering more
13 coordination and eliminating duplicative environmental analysis which
14 is made to assist decision makers approving comprehensive plans
15 pursuant to this chapter. Such pilot projects should be designed and
16 scoped to consider cumulative impacts resulting from plan decisions,
17 plan impacts on environmental quality, impacts on adjacent
18 jurisdictions, and similar factors in sufficient depth to simplify the
19 analysis of subsequent specific projects being carried out pursuant to
20 the approved plan.

21 (2) The legislature hereby authorizes the department (~~of community~~
22 ~~development~~) to establish, in cooperation with business, industry,
23 cities, counties, and other interested parties, at least two but not
24 more than four pilot projects, one of which shall be with a county, on
25 enhanced draft and final nonproject environmental analysis of
26 comprehensive plans prepared pursuant to this chapter, for the purposes
27 outlined in subsection (1) of this section. The department (~~of~~
28 ~~community development~~) may select appropriate geographic subareas
29 within a comprehensive plan if that will best serve the purposes of
30 this section and meet the requirements of chapter 43.21C RCW.

31 (3) An enhanced draft and final nonproject environmental analysis
32 prepared pursuant to this section shall follow the rules adopted
33 pursuant to chapter 43.21C RCW.

34 (4) Not later than December 31, 1993, the department (~~of community~~
35 ~~development~~) shall evaluate the overall effectiveness of the pilot
36 projects under this section regarding preparing enhanced nonproject
37 environmental analysis for the approval process of comprehensive plans
38 and shall:

1 (a) Provide an interim report of its findings to the legislature
2 with such recommendations as may be appropriate, including the need, if
3 any, for further legislation;

4 (b) Consider adoption of any further rules or guidelines as may be
5 appropriate to assist counties and cities in meeting requirements of
6 chapter 43.21C RCW when considering comprehensive plans; and

7 (c) Prepare and circulate to counties and cities such instructional
8 manuals or other information derived from the pilot projects as will
9 assist all counties and cities in meeting the requirements and
10 objectives of chapter 43.21C RCW in the most expeditious and efficient
11 manner in the process of considering comprehensive plans pursuant to
12 this chapter.

13 (5) The department (~~(of community development)~~) shall submit a
14 final report to the legislature no later than December 31, 1995.

15 **Sec. 51.** RCW 36.93.080 and 1985 c 6 s 7 are each amended to read
16 as follows:

17 Expenditures by the board shall be subject to the provisions of
18 chapter 36.40 RCW and other statutes relating to expenditures by
19 counties. The department of community, trade, and economic development
20 shall on a quarterly basis remit to each county one-half of the actual
21 costs incurred by the county for the operation of the boundary review
22 board within individual counties as provided for in this chapter.
23 However, in the event no funds are appropriated to the said agency for
24 this purpose, this shall not in any way affect the operation of the
25 boundary review board.

26 **Sec. 52.** RCW 36.110.030 and 1993 c 285 s 3 are each amended to
27 read as follows:

28 A state-wide jail industries board of directors is established.
29 The board shall consist of the following members:

30 (1) One sheriff and one police chief, to be selected by the
31 Washington association of sheriffs and police chiefs;

32 (2) One county commissioner or one county councilmember to be
33 selected by the Washington state association of counties;

34 (3) One city official to be selected by the association of
35 Washington cities;

- 1 (4) Two jail administrators to be selected by the Washington state
2 jail association, one of whom shall be from a county or a city with an
3 established jail industries program;
- 4 (5) One prosecuting attorney to be selected by the Washington
5 association of prosecuting attorneys;
- 6 (6) One administrator from a city or county corrections department
7 to be selected by the Washington correctional association;
- 8 (7) One county clerk to be selected by the Washington association
9 of county clerks;
- 10 (8) Three representatives from labor to be selected by the
11 governor. The representatives may be chosen from a list of nominations
12 provided by state-wide labor organizations representing a cross-section
13 of trade organizations;
- 14 (9) Three representatives from business to be selected by the
15 governor. The representatives may be chosen from a list of nominations
16 provided by state-wide business organizations representing a cross-
17 section of businesses, industries, and all sizes of employers;
- 18 (10) The governor's representative from the employment security
19 department;
- 20 (11) One member representing crime victims, to be selected by the
21 governor;
- 22 (12) One member representing on-line law enforcement officers, to
23 be selected by the governor;
- 24 (13) One member from the department of community, trade, and
25 economic development to be selected by the governor;
- 26 (14) One member representing higher education, vocational
27 education, or adult basic education to be selected by the governor; and
- 28 (15) The governor's representative from the correctional industries
29 division of the state department of corrections shall be an ex officio
30 member for the purpose of coordination and cooperation between prison
31 and jail industries and to further a positive relationship between
32 state and local government offender programs.

33 **Sec. 53.** RCW 38.52.005 and 1986 c 266 s 22 are each amended to
34 read as follows:

35 The department of community, trade, and economic development shall
36 administer the comprehensive emergency management program of the state
37 of Washington as provided for in this chapter. All local
38 organizations, organized and performing emergency management functions

1 pursuant to RCW 38.52.070, may change their name and be called the
2 department/division of emergency management.

3 **Sec. 54.** RCW 38.52.010 and 1993 c 251 s 5 and 1993 c 206 s 1 are
4 each reenacted and amended to read as follows:

5 As used in this chapter:

6 (1) "Emergency management" or "comprehensive emergency management"
7 means the preparation for and the carrying out of all emergency
8 functions, other than functions for which the military forces are
9 primarily responsible, to mitigate, prepare for, respond to, and
10 recover from emergencies and disasters, and to aid victims suffering
11 from injury or damage, resulting from disasters caused by all hazards,
12 whether natural or man-made, and to provide support for search and
13 rescue operations for persons and property in distress. However,
14 "emergency management" or "comprehensive emergency management" does not
15 mean preparation for emergency evacuation or relocation of residents in
16 anticipation of nuclear attack.

17 (2) "Local organization for emergency services or management" means
18 an organization created in accordance with the provisions of this
19 chapter by state or local authority to perform local emergency
20 management functions.

21 (3) "Political subdivision" means any county, city or town.

22 (4) "Emergency worker" means any person, including but not limited
23 to an architect registered under chapter 18.08 RCW or a professional
24 engineer registered under chapter 18.43 RCW, who is registered with a
25 local emergency management organization or the department of community,
26 trade, and economic development and holds an identification card issued
27 by the local emergency management director or the department of
28 community, trade, and economic development for the purpose of engaging
29 in authorized emergency management activities or is an employee of the
30 state of Washington or any political subdivision thereof who is called
31 upon to perform emergency management activities.

32 (5) "Injury" as used in this chapter shall mean and include
33 accidental injuries and/or occupational diseases arising out of
34 emergency management activities.

35 (6)(a) "Emergency or disaster" as used in all sections of this
36 chapter except RCW 38.52.430 shall mean an event or set of
37 circumstances which: (i) Demands immediate action to preserve public
38 health, protect life, protect public property, or to provide relief to

1 any stricken community overtaken by such occurrences, or (ii) reaches
2 such a dimension or degree of destructiveness as to warrant the
3 governor declaring a state of emergency pursuant to RCW 43.06.010.

4 (b) "Emergency" as used in RCW 38.52.430 means an incident that
5 requires a normal police, coroner, fire, rescue, emergency medical
6 services, or utility response as a result of a violation of one of the
7 statutes enumerated in RCW 38.52.430.

8 (7) "Search and rescue" means the acts of searching for, rescuing,
9 or recovering by means of ground, marine, or air activity any person
10 who becomes lost, injured, or is killed while outdoors or as a result
11 of a natural or man-made disaster, including instances involving
12 searches for downed aircraft when ground personnel are used. Nothing
13 in this section shall affect appropriate activity by the department of
14 transportation under chapter 47.68 RCW.

15 (8) "Executive head" and "executive heads" means the county
16 executive in those charter counties with an elective office of county
17 executive, however designated, and, in the case of other counties, the
18 county legislative authority. In the case of cities and towns, it
19 means the mayor.

20 (9) "Director" means the director of community, trade, and economic
21 development.

22 (10) "Local director" means the director of a local organization of
23 emergency management or emergency services.

24 (11) "Department" means the department of community, trade, and
25 economic development.

26 (12) "Emergency response" as used in RCW 38.52.430 means a public
27 agency's use of emergency services during an emergency or disaster as
28 defined in subsection (6)(b) of this section.

29 (13) "Expense of an emergency response" as used in RCW 38.52.430
30 means reasonable costs incurred by a public agency in reasonably making
31 an appropriate emergency response to the incident, but shall only
32 include those costs directly arising from the response to the
33 particular incident. Reasonable costs shall include the costs of
34 providing police, coroner, fire fighting, rescue, emergency medical
35 services, or utility response at the scene of the incident, as well as
36 the salaries of the personnel responding to the incident.

37 (14) "Public agency" means the state, and a city, county, municipal
38 corporation, district, or public authority located, in whole or in

1 part, within this state which provides or may provide fire fighting,
2 police, ambulance, medical, or other emergency services.

3 **Sec. 55.** RCW 38.52.090 and 1987 c 185 s 6 are each amended to read
4 as follows:

5 (1) The director of each local organization for emergency
6 management may, in collaboration with other public and private agencies
7 within this state, develop or cause to be developed mutual aid
8 arrangements for reciprocal emergency management aid and assistance in
9 case of disaster too great to be dealt with unassisted. Such
10 arrangements shall be consistent with the state emergency management
11 plan and program, and in time of emergency it shall be the duty of each
12 local organization for emergency management to render assistance in
13 accordance with the provisions of such mutual aid arrangements. The
14 director (~~(of community development)~~) shall adopt and distribute a
15 standard form of contract for use by local organizations in
16 understanding and carrying out said mutual aid arrangements.

17 (2) The director (~~(of community development)~~) and the director of
18 each local organization for emergency management may, subject to the
19 approval of the governor, enter into mutual aid arrangements with
20 emergency management agencies or organizations in other states for
21 reciprocal emergency management aid and assistance in case of disaster
22 too great to be dealt with unassisted. All such arrangements shall be
23 pursuant to either of the compacts contained in subsection (2) (a) or
24 (b) of this section.

25 (a) The legislature recognizes that the compact language contained
26 in this subsection is inadequate to meet many forms of emergencies.
27 For this reason, after June 7, 1984, the state may not enter into any
28 additional compacts under this subsection (2)(a).

29 INTERSTATE CIVIL DEFENSE
30 AND DISASTER COMPACT

31 The contracting States solemnly agree:

32 Article 1. The purpose of this compact is to provide mutual aid
33 among the States in meeting any emergency or disaster from enemy attack
34 or other cause (natural or otherwise) including sabotage and subversive
35 acts and direct attacks by bombs, shellfire, and atomic, radiological,
36 chemical, bacteriological means, and other weapons. The prompt, full
37 and effective utilization of the resources of the respective States,

1 including such resources as may be available from the United States
2 Government or any other source, are essential to the safety, care and
3 welfare of the people thereof in the event of enemy action or other
4 emergency, and any other resources, including personnel, equipment or
5 supplies, shall be incorporated into a plan or plans of mutual aid to
6 be developed among the civil defense agencies or similar bodies of the
7 States that are parties hereto. The Directors of Civil Defense
8 (Emergency Services) of all party States shall constitute a committee
9 to formulate plans and take all necessary steps for the implementation
10 of this compact.

11 Article 2. It shall be the duty of each party State to formulate
12 civil defense plans and programs for application within such State.
13 There shall be frequent consultation between the representatives of the
14 States and with the United States Government and the free exchange of
15 information and plans, including inventories of any materials and
16 equipment available for civil defense. In carrying out such civil
17 defense plans and programs the party States shall so far as possible
18 provide and follow uniform standards, practices and rules and
19 regulations including:

20 (a) Insignia, arm bands and any other distinctive articles to
21 designate and distinguish the different civil defense services;

22 (b) Blackouts and practice blackouts, air raid drills, mobilization
23 of civil defense forces and other tests and exercises;

24 (c) Warnings and signals for drills or attacks and the mechanical
25 devices to be used in connection therewith;

26 (d) The effective screening or extinguishing of all lights and
27 lighting devices and appliances;

28 (e) Shutting off water mains, gas mains, electric power connections
29 and the suspension of all other utility services;

30 (f) All materials or equipment used or to be used for civil defense
31 purposes in order to assure that such materials and equipment will be
32 easily and freely interchangeable when used in or by any other party
33 State;

34 (g) The conduct of civilians and the movement and cessation of
35 movement of pedestrians and vehicular traffic, prior, during, and
36 subsequent to drills or attacks;

37 (h) The safety of public meetings or gatherings; and

38 (i) Mobile support units.

1 Article 3. Any party State requested to render mutual aid shall
2 take such action as is necessary to provide and make available the
3 resources covered by this compact in accordance with the terms hereof;
4 provided that it is understood that the State rendering aid may
5 withhold resources to the extent necessary to provide reasonable
6 protection for such State. Each party State shall extend to the civil
7 defense forces of any other party State, while operating within its
8 State limits under the terms and conditions of this compact, the same
9 powers (except that of arrest unless specifically authorized by the
10 receiving State), duties, rights, privileges and immunities as if they
11 were performing their duties in the State in which normally employed or
12 rendering services. Civil defense forces will continue under the
13 command and control of their regular leaders but the organizational
14 units will come under the operational control of the civil defense
15 authorities of the State receiving assistance.

16 Article 4. Whenever any person holds a license, certificate or
17 other permit issued by any State evidencing the meeting of
18 qualifications for professional, mechanical or other skills, such
19 person may render aid involving such skill in any party State to meet
20 an emergency or disaster and such State shall give due recognition to
21 such license, certificate or other permit as if issued in the State in
22 which aid is rendered.

23 Article 5. No party State or its officers or employees rendering
24 aid in another State pursuant to this compact shall be liable on
25 account of any act or omission in good faith on the part of such forces
26 while so engaged, or on account of the maintenance or use of any
27 equipment or supplies in connection therewith.

28 Article 6. Inasmuch as it is probable that the pattern and detail
29 of the machinery for mutual aid among two or more states may differ
30 from that appropriate among other States party hereto, this instrument
31 contains elements of a broad base common to all States, and nothing
32 herein contained shall preclude any State from entering into
33 supplementary agreements with another State or States. Such
34 supplementary agreements may comprehend, but shall not be limited to,
35 provisions for evacuation and reception of injured and other persons,
36 and the exchange of medical, fire, police, public utility,
37 reconnaissance, welfare, transportation and communications personnel,
38 equipment and supplies.

1 Article 7. Each party State shall provide for the payment of
2 compensation and death benefits to injured members of the civil defense
3 forces of that State and the representatives of deceased members of
4 such forces in case such members sustain injuries or are killed while
5 rendering aid pursuant to this compact, in the same manner and on the
6 same terms as if the injury or death were sustained within such State.

7 Article 8. Any party State rendering aid in another State pursuant
8 to this compact shall be reimbursed by the party State receiving such
9 aid for any loss or damage to, or expense incurred in the operation of
10 any equipment answering a request for aid, and for the cost incurred in
11 connection with such requests; provided, that any aiding State may
12 assume in whole or in part such loss, damage, expense, or other cost,
13 or may loan such equipment or donate such services to the receiving
14 party State without charge or cost; and provided further that any two
15 or more party States may enter into supplementary agreements
16 establishing a different allocation of costs as among those States.
17 The United States Government may relieve the party State receiving aid
18 from any liability and reimburse the party State supplying civil
19 defense forces for the compensation paid to and the transportation,
20 subsistence and maintenance expenses of such forces during the time of
21 the rendition of such aid or assistance outside the State and may also
22 pay fair and reasonable compensation for the use or utilization of the
23 supplies, materials, equipment or facilities so utilized or consumed.

24 Article 9. Plans for the orderly evacuation and reception of the
25 civilian population as the result of an emergency or disaster shall be
26 worked out from time to time between representatives of the party
27 States and the various local civil defense areas thereof. Such plans
28 shall include the manner of transporting such evacuees, the number of
29 evacuees to be received in different areas, the manner in which food,
30 clothing, housing, and medical care will be provided, the registration
31 of the evacuees, the providing of facilities for the notification of
32 relatives or friends and the forwarding of such evacuees to other areas
33 or the bringing in of additional materials, supplies, and all other
34 relevant factors. Such plans shall provide that the party State
35 receiving evacuees shall be reimbursed generally for the out-of-pocket
36 expenses incurred in receiving and caring for such evacuees, for
37 expenditures for transportation, food, clothing, medicines and medical
38 care and like items. Such expenditures shall be reimbursed by the
39 party State of which the evacuees are residents, or by the United

1 States Government under plans approved by it. After the termination of
2 the emergency or disaster the party State of which the evacuees are
3 resident shall assume the responsibility for the ultimate support or
4 repatriation of such evacuees.

5 Article 10. This compact shall be available to any State,
6 territory or possession of the United States, and the District of
7 Columbia. The term "State" may also include any neighboring foreign
8 country or province or state thereof.

9 Article 11. The committee established pursuant to Article 1 of
10 this compact may request the Civil Defense Agency of the United States
11 Government to act as an informational and coordinating body under this
12 compact, and representatives of such agency of the United States
13 Government may attend meetings of such committee.

14 Article 12. This compact shall become operative immediately upon
15 its ratification by any State as between it and any other State or
16 States so ratifying and shall be subject to approval by Congress unless
17 prior Congressional approval has been given. Duly authenticated copies
18 of this compact and of such supplementary agreements as may be entered
19 into shall, at the time of their approval, be deposited with each of
20 the party States and with the Civil Defense Agency and other
21 appropriate agencies of the United States Government.

22 Article 13. This compact shall continue in force and remain
23 binding on each party State until the legislature or the Governor of
24 such party State takes action to withdraw therefrom. Such action shall
25 not be effective until 30 days after notice thereof has been sent by
26 the Governor of the party State desiring to withdraw to the Governors
27 of all other party States.

28 Article 14. This compact shall be construed to effectuate the
29 purposes stated in Article 1 hereof. If any provision of this compact
30 is declared unconstitutional, or the applicability thereof to any
31 person or circumstance is held invalid, the constitutionality of the
32 remainder of this compact and the applicability thereof to other
33 persons and circumstances shall not be effected thereby.

34 Article 15. (a) This Article shall be in effect only as among
35 those states which have enacted it into law or in which the Governors
36 have adopted it pursuant to constitutional or statutory authority
37 sufficient to give it the force of law as part of this compact.
38 Nothing contained in this Article or in any supplementary agreement
39 made in implementation thereof shall be construed to abridge, impair or

1 supersede any other provision of this compact or any obligation
2 undertaken by a State pursuant thereto, except that if its terms so
3 provide, a supplementary agreement in implementation of this Article
4 may modify, expand or add to any such obligation as among the parties
5 to the supplementary agreement.

6 (b) In addition to the occurrences, circumstances and subject
7 matters to which preceding articles of this compact make it applicable,
8 this compact and the authorizations, entitlements and procedures
9 thereof shall apply to:

10 1. Searches for and rescue of person who are lost, marooned, or
11 otherwise in danger.

12 2. Action useful in coping with disasters arising from any cause
13 or designed to increase the capability to cope with any such disasters.

14 3. Incidents, or the imminence thereof, which endanger the health
15 or safety of the public and which require the use of special equipment,
16 trained personnel or personnel in larger numbers than are locally
17 available in order to reduce, counteract or remove the danger.

18 4. The giving and receiving of aid by subdivisions of party
19 States.

20 5. Exercises, drills or other training or practice activities
21 designed to aid personnel to prepare for, cope with or prevent any
22 disaster or other emergency to which this compact applies.

23 (c) Except as expressly limited by this compact or a supplementary
24 agreement in force pursuant thereto, any aid authorized by this compact
25 or such supplementary agreement may be furnished by any agency of a
26 party State, a subdivision of such State, or by a joint agency
27 providing such aid shall be entitled to reimbursement therefor to the
28 same extent and in the same manner as a State. The personnel of such
29 a joint agency, when rendering aid pursuant to this compact shall have
30 the same rights, authority and immunity as personnel of party States.

31 (d) Nothing in this Article shall be construed to exclude from the
32 coverage of Articles 1-15 of this compact any matter which, in the
33 absence of this Article, could reasonably be construed to be covered
34 thereby.

35 (b) The compact language contained in this subsection (2)(b) is
36 intended to deal comprehensively with emergencies requiring assistance
37 from other states.

1 INTERSTATE MUTUAL AID COMPACT

2 Purpose

3 The purpose of this Compact is to provide voluntary assistance among
4 participating states in responding to any disaster or imminent
5 disaster, that over extends the ability of local and state governments
6 to reduce, counteract or remove the danger. Assistance may include,
7 but not be limited to, rescue, fire, police, medical, communication,
8 transportation services and facilities to cope with problems which
9 require use of special equipment, trained personnel or personnel in
10 large numbers not locally available.

11 Authorization

12 Article I, Section 10 of the Constitution of the United States permits
13 a state to enter into an agreement or compact with another state,
14 subject to the consent of Congress. Congress, through enactment of
15 Title 50 U.S.C. Sections 2281(g), 2283 and the Executive Department, by
16 issuance of Executive Orders No. 10186 of December 1, 1950, encourages
17 the states to enter into emergency, disaster and civil defense mutual
18 aid agreements or pacts.

19 Implementation

20 It is agreed by participating states that the following conditions will
21 guide implementation of the Compact:

22 1. Participating states through their designated officials are
23 authorized to request and to receive assistance from a participating
24 state. Requests will be granted only if the requesting state is
25 committed to the mitigation of the emergency, and other resources are
26 not immediately available.

27 2. Requests for assistance may be verbal or in writing. If the
28 request is made by other than written communication, it shall be
29 confirmed in writing as soon as practical after the request. A written
30 request shall provide an itemization of equipment and operators, types
31 of expertise, personnel or other resources needed. Each request must
32 be signed by an authorized official.

33 3. Personnel and equipment of the aiding party made available to
34 the requesting party shall, whenever possible, remain under the control
35 and direction of the aiding party. The activities of personnel and

1 equipment of the aiding party must be coordinated by the requesting
2 party.

3 4. An aiding state shall have the right to withdraw some or all of
4 their personnel and/or equipment whenever the personnel or equipment
5 are needed by that state. Notice of intention to withdraw should be
6 communicated to the requesting party as soon as possible.

7 General Fiscal Provisions

8 The state government of the requesting party shall reimburse the state
9 government of the aiding party. It is understood that reimbursement
10 shall be made as soon as possible after the receipt by the requesting
11 party of an itemized voucher requesting reimbursement of costs.

12 1. Any party rendering aid pursuant to this Agreement shall be
13 reimbursed by the state receiving such aid for any damage to, loss of,
14 or expense incurred in the operation of any equipment used in
15 responding to a request for aid, and for the cost incurred in
16 connection with such requests.

17 2. Any state rendering aid pursuant to this Agreement shall be
18 reimbursed by the state receiving such aid for the cost of payment of
19 compensation and death benefits to injured officers, agents, or
20 employees and their dependents or representatives in the event such
21 officers, agents, or employees sustain injuries or are killed while
22 rendering aid pursuant to this arrangement, provided that such payments
23 are made in the same manner and on the same terms as if the injury or
24 death were sustained within such state.

25 Privileges and Immunities

26 1. All privileges and immunities from liability, exemptions from
27 law, ordinances, rules, all pension, relief disability, workers'
28 compensation, and other benefits which apply to the activity of
29 officers, agents, or employees when performing their respective
30 functions within the territorial limits of their respective political
31 subdivisions, shall apply to them to the same degree and extent while
32 engaged in the performance of any of their functions and duties extra-
33 territorially under the provisions of this Agreement.

34 2. All privileges and immunities from liability, exemptions from
35 law, ordinances, and rules, workers' compensation and other benefits
36 which apply to duly enrolled or registered volunteers when performing
37 their respective functions at the request of their state and within its

1 territorial limits, shall apply to the same degree and extent while
2 performing their functions extra-territorially under the provisions of
3 this Agreement. Volunteers may include, but not be limited to,
4 physicians, surgeons, nurses, dentists, structural engineers, and
5 trained search and rescue volunteers.

6 3. The signatory states, their political subdivisions, municipal
7 corporations and other public agencies shall hold harmless the
8 corresponding entities and personnel thereof from the other state with
9 respect to the acts and omissions of its own agents and employees that
10 occur while providing assistance pursuant to the common plan.

11 4. Nothing in this arrangement shall be construed as repealing or
12 impairing any existing Interstate Mutual Aid Agreements.

13 5. Upon enactment of this Agreement by two or more states, and by
14 January 1, annually thereafter, the participating states will exchange
15 with each other the names of officials designated to request and/or
16 provide services under this arrangement. In accordance with the
17 cooperative nature of this arrangement, it shall be permissible and
18 desirable for the parties to exchange operational procedures to be
19 followed in requesting assistance and reimbursing expenses.

20 6. This compact shall enter into force and become effective and
21 binding upon the states so acting when it has been enacted into law by
22 any two states. Thereafter, this compact shall enter into force and
23 become effective and binding as to any other of said states upon
24 similar action by such state.

25 7. This compact shall continue in force and remain binding upon a
26 party state until it shall have enacted a statute repealing the same
27 and providing for the sending of formal written notice of withdrawal
28 from the compact to the appropriate official of all other party states.
29 An actual withdrawal shall not take effect until the thirtieth
30 consecutive day after the notice provided in the statute has been sent.
31 Such withdrawal shall not relieve the withdrawing state from its
32 obligations assumed hereunder prior to the effective date of
33 withdrawal.

34 **Sec. 56.** RCW 38.52.420 and 1988 c 36 s 11 are each amended to read
35 as follows:

36 (1) The department (~~(of community development)~~), in consultation
37 with appropriate federal agencies, the departments of natural
38 resources, fish and wildlife, (~~(fisheries)~~) and ecology,

1 representatives of local government, and any other person the director
2 may deem appropriate, shall develop a model contingency plan,
3 consistent with other plans required for hazardous materials by federal
4 and state law, to serve as a draft plan for local governments which may
5 be incorporated into the state and local emergency management plans.

6 (2) The model contingency plan shall:

7 (a) Include specific recommendations for pollution control
8 facilities which are deemed to be most appropriate for the control,
9 collection, storage, treatment, disposal, and recycling of oil and
10 other spilled material and furthering the prevention and mitigation of
11 such pollution;

12 (b) Include recommendations for the training of local personnel
13 consistent with other training proposed, funded, or required by federal
14 or state laws for hazardous materials;

15 (c) Suggest cooperative training exercises between the public and
16 private sector consistent with other training proposed, funded, or
17 required by federal or state laws for hazardous materials;

18 (d) Identify federal and state laws requiring contingency or
19 management plans applicable or related to prevention of pollution,
20 emergency response capabilities, and hazardous waste management,
21 together with a list of funding sources that local governments may use
22 in development of their specific plans;

23 (e) Promote formal agreements between the department (~~(of community~~
24 ~~development))~~) and local entities for effective spill response; and

25 (f) Develop policies and procedures for the augmentation of
26 emergency services and agency spill response personnel through the use
27 of volunteers: PROVIDED, That no contingency plan may require the use
28 of volunteers by a responding responsible party without that party's
29 consent.

30 **Sec. 57.** RCW 38.54.010 and 1992 c 117 s 9 are each amended to read
31 as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout this chapter.

34 (1) "Department" means the department of community, trade, and
35 economic development.

36 (2) "Director" means the director of the department of community,
37 trade, and economic development.

1 (3) "State fire marshal" means the assistant director of the
2 division of fire protection services in the department (~~(of community~~
3 ~~development)~~).

4 (4) "Fire chief" includes the chief officer of a statutorily
5 authorized fire agency, or the fire chief's authorized representative.
6 Also included are the department of natural resources fire control
7 chief, and the department of natural resources regional managers.

8 (5) "Jurisdiction" means state, county, city, fire district, or
9 port district (~~(fire)~~) fire fighting units, or other units covered by
10 this chapter.

11 (6) "Mobilization" means that fire fighting resources beyond those
12 available through existing agreements will be requested and, when
13 available, sent to fight a fire that has or soon will exceed the
14 capabilities of available local resources. During a large scale fire
15 emergency, mobilization includes redistribution of regional or state-
16 wide fire fighting resources to either direct fire fighting assignments
17 or to assignment in communities where fire fighting resources are
18 needed. This chapter shall not reduce or suspend the authority or
19 responsibility of the department of natural resources under chapter
20 76.04 RCW.

21 (7) "Mutual aid" means emergency interagency assistance provided
22 without compensation under (~~(and an)~~) an agreement between
23 jurisdictions under chapter 39.34 RCW.

24 **Sec. 58.** RCW 38.54.020 and 1992 c 117 s 10 are each amended to
25 read as follows:

26 Because of the possibility of the occurrence of disastrous fires or
27 other disasters of unprecedented size and destructiveness, the need to
28 insure that the state is adequately prepared to respond to such a fire
29 or disaster, the need to establish a mechanism and a procedure to
30 provide for reimbursement to fire fighting agencies that respond to
31 help others in time of need, and generally to protect the public peace,
32 health, safety, lives, and property of the people of Washington, it is
33 hereby declared necessary to:

34 (1) Provide the policy and organizational structure for large scale
35 mobilization of fire fighting resources in the state through creation
36 of the Washington state fire services mobilization plan;

37 (2) Confer upon the director (~~(of the department of community~~
38 ~~development)~~) the powers provided herein; and

1 (3) Provide a means for reimbursement to fire jurisdictions that
2 incur expenses when mobilized by the director under the Washington
3 state fire services mobilization plan.

4 **Sec. 59.** RCW 38.54.030 and 1992 c 117 s 11 are each amended to
5 read as follows:

6 There is created the state fire defense board consisting of the
7 state fire marshal, a representative from the department of natural
8 resources appointed by the commissioner of public lands, the assistant
9 director of the emergency management division of the department (~~of~~
10 ~~community development~~), and one representative selected by each
11 regional fire defense board in the state. Members of the state fire
12 defense board shall select from among themselves a chairperson.
13 Members serving on the board do so in a voluntary capacity and are not
14 eligible for reimbursement for meeting-related expenses from the state.

15 The state fire defense board shall develop and maintain the
16 Washington state fire services mobilization plan, which shall include
17 the procedures to be used during fire emergencies for coordinating
18 local, regional, and state fire jurisdiction resources. The Washington
19 state fire services mobilization plan shall be consistent with, and
20 made part of, the Washington state comprehensive emergency management
21 plan. The director shall review the fire services mobilization plan as
22 submitted by the state fire defense board and after consultation with
23 the fire protection policy board, recommend changes that may be
24 necessary, and approve the fire services mobilization plan for
25 inclusion within the state comprehensive emergency management plan.

26 It is the responsibility of the director to mobilize jurisdictions
27 under the Washington state fire services mobilization plan. The state
28 fire marshal shall serve as the state fire resources coordinator when
29 the Washington state fire services mobilization plan is mobilized.

30 **Sec. 60.** RCW 38.54.050 and 1992 c 117 s 13 are each amended to
31 read as follows:

32 The department (~~of community development~~) in consultation with
33 the office of financial management shall develop procedures to
34 facilitate reimbursement to jurisdictions from appropriate federal and
35 state funds when jurisdictions are mobilized by the director under the
36 Washington state fire services mobilization plan.

1 **Sec. 61.** RCW 39.19.040 and 1985 c 466 s 45 are each amended to
2 read as follows:

3 (1) There is hereby created an advisory committee on minority and
4 women's business enterprises to assist the director with the
5 development of policies to carry out this chapter, consisting of the
6 director of the office of financial management as a voting member and
7 the following nonvoting members: The executive director of the human
8 rights commission, a representative of the council of state college and
9 university presidents, the commissioner of employment security, the
10 secretary of social and health services, the secretary of
11 transportation, the director of general administration, and the
12 director of community, trade, and economic development. The president
13 of the senate and the speaker of the house shall appoint two members
14 each, one from the majority, and one from the minority party of each
15 body. The governor shall appoint nine voting members from the private
16 sector who shall be representative of both sexes and who shall also be
17 ethnically and geographically diverse. Six of the private sector
18 members shall represent minority and women-owned businesses; three
19 members shall be from the business community.

20 (2) The initial terms of the private sector members shall commence
21 on July 1, 1983. Five private sector members shall be appointed for an
22 initial term of two years; four private sector members shall be
23 appointed for an initial term of four years. Thereafter, all private
24 sector members shall be appointed for four years or until their
25 respective successors are appointed. Appointments to fill vacancies
26 shall be for the balance of any unexpired term, and shall be filled in
27 the same manner as the original appointments.

28 (3) Private sector members shall serve without pay, but all
29 committee members shall be entitled to reimbursement for travel
30 expenses incurred in performance of their duties as members of the
31 committee under RCW 43.03.050 and 43.03.060, except that legislative
32 members shall be entitled to reimbursement under RCW 44.04.120.

33 (4) Six voting members constitute a quorum for the conduct of
34 official business. The advisory committee shall elect a chairperson
35 from among the private sector members.

36 **Sec. 62.** RCW 39.44.210 and 1990 c 220 s 2 are each amended to read
37 as follows:

1 For each state or local government bond issued, the underwriter of
2 the issue shall supply the department of community, trade, and economic
3 development with information on the bond issue within twenty days of
4 its issuance. In cases where the issuer of the bond makes a direct or
5 private sale to a purchaser without benefit of an underwriter, the
6 issuer shall supply the required information. The bond issue
7 information shall be provided on a form prescribed by the department of
8 community, trade, and economic development and shall include but is not
9 limited to: (1) The par value of the bond issue; (2) the effective
10 interest rates; (3) a schedule of maturities; (4) the purposes of the
11 bond issue; (5) cost of issuance information; and (6) the type of bonds
12 that are issued. A copy of the bond covenants shall be supplied with
13 this information.

14 For each state or local government bond issued, the issuer's bond
15 counsel promptly shall provide to the underwriter or to the department
16 of community, trade, and economic development information on the amount
17 of any fees charged for services rendered with regard to the bond
18 issue.

19 Each local government that issues any type of bond shall make a
20 report annually to the department of community, trade, and economic
21 development that includes a summary of all the outstanding bonds of the
22 local government as of the first day of January in that year. Such
23 report shall distinguish the outstanding bond issues on the basis of
24 the type of bond, as defined in RCW 39.44.200, and shall report the
25 local government's outstanding indebtedness compared to any applicable
26 limitations on indebtedness, including RCW 35.42.200, 39.30.010, and
27 39.36.020.

28 **Sec. 63.** RCW 39.44.230 and 1989 c 225 s 3 are each amended to read
29 as follows:

30 The department of community, trade, and economic development may
31 adopt rules and regulations pursuant to the administrative procedure
32 act to require (1) the submission of bond issuance information by
33 underwriters and bond counsel to the department of community, trade,
34 and economic development in a timely manner and (2) the submission of
35 additional information on bond issues by state and local governments,
36 including summaries of outstanding bond issues.

1 **Sec. 64.** RCW 39.84.090 and 1987 c 505 s 22 are each amended to
2 read as follows:

3 (1) Prior to issuance of any revenue bonds, each public corporation
4 shall submit a copy of its enabling ordinance and charter, a
5 description of any industrial development facility proposed to be
6 undertaken, and the basis for its qualification as an industrial
7 development facility to the department of community, trade, and
8 economic development.

9 (2) If the industrial development facility is not eligible under
10 this chapter, the department of community, trade, and economic
11 development shall give notice to the public corporation, in writing and
12 by certified mail, within twelve working days of receipt of the
13 description.

14 (3) The department of trade and economic development shall report
15 annually through 1989 to the chairs of the committees on ways and means
16 of the senate and house of representatives, including one copy to the
17 staff of each of the committees, and to the governor on the amount of
18 capital investment undertaken under this chapter and the amount of
19 permanent employment reasonably related to the existence of such
20 industrial development facilities.

21 (4) The department of community, trade, and economic development
22 shall provide such advice and assistance to public corporations and
23 municipalities which have created or may wish to create public
24 corporations as the public corporations or municipalities request and
25 the department of community, trade, and economic development considers
26 appropriate.

27 **Sec. 65.** RCW 39.86.110 and 1987 c 297 s 2 are each amended to read
28 as follows:

29 The definitions in this section apply throughout this chapter
30 unless the context clearly requires otherwise.

31 (1) "Agency" means the department of community, trade, and economic
32 development.

33 (2) "Board" means the community economic revitalization board
34 established under chapter 43.160 RCW.

35 (3) "Bonds" means bonds, notes, or other obligations of an issuer.

36 (4) "Bond use category" means any of the following categories of
37 bonds which are subject to the state ceiling: (a) Housing, (b) student

1 loans, (c) small issue, (d) exempt facility, (e) redevelopment, (f)
2 public utility; and (g) remainder.

3 (5) "Carryforward" is an allocation or reallocation of the state
4 ceiling which is carried from one calendar year to a later year, in
5 accordance with the code.

6 (6) "Code" means the federal internal revenue code of 1986 as it
7 exists on May 8, 1987. It also means the code as amended after May 8,
8 1987, but only if the amendments are approved by the agency under RCW
9 39.86.180.

10 (7) "Director" means the director of the agency or the director's
11 designee.

12 (8) "Exempt facility" means the bond use category which includes
13 all bonds which are exempt facility bonds as described in the code,
14 except those for qualified residential rental projects.

15 (9) "Firm and convincing evidence" means documentation that
16 satisfies the director that the issuer is committed to the prompt
17 financing of, and will issue tax exempt bonds for, the project or
18 program for which it requests an allocation from the state ceiling.

19 (10) "Housing" means the bond use category which includes: (a)
20 Mortgage revenue bonds and mortgage credit certificates as described in
21 the code; and (b) exempt facility bonds for qualified residential
22 rental projects as described in the code.

23 (11) "Initial allocation" means the portion or dollar value of the
24 state ceiling which initially in each calendar year is allocated to a
25 bond use category for the issuance of private activity bonds, in
26 accordance with RCW 39.86.120.

27 (12) "Issuer" means the state, any agency or instrumentality of the
28 state, any political subdivision, or any other entity authorized to
29 issue private activity bonds under state law.

30 (13) "Private activity bonds" means obligations that are private
31 activity bonds as defined in the code or bonds for purposes described
32 in section 1317(25) of the tax reform act of 1986.

33 (14) "Program" means the activities for which housing bonds or
34 student loan bonds may be issued.

35 (15) "Public utility" means the bond use category which includes
36 those bonds described in section 1317(25) of the tax reform act of
37 1986.

38 (16) "Redevelopment" means the bond use category which includes
39 qualified redevelopment bonds as described in the code.

1 (17) "Remainder" means that portion of the state ceiling remaining
2 after initial allocations are made under RCW 39.86.120 for any other
3 bond use category.

4 (18) "Small issue" means the bond use category which includes all
5 industrial development bonds that constitute qualified small issue
6 bonds, as described in the code.

7 (19) "State" means the state of Washington.

8 (20) "State ceiling" means the volume limitation for each calendar
9 year on tax-exempt private activity bonds, as imposed by the code.

10 (21) "Student loans" means the bond use category which includes
11 qualified student loan bonds as described in the code.

12 **Sec. 66.** RCW 40.10.020 and 1986 c 266 s 45 are each amended to
13 read as follows:

14 The state archivist is authorized to reproduce those documents
15 designated as essential records by the several elected and appointed
16 officials of the state and local government by microfilm or other
17 miniature photographic process and to assist and cooperate in the
18 storage and safeguarding of such reproductions in such place as is
19 recommended by the state archivist with the advice of the director of
20 community, trade, and economic development. The state archivist shall
21 coordinate the essential records protection program and shall carry out
22 the provisions of the state emergency plan as they relate to the
23 preservation of essential records. The state archivist is authorized
24 to charge the several departments of the state and local government the
25 actual cost incurred in reproducing, storing and safeguarding such
26 documents: PROVIDED, That nothing herein shall authorize the
27 destruction of the originals of such documents after reproduction
28 thereof.

29 **Sec. 67.** RCW 41.06.072 and 1986 c 266 s 8 are each amended to read
30 as follows:

31 In addition to the exemptions set forth in this chapter, this
32 chapter shall not apply within the department of community, trade, and
33 economic development to the director, one confidential secretary, the
34 deputy directors, all assistant directors, the state historic
35 preservation officer, and up to two professional staff members within
36 the emergency management program.

1 **Sec. 68.** RCW 42.17.2401 and 1993 1st sp.s. c 2 s 18, 1993 c 492 s
2 488, and 1993 c 281 s 43 are each reenacted and amended to read as
3 follows:

4 For the purposes of RCW 42.17.240, the term "executive state
5 officer" includes:

6 (1) The chief administrative law judge, the director of
7 agriculture, the administrator of the office of marine safety, the
8 administrator of the Washington basic health plan, the director of the
9 department of services for the blind, the director of the state system
10 of community and technical colleges, the director of community, trade,
11 and economic development, the secretary of corrections, the director of
12 ecology, the commissioner of employment security, the chairman of the
13 energy facility site evaluation council, the director of the energy
14 office, the secretary of the state finance committee, the director of
15 financial management, the director of fish and wildlife, the executive
16 secretary of the forest practices appeals board, the director of the
17 gambling commission, the director of general administration, the
18 secretary of health, the administrator of the Washington state health
19 care authority, the executive secretary of the health care facilities
20 authority, the executive secretary of the higher education facilities
21 authority, the executive secretary of the horse racing commission, the
22 executive secretary of the human rights commission, the executive
23 secretary of the indeterminate sentence review board, the director of
24 the department of information services, the director of the interagency
25 committee for outdoor recreation, the executive director of the state
26 investment board, the director of labor and industries, the director of
27 licensing, the director of the lottery commission, the director of the
28 office of minority and women's business enterprises, the director of
29 parks and recreation, the director of personnel, the executive director
30 of the public disclosure commission, the director of retirement
31 systems, the director of revenue, the secretary of social and health
32 services, the chief of the Washington state patrol, the executive
33 secretary of the board of tax appeals, (~~the director of trade and~~
34 ~~economic development,~~) the secretary of transportation, the secretary
35 of the utilities and transportation commission, the director of
36 veterans affairs, the president of each of the regional and state
37 universities and the president of The Evergreen State College, each
38 district and each campus president of each state community college;

39 (2) Each professional staff member of the office of the governor;

1 (3) Each professional staff member of the legislature; and

2 (4) Central Washington University board of trustees, board of
3 trustees of each community college, each member of the state board for
4 community and technical colleges, state convention and trade center
5 board of directors, committee for deferred compensation, Eastern
6 Washington University board of trustees, Washington economic devel-
7 opment finance authority, The Evergreen State College board of
8 trustees, forest practices appeals board, forest practices board, gam-
9 bling commission, Washington health care facilities authority, each
10 member of the Washington health services commission, higher education
11 coordinating board, higher education facilities authority, horse racing
12 commission, state housing finance commission, human rights commission,
13 indeterminate sentence review board, board of industrial insurance
14 appeals, information services board, interagency committee for outdoor
15 recreation, state investment board, liquor control board, lottery
16 commission, marine oversight board, oil and gas conservation committee,
17 Pacific Northwest electric power and conservation planning council,
18 parks and recreation commission, personnel appeals board, board of
19 pilotage commissioners, pollution control hearings board, public
20 disclosure commission, public pension commission, shorelines hearing
21 board, public employees' benefits board, board of tax appeals,
22 transportation commission, University of Washington board of regents,
23 utilities and transportation commission, Washington state maritime
24 commission, Washington personnel resources board, Washington public
25 power supply system executive board, Washington State University board
26 of regents, Western Washington University board of trustees, and fish
27 and wildlife commission.

28 **Sec. 69.** RCW 43.06.115 and 1993 c 421 s 2 are each amended to read
29 as follows:

30 (1) The governor may, by executive order, after consultation with
31 or notification of the executive-legislative committee on economic
32 development created by chapter . . . (Senate Bill No. 5300), Laws of
33 1993, declare a community to be a "military impacted area." A
34 "military impacted area" means a community or communities, as
35 identified in the executive order, that experience serious social and
36 economic hardships because of a change in defense spending by the
37 federal government in that community or communities.

1 (2) If the governor executes an order under subsection (1) of this
2 section, the governor shall establish a response team to coordinate
3 state efforts to assist the military impacted community. The response
4 team may include, but not be limited to, one member from each of the
5 following agencies: (a) The department of community, trade, and
6 economic development; (b) ~~((the department of trade and economic~~
7 ~~development;—(e)))~~ the department of social and health services;
8 ~~((+d))~~ (c) the employment security department; ~~((+e))~~ (d) the state
9 board for community and technical colleges; ~~((+f))~~ (e) the higher
10 education coordinating board; ~~((+g))~~ (f) the department of
11 transportation; and ~~((+h))~~ (g) the Washington energy office. The
12 governor may appoint a response team coordinator. The governor shall
13 seek to actively involve the impacted community or communities in
14 planning and implementing a response to the crisis. The governor may
15 seek input or assistance from the community diversification advisory
16 committee, and the governor may establish task forces in the community
17 or communities to assist in the coordination and delivery of services
18 to the local community. The state and community response shall
19 consider economic development, human service, and training needs of the
20 community or communities impacted.

21 (3) The governor shall report at the beginning of the next
22 legislative session to the legislature and the executive-legislative
23 committee on economic development created by chapter . . . (Senate Bill
24 No. 5300), Laws of 1993, as to the designation of a military impacted
25 area. The report shall include recommendations regarding whether a
26 military impacted area should become eligible for (a) funding provided
27 by the community economic revitalization board, public facilities
28 construction loan revolving account, Washington state development loan
29 fund, basic health plan, the public works assistance account,
30 department of community, trade, and economic development, employment
31 security department, and department of transportation; (b) training for
32 dislocated defense workers; or (c) services for dislocated defense
33 workers.

34 **Sec. 70.** RCW 43.08.260 and 1992 c 54 s 4 are each amended to read
35 as follows:

36 (1) Any money appropriated from the public safety and education
37 account pursuant to RCW 43.08.250 for civil representation of indigent
38 persons shall be used solely for the purpose of contracting with

1 qualified legal aid programs for legal representation of indigent
2 persons in matters relating to: (a) Domestic relations and family law
3 matters, (b) public assistance, health care, and entitlement programs,
4 (c) public housing and utilities, and (d) unemployment compensation.
5 For purposes of this section, a "qualified legal aid program" means a
6 not-for-profit corporation incorporated and operating exclusively in
7 Washington which has received basic field funding for the provision of
8 civil legal services to indigents under Public Law 101-515.

9 (2) Funds distributed to qualified legal aid programs under this
10 section shall be distributed on a basis proportionate to the number of
11 individuals with incomes below the official federal poverty income
12 guidelines who reside within the counties in the geographic service
13 areas of such programs. The department of community, trade, and
14 economic development shall use the same formula for determining this
15 distribution as is used by the legal services corporation in allocating
16 funds for basic field services in the state of Washington.

17 (3)(a) Funds distributed to qualified legal aid programs under this
18 section may not be used directly or indirectly for lobbying or in class
19 action suits. Further, these funds are subject to all limitations and
20 conditions imposed on use of funds made available to legal aid programs
21 under the legal services corporation act of 1974 (P.L. 93-355; P.L. 95-
22 222) as currently in effect or hereafter amended.

23 (b)(i) For purposes of this section, "lobbying" means any personal
24 service, advertisement, telegram, telephone communication, letter,
25 printed or written matter, or other device directly or indirectly
26 intended to influence any member of congress or any other federal,
27 state, or local nonjudicial official, whether elected or appointed:

28 (A) In connection with any act, bill, resolution, or similar
29 legislation by the congress of the United States or by any state or
30 local legislative body, or any administrative rule, standard, rate, or
31 other enactment by any federal, state, or local administrative agency;

32 (B) In connection with any referendum, initiative, constitutional
33 amendment, or any similar procedure of the congress, any state
34 legislature, any local council, or any similar governing body acting in
35 a legislative capacity; or

36 (C) In connection with inclusion of any provision in a legislative
37 measure appropriating funds to, or defining or limiting the functions
38 or authority of, the recipient of funds pursuant to chapter 54, Laws of
39 1992.

1 (ii) "Lobbying" does not include the response of an employee of a
2 legal aid program to a written request from a governmental agency, an
3 elected or appointed official, or committee on a specific matter. This
4 exception does not authorize communication with anyone other than the
5 requesting party, or agent or employee of such agency, official, or
6 committee.

7 **Sec. 71.** RCW 43.19.1920 and 1991 c 216 s 3 are each amended to
8 read as follows:

9 The division of purchasing may donate state-owned, surplus,
10 tangible personal property to shelters that are: Participants in the
11 department of community, trade, and economic development's emergency
12 shelter assistance program; and operated by nonprofit organizations or
13 units of local government providing emergency or transitional housing
14 for homeless persons. A donation may be made only if all of the
15 following conditions have been met:

16 (1) The division of purchasing has made reasonable efforts to
17 determine if any state agency has a requirement for such personal
18 property and no such agency has been identified. Such determination
19 shall follow sufficient notice to all state agencies to allow adequate
20 time for them to make their needs known;

21 (2) The agency owning the property has authorized the division of
22 purchasing to donate the property in accordance with this section;

23 (3) The nature and quantity of the property in question is directly
24 germane to the needs of the homeless persons served by the shelter and
25 the purpose for which the shelter exists and the shelter agrees to use
26 the property for such needs and purposes; and

27 (4) The director of general administration has determined that the
28 donation of such property is in the best interest of the state.

29 **Sec. 72.** RCW 43.19.19201 and 1993 c 461 s 7 are each amended to
30 read as follows:

31 (1) The department of general administration shall identify and
32 catalog real property that is no longer required for department
33 purposes and is suitable for the development of affordable housing for
34 very low-income, low-income, and moderate-income households as defined
35 in RCW 43.63A.510. The inventory shall include the location,
36 approximate size, and current zoning classification of the property.
37 The department of general administration shall provide a copy of the

1 inventory to the department of community, trade, and economic
2 development by November 1, 1993, and every November 1 thereafter.

3 (2) By November 1 of each year, beginning in 1994, the department
4 of general administration shall purge the inventory of real property of
5 sites that are no longer available for the development of affordable
6 housing. The department shall include an updated listing of real
7 property that has become available since the last update. As used in
8 this section, "real property" means buildings, land, or buildings and
9 land.

10 **Sec. 73.** RCW 43.20A.037 and 1993 c 461 s 8 are each amended to
11 read as follows:

12 (1) The department shall identify and catalog real property that is
13 no longer required for department purposes and is suitable for the
14 development of affordable housing for very low-income, and moderate-
15 income households as defined in RCW 43.63A.510. The inventory shall
16 include the location, approximate size, and current zoning
17 classification of the property. The department shall provide a copy of
18 the inventory to the department of community, trade, and economic
19 development by November 1, 1993, and every November 1 thereafter.

20 (2) By November 1 of each year, beginning in 1994, the department
21 shall purge the inventory of real property of sites that are no longer
22 available for the development of affordable housing. The department
23 shall include an updated listing of real property that has become
24 available since the last update. As used in this section, "real
25 property" means buildings, land, or buildings and land.

26 **Sec. 74.** RCW 43.21A.170 and 1989 1st ex.s. c 9 s 217 are each
27 amended to read as follows:

28 (1) There is hereby created an ecological commission. The
29 commission shall consist of seven members to be appointed by the
30 governor from the electors of the state who shall have a general
31 knowledge of and interest in environmental matters. No persons shall
32 be eligible for appointment who hold any other state, county or
33 municipal elective or appointive office.

34 (a) One public member shall be a representative of organized labor.

35 (b) One public member shall be a representative of the business
36 community.

1 (c) One public member shall be a representative of the agricultural
2 community.

3 (d) Four persons representing the public at large.

4 (2) The members of the initial commission shall be appointed within
5 thirty days after July 1, 1970. Of the members of the initial
6 commission, two shall be appointed for terms ending June 30, 1974, two
7 shall be appointed for terms ending on June 30, 1973, two shall be
8 appointed for terms ending on June 30, 1972, and one shall be appointed
9 for a term ending June 30, 1971. Thereafter, each member of the
10 commission shall be appointed for a term of four years. Vacancies
11 shall be filled within ninety days for the remainder of the unexpired
12 term by appointment of the governor in the same manner as the original
13 appointments. Each member of the commission shall continue in office
14 until his or her successor is appointed. No member shall be appointed
15 for more than two consecutive terms. The chairman of the commission
16 shall be appointed from the members by the governor.

17 (3) The governor may remove any commission member for cause giving
18 (~~him~~) the member a copy of the charges against him or her, and an
19 opportunity of being publicly heard in person, or by counsel in his or
20 her own defense. There shall be no right of review in any court
21 whatsoever. The director or administrator, or a designated
22 representative, of each of the following state agencies:

23 (~~(1)~~) (a) The department of agriculture;

24 (~~(2)~~) (b) The department of community, trade, and economic
25 development;

26 (~~(3)~~) (c) The department of (~~fisheries;~~
27 ~~(4) The department of~~) fish and wildlife;

28 (~~(5)~~) (d) The department of health;

29 (~~(6)~~) (e) The department of natural resources; and

30 (~~(7)~~) (f) The state parks and recreation commission shall be
31 given notice of and may attend all meetings of the commission and shall
32 be given full opportunity to examine and be heard on all proposed
33 orders, regulations or recommendations.

34 **Sec. 75.** RCW 43.21A.510 and 1985 c 466 s 51 are each amended to
35 read as follows:

36 In order to assist the department of community, trade, and economic
37 development in providing information to businesses interested in
38 locating in Washington state, the department shall develop an

1 environmental profile of the state. This profile shall identify the
2 state's natural resources and describe how these assets are valuable to
3 industry. Examples of information to be included are water resources
4 and quality, air quality, and recreational opportunities related to
5 natural resources.

6 **Sec. 76.** RCW 43.21A.515 and 1985 c 466 s 52 are each amended to
7 read as follows:

8 In order to emphasize the importance of the state's environmental
9 laws and regulations and to facilitate compliance with them, the
10 department of ecology shall provide assistance to businesses interested
11 in locating in Washington state. When the department of community,
12 trade, and economic development receives a query from an interested
13 business through its industrial marketing activities, it shall arrange
14 for the department of ecology to provide information on the state's
15 environmental laws and regulations and methods of compliance. This
16 section shall facilitate compliance with state environmental laws and
17 regulations and shall not weaken their application or effectiveness.

18 **Sec. 77.** RCW 43.21A.612 and 1988 c 127 s 11 are each amended to
19 read as follows:

20 Before the director shall construct said steam generating facility
21 within the state, or make application for any permit, license or other
22 right necessary thereto, ((he)) the director shall give notice thereof
23 by publishing once a week for four consecutive weeks in a newspaper of
24 general circulation in the county or counties in which such project is
25 located a statement of intention setting forth the general nature,
26 extent and location of the project. If any public utility in the state
27 or any operating agency desires to construct such facility, such
28 utility or operating agency shall notify the director thereof within
29 ten days after the last date of publication of such notice. If the
30 director determines that it is in the best public interest that the
31 director proceed with such construction rather than the public utility
32 or operating agency, ((he)) the director shall so notify the director
33 of community, trade, and economic development, who shall set a date for
34 hearing thereon. If after considering the evidence introduced the
35 director of community, trade, and economic development finds that the
36 public utility or operating agency making the request intends to
37 immediately proceed with such construction and is financially capable

1 of carrying out such construction and further finds that the plan of
2 such utility or operating agency is equally well adapted to serve the
3 public interest, ((he)) the director shall enter an order so finding
4 and such order shall divest the director of authority to proceed
5 further with such construction or acquisition until such time as the
6 other public utility or agency voluntarily causes an assignment of its
7 right or interest in the project to the director or fails to procure
8 any further required governmental permit, license or authority or
9 having procured such, has the same revoked or withdrawn, in accordance
10 with the laws and regulations of such governmental entity, in which
11 event the director shall have the same authority to proceed as though
12 the director had originally entered an order so authorizing the
13 director to proceed. If, after considering the evidence introduced,
14 the director of community, trade, and economic development finds that
15 the public utility or agency making the request does not intend to
16 immediately proceed with such construction or acquisition or is not
17 financially capable of carrying out such construction or acquisition,
18 or finds that the plan of such utility or operating agency is not
19 equally well adapted to serve the public interest, ((he)) the director
20 shall then enter an order so finding and authorizing the director to
21 proceed with the construction or acquisition of the facility.

22 **Sec. 78.** RCW 43.21J.030 and 1993 c 516 s 5 are each amended to
23 read as follows:

24 (1) There is created the environmental enhancement and job creation
25 task force within the office of the governor. The purpose of the task
26 force is to provide a coordinated and comprehensive approach to
27 implementation of chapter 516, Laws of 1993. The task force shall
28 consist of the commissioner of public lands, the director of the
29 department of fish and wildlife, (~~the director of the department of~~
30 ~~fisheries,~~) the director of the department of ecology, the director of
31 the parks and recreation commission, the timber team coordinator, the
32 executive director of the work force training and education
33 coordinating board, and the executive director of the Puget Sound water
34 quality authority, or their designees. The task force may seek the
35 advice of the following agencies and organizations: The department of
36 community, trade, and economic development, (~~the department of trade~~
37 ~~and economic development,~~) the conservation commission, the employment
38 security department, the interagency committee for outdoor recreation,

1 appropriate federal agencies, appropriate special districts, the
2 Washington state association of counties, the association of Washington
3 cities, labor organizations, business organizations, timber-dependent
4 communities, environmental organizations, and Indian tribes. The
5 governor shall appoint the task force chair. Members of the task force
6 shall serve without additional pay. Participation in the work of the
7 committee by agency members shall be considered in performance of their
8 employment. The governor shall designate staff and administrative
9 support to the task force and shall solicit the participation of agency
10 personnel to assist the task force.

11 (2) The task force shall have the following responsibilities:

12 (a) Soliciting and evaluating, in accordance with the criteria set
13 forth in RCW 43.21J.040, requests for funds from the environmental and
14 forest restoration account and making distributions from the account.
15 The task force shall award funds for projects and training programs it
16 approves and may allocate the funds to state agencies for disbursement
17 and contract administration;

18 (b) Coordinating a process to assist state agencies and local
19 governments to implement effective environmental and forest restoration
20 projects funded under this chapter;

21 (c) Considering unemployment profile data provided by the
22 employment security department;

23 (d) No later than December 31, 1993, providing recommendations to
24 the appropriate standing committees of the legislature for improving
25 the administration of grants for projects or training programs funded
26 under this chapter that prevent habitat and environmental degradation
27 or provide for its restoration;

28 (e) Submitting to the appropriate standing committees of the
29 legislature a biennial report summarizing the jobs and the
30 environmental benefits created by the projects funded under this
31 chapter.

32 (3) Beginning July 1, 1994, the task force shall have the following
33 responsibilities:

34 (a) To solicit and evaluate proposals from state and local
35 agencies, private nonprofit organizations, and tribes for environmental
36 and forest restoration projects;

37 (b) To rank the proposals based on criteria developed by the task
38 force in accordance with RCW 43.21J.040; and

1 (c) To determine funding allocations for projects to be funded from
2 the account created in RCW 43.21J.020 and for projects or programs as
3 designated in the omnibus operating and capital appropriations acts.

4 **Sec. 79.** RCW 43.22.495 and 1990 c 176 s 1 are each amended to read
5 as follows:

6 Beginning on July 1, 1991, the department of community, trade, and
7 economic development shall be responsible for performing all the
8 consumer complaint and related functions of the state administrative
9 agency that are required for purposes of complying with the regulations
10 established by the federal department of housing and urban development
11 for manufactured housing, including the preparation and submission of
12 the state administrative plan.

13 The department of community, trade, and economic development may
14 enter into state or local interagency agreements to coordinate site
15 inspection activities with record monitoring and complaint handling.
16 The interagency agreement may also provide for the reimbursement for
17 cost of work that an agency performs. The department may include other
18 related areas in any interagency agreements which are necessary for the
19 efficient provision of services.

20 (~~The department of labor and industries shall transfer all~~
21 ~~records, files, books, and documents necessary for the department of~~
22 ~~community development to assume these new functions.))~~

23 The directors of the department of community, trade, and economic
24 development and the department of labor and industries shall
25 immediately take such steps as are necessary to ensure that ((~~this~~
26 ~~act~~)) chapter 176, Laws of 1990 is implemented on June 7, 1990.

27 **Sec. 80.** RCW 43.23.035 and 1986 c 202 s 1 are each amended to read
28 as follows:

29 The department of agriculture is hereby designated as the agency of
30 state government for the administration and implementation of state
31 agricultural market development programs and activities, both domestic
32 and foreign, and shall, in addition to the powers and duties otherwise
33 imposed by law, have the following powers and duties:

34 (1) To study the potential marketability of various agricultural
35 commodities of this state in foreign and domestic trade;

36 (2) To collect, prepare, and analyze foreign and domestic market
37 data;

1 (3) To establish a program to promote and assist in the marketing
2 of Washington-bred horses: PROVIDED, That the department shall present
3 a proposal to the legislature no later than December 1, 1986, that
4 provides for the elimination of all state funding for the program after
5 June 30, 1989;

6 (4) To encourage and promote the sale of Washington's agricultural
7 commodities and products at the site of their production through the
8 development and dissemination of referral maps and other means;

9 (5) To encourage and promote those agricultural industries, such as
10 the wine industry, which attract visitors to rural areas in which other
11 agricultural commodities and products are produced and are, or could
12 be, made available for sale;

13 (6) To encourage and promote the establishment and use of public
14 markets in this state for the sale of Washington's agricultural
15 products;

16 (7) To maintain close contact with foreign firms and governmental
17 agencies and to act as an effective intermediary between foreign
18 nations and Washington traders;

19 (8) To publish and disseminate to interested citizens and others
20 information which will aid in carrying out the purposes of chapters
21 43.23, 15.64, 15.65, and 15.66 RCW;

22 (9) To encourage and promote the movement of foreign and domestic
23 agricultural goods through the ports of Washington;

24 (10) To conduct an active program by sending representatives to, or
25 engaging representatives in, foreign countries to promote the state's
26 agricultural commodities and products;

27 (11) To assist and to make Washington agricultural concerns more
28 aware of the potentials of foreign trade and to encourage production of
29 those commodities that will have high export potential and appeal;

30 (12) To coordinate the trade promotional activities of appropriate
31 federal, state, and local public agencies, as well as civic
32 organizations; and

33 (13) To develop a coordinated marketing program with the department
34 of community, trade, and economic development, utilizing existing trade
35 offices and participating in mutual trade missions and activities.

36 As used in this section, "agricultural commodities" includes
37 products of both terrestrial and aquatic farming.

1 **Sec. 81.** RCW 43.31.093 and 1993 c 512 s 6 are each amended to read
2 as follows:

3 The department of community, trade, and economic development shall
4 contract with public and private agencies, institutions, and organiza-
5 tions to conduct entrepreneurial training courses for minority and
6 women-owned small businesses. The instruction shall be intensive,
7 practical training courses in financing, marketing, managing,
8 accounting, and recordkeeping for a small business, with an emphasis on
9 federal, state, local, or private programs available to assist small
10 businesses. The business assistance center may recommend professional
11 instructors, with practical knowledge and experience on how to start
12 and operate a business, to teach the courses. Instruction shall be
13 offered in major population centers throughout the state at times and
14 locations which are convenient for minority and women small business
15 owners and entrepreneurs.

16 **Sec. 82.** RCW 43.31.960 and 1987 c 195 s 10 are each amended to
17 read as follows:

18 The principal proceeds from the sale of the bonds authorized in RCW
19 43.31.956 shall be administered by the director of community, trade,
20 and economic development.

21 **Sec. 83.** RCW 43.43.710 and 1987 c 486 s 11 are each amended to
22 read as follows:

23 Information contained in the files and records of the section
24 relative to the commission of any crime by any person shall be
25 considered privileged and shall not be made public or disclosed for any
26 personal purpose or in any civil court proceedings except upon a
27 written order of the judge of a court wherein such civil proceedings
28 are had. All information contained in the files of the section
29 relative to criminal records and personal histories of persons arrested
30 for the commission of a crime shall be available to all criminal
31 justice agencies and, for the sole purpose of investigating the cause
32 of fires under RCW 48.48.060(2) where the cause is suspected to be
33 arson, to the director of community, trade, and economic development,
34 through the director of fire protection, upon the filing of an
35 application as provided in RCW 43.43.705.

36 Although no application for information has been made to the
37 section as provided in RCW 43.43.705, the section may transmit such

1 information in the chief's discretion, to such agencies as are
2 authorized by RCW 43.43.705 to make application for it.

3 **Sec. 84.** RCW 43.63A.465 and 1993 c 124 s 1 are each amended to
4 read as follows:

5 The director of the department of community, trade, and economic
6 development shall enforce manufactured housing safety and construction
7 standards adopted by the secretary of housing and urban development
8 under the National Manufactured Housing Construction and Safety
9 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).
10 Furthermore, the director may make agreements with the United States
11 government, state agencies, or private inspection organizations to
12 implement the development and enforcement of applicable provisions of
13 this chapter and the National Manufactured Housing Construction and
14 Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)
15 regarding the state administrative agency program.

16 **Sec. 85.** RCW 43.63A.700 and 1993 1st sp.s. c 25 s 401 are each
17 amended to read as follows:

18 (1) The department, in cooperation with the department of revenue,
19 the employment security department, and the office of financial
20 management, shall approve applications submitted by local governments
21 for designation as a neighborhood reinvestment area under this section.
22 The application shall be in the form and manner and contain such
23 information as the department may prescribe, provided that the
24 application for designation shall:

25 (a) Contain information sufficient for the director to determine if
26 the criteria established in RCW 43.63A.710 have been met.

27 (b) Be submitted on behalf of the local government by its chief
28 elected official, or, if none, by the governing body of the local
29 government.

30 (c) Contain a five-year neighborhood reinvestment plan that
31 describes the proposed designated neighborhood reinvestment area's
32 community development needs and present a strategy for meeting those
33 needs. The plan shall address the following categories: Housing
34 needs; public infrastructure needs, such as transportation, water,
35 sanitation, energy, and drainage/flood control; other public facilities
36 needs, such as neighborhood facilities or facilities for provision of
37 health, education, recreation, public safety, or other services;

1 community economic development needs, such as commercial/industrial
2 revitalization, job creation and retention considering the unemployment
3 and underemployment of area residents, accessibility to financial
4 resources by area residents and businesses, investment within the area,
5 or other related components of community economic development; and
6 social service needs.

7 The local government is required to provide a description of its
8 strategy for meeting the needs identified in this subsection (1)(c).
9 As part of the strategy, the local government is required to identify
10 the needs for which specific plans are currently in place and the
11 source of funds expected to be used. For the balance of the area's
12 needs, the local government must identify the source of funds expected
13 to become available during the next two-year period and actions the
14 local government will take to acquire those funds.

15 (d) Certify that neighborhood residents were given the opportunity
16 to participate in the development of the five-year neighborhood
17 reinvestment strategy required under (c) of this subsection.

18 (2) No local government shall submit more than two neighborhoods to
19 the department for possible designation as a designated neighborhood
20 reinvestment area under this section.

21 (3)(a) Within ninety days after January 1, 1994, the director may
22 designate up to six designated neighborhood reinvestment areas from
23 among the applications eligible for designation as a designated
24 neighborhood reinvestment area under this section. The director shall
25 make determinations of designated neighborhood reinvestment areas on
26 the basis of the following factors:

27 (i) The strength and quality of the local government commitments to
28 meet the needs identified in the five-year neighborhood reinvestment
29 plan required under this section.

30 (ii) The level of private commitments by private entities of
31 additional resources and contribution to the designated neighborhood
32 reinvestment area.

33 (iii) The potential for reinvestment in the area as a result of
34 designation as a designated neighborhood reinvestment area.

35 (iv) Other factors the director of the department of community,
36 trade, and economic development deems necessary.

37 (b) The determination of the director as to the areas designated as
38 neighborhood reinvestment areas shall be final.

1 **Sec. 86.** RCW 43.70.330 and 1990 c 253 s 2 are each amended to read
2 as follows:

3 (1) The department of health shall be the primary inspector of
4 labor camps and farmworker housing for the state of Washington:
5 PROVIDED, That the department of labor and industries shall be the
6 inspector for all farmworker housing not covered by the authority of
7 the state board of health.

8 (2) The department of health, the department of labor and
9 industries, the department of community, trade, and economic
10 development, the state board of health, and the employment security
11 department shall develop an interagency agreement defining the rules
12 and responsibilities for the inspection of farmworker housing. This
13 agreement shall recognize the department of health as the primary
14 inspector of labor camps for the state, and shall further be designed
15 to provide a central information center for public information and
16 education regarding farmworker housing. The agencies shall provide the
17 legislature with a report on the results of this agreement by January
18 1, 1991.

19 **Sec. 87.** RCW 43.79.201 and 1991 sp.s. c 13 s 39 are each amended
20 to read as follows:

21 (1) The charitable, educational, penal and reformatory institutions
22 account is hereby created, in the state treasury, into which account
23 there shall be deposited all moneys arising from the sale, lease or
24 transfer of the land granted by the United States government to the
25 state for charitable, educational, penal and reformatory institutions
26 by section 17 of the enabling act, or otherwise set apart for such
27 institutions, except all moneys arising from the sale, lease, or
28 transfer of that certain one hundred thousand acres of such land
29 assigned for the support of the University of Washington by chapter 91,
30 Laws of 1903 and section 9, chapter 122, Laws of 1893.

31 (2) If feasible, not less than one-half of all income to the
32 charitable, educational, penal, and reformatory institutions account
33 shall be appropriated for the purpose of providing housing, including
34 repair and renovation of state institutions, for persons who are
35 mentally ill, developmentally disabled, or youth who are blind, deaf,
36 or otherwise disabled. If moneys are appropriated for community-based
37 housing, the moneys shall be appropriated to the department of

1 community, trade, and economic development for the housing assistance
2 program under chapter 43.185 RCW.

3 **Sec. 88.** RCW 43.83.184 and 1985 c 466 s 54 are each amended to
4 read as follows:

5 For the purpose of acquiring land and providing needed capital
6 improvements consisting of the planning, acquisition, construction,
7 remodeling, and furnishing, together with all improvements,
8 enhancements, fixed equipment facilities of office buildings, parking
9 facilities, and such other buildings, facilities, and utilities as are
10 determined to be necessary to provide space including offices,
11 committee rooms, hearing rooms, work rooms, and industrial-related
12 space for the legislature, for other elective officials, and such other
13 state agencies as may be necessary, and for the purpose of land
14 acquisitions by the department of transportation, grants and loans by
15 the department of community, trade, and economic development, and
16 facilities of the department of corrections and other state agencies,
17 the state finance committee is authorized to issue general obligation
18 bonds of the state of Washington in the sum of sixty-four million two
19 hundred seventy thousand dollars, or so much thereof as may be
20 required, to finance these projects and all costs incidental thereto.
21 No bonds authorized in this section may be offered for sale without
22 prior legislative appropriation.

23 **Sec. 89.** RCW 43.132.020 and 1984 c 125 s 16 are each amended to
24 read as follows:

25 The director of financial management or the director's designee
26 shall, in cooperation with appropriate legislative committees and
27 legislative staff, establish a mechanism for the determination of the
28 fiscal impact of proposed legislation which if enacted into law would
29 directly or indirectly increase or decrease revenues received or
30 expenditures incurred by counties, cities, towns, or any other
31 political subdivisions of the state. The office of financial
32 management shall, when requested by a member of the state legislature,
33 report in writing as to such fiscal impact and said report shall be
34 known as a "fiscal note".

35 Such fiscal notes shall indicate by fiscal year the total impact on
36 the subdivisions involved for the first two years the legislation would
37 be in effect and also a cumulative six year forecast of the fiscal

1 impact. Where feasible and applicable, the fiscal note also shall
2 indicate the fiscal impact on each individual county or on a
3 representative sampling of cities, towns, or other political
4 subdivisions.

5 A fiscal note as defined in this section shall be provided only
6 upon request of any member of the state legislature. A legislator also
7 may request that such a fiscal note be revised to reflect the impact of
8 proposed amendments or substitute bills. Fiscal notes shall be
9 completed within seventy-two hours of the request unless a longer time
10 period is allowed by the requesting legislator. In the event a fiscal
11 note has not been completed within seventy-two hours of a request, a
12 daily report shall be prepared for the requesting legislator by the
13 director of financial management which report summarizes the progress
14 in preparing the fiscal note. If the request is referred to the
15 director of community, trade, and economic development, the daily
16 report shall also include the date and time such referral was made.

17 **Sec. 90.** RCW 43.132.030 and 1985 c 6 s 10 are each amended to read
18 as follows:

19 The director of financial management is hereby empowered to
20 designate the director of community, trade, and economic development as
21 the official responsible for the preparation of fiscal notes authorized
22 and required by this chapter. It is the intent of the legislature that
23 when necessary the resources of other state agencies, appropriate
24 legislative staffs, and the various associations of local government
25 may be employed in the development of such fiscal notes.

26 **Sec. 91.** RCW 43.133.030 and 1987 c 342 s 3 are each amended to
27 read as follows:

28 The office of financial management and the department of community,
29 trade, and economic development shall, in cooperation with appropriate
30 legislative committees and legislative staff, establish a procedure for
31 the provision of sunrise notes on the expected impact of bills and
32 resolutions that authorize the creation of new boards and new types of
33 special purpose districts.

34 **Sec. 92.** RCW 43.133.050 and 1987 c 342 s 5 are each amended to
35 read as follows:

1 (1) The office of financial management shall prepare sunrise notes
2 for legislation concerning the creation of new boards. The department
3 of community, trade, and economic development shall prepare sunrise
4 notes for legislation creating new types of special purpose districts.

5 (2) A sunrise note shall be prepared for all executive and agency
6 request legislation that creates a board or special purpose district.

7 (3) The office of financial management or the department of
8 community, trade, and economic development shall also provide a sunrise
9 note at the request of any committee of the legislature.

10 **Sec. 93.** RCW 43.143.040 and 1989 1st ex.s. c 2 s 12 are each
11 amended to read as follows:

12 Prior to September 1, 1994, the department of natural resources and
13 the department of ecology, working together and at the direction of the
14 joint select committee on marine and ocean resources, shall complete an
15 analysis of the potential positive and negative impacts of the leasing
16 of state-owned lands which is described in RCW 43.143.010(2). The
17 department shall consult with the departments of (~~fisheries, wildlife,~~
18 ~~community development, and~~) fish and wildlife and community, trade,
19 and economic development, and with the public, when preparing this
20 analysis. The analysis shall be presented to the legislature no later
21 than September 1, 1994. This analysis shall be used by the legislature
22 in determining whether the oil and gas leasing moratorium contained in
23 RCW 43.143.010 should be extended.

24 **Sec. 94.** RCW 43.150.040 and 1992 c 66 s 4 are each amended to read
25 as follows:

26 The governor may establish a state-wide center for volunteerism and
27 citizen service within the department of community, trade, and economic
28 development and appoint an executive administrator, who may employ such
29 staff as necessary to carry out the purposes of this chapter. The
30 provisions of chapter 41.06 RCW do not apply to the executive
31 administrator and the staff.

32 **Sec. 95.** RCW 43.155.020 and 1985 c 446 s 8 are each amended to
33 read as follows:

34 Unless the context clearly requires otherwise, the definitions in
35 this section shall apply throughout this chapter.

36 (1) "Board" means the public works board created in RCW 43.155.030.

1 (2) "Department" means the department of community, trade, and
2 economic development.

3 (3) "Financing guarantees" means the pledge of money in the public
4 works assistance account, or money to be received by the public works
5 assistance account, to the repayment of all or a portion of the
6 principal of or interest on obligations issued by local governments to
7 finance public works projects.

8 (4) "Local governments" means cities, towns, counties, special
9 purpose districts, and any other municipal corporations or quasi-
10 municipal corporations in the state excluding school districts and port
11 districts.

12 (5) "Public works project" means a project of a local government
13 for the planning, acquisition, construction, repair, reconstruction,
14 replacement, rehabilitation, or improvement of streets and roads,
15 bridges, water systems, or storm and sanitary sewage systems.

16 (6) "Technical assistance" means training and other services
17 provided to local governments to: (a) Help such local governments
18 plan, apply, and qualify for loans and financing guarantees from the
19 board, and (b) help local governments improve their ability to plan
20 for, finance, acquire, construct, repair, replace, rehabilitate, and
21 maintain public facilities.

22 **Sec. 96.** RCW 43.160.030 and 1993 c 320 s 2 are each amended to
23 read as follows:

24 (1) The community economic revitalization board is hereby created
25 to exercise the powers granted under this chapter.

26 (2) The board shall consist of the chairman of and one minority
27 member appointed by the speaker of the house of representatives from
28 the committee on trade, economic development, and housing of the house
29 of representatives, the chairman of and one minority member appointed
30 by the president of the senate from the committee on trade, technology,
31 and economic development of the senate, and the following members
32 appointed by the governor: A recognized private or public sector
33 economist; one port district official; one county official; one city
34 official; one representative of the public; one representative of small
35 businesses each from: (a) The area west of Puget Sound, (b) the area
36 east of Puget Sound and west of the Cascade range, (c) the area east of
37 the Cascade range and west of the Columbia river, and (d) the area east
38 of the Columbia river; one executive from large businesses each from

1 the area west of the Cascades and the area east of the Cascades. The
2 appointive members shall initially be appointed to terms as follows:
3 Three members for one-year terms, three members for two-year terms, and
4 three members for three-year terms which shall include the chair.
5 Thereafter each succeeding term shall be for three years. The chair of
6 the board shall be selected by the governor. The members of the board
7 shall elect one of their members to serve as vice-chair. The director
8 of community, trade, and economic development, (~~the director of~~
9 ~~community development,~~) the director of revenue, the commissioner of
10 employment security, and the secretary of transportation shall serve as
11 nonvoting advisory members of the board.

12 (3) Staff support shall be provided by the department of community,
13 trade, and economic development to assist the board in implementing
14 this chapter and the allocation of private activity bonds.

15 (4) All appointive members of the board shall be compensated in
16 accordance with RCW 43.03.240 and shall be reimbursed for travel
17 expenses as provided in RCW 43.03.050 and 43.03.060.

18 (5) If a vacancy occurs by death, resignation, or otherwise of
19 appointive members of the board, the governor shall fill the same for
20 the unexpired term. Any members of the board, appointive or otherwise,
21 may be removed for malfeasance or misfeasance in office, upon specific
22 written charges by the governor, under chapter 34.05 RCW.

23 **Sec. 97.** RCW 43.160.115 and 1987 c 422 s 7 are each amended to
24 read as follows:

25 In addition to its powers and duties under this chapter, the
26 community economic revitalization board shall cooperate with the
27 Washington state development loan fund committee in order to provide
28 for coordination of their very similar programs. Under this chapter,
29 it is the duty of the department of community, trade, and economic
30 development and the board to financially assist the committee to the
31 extent required by law. Funds appropriated to the board or the
32 department of community, trade, and economic development for the use of
33 the board shall be transferred to the department of community, trade,
34 and economic development to the extent required by law.

35 **Sec. 98.** RCW 43.160.180 and 1987 c 422 s 9 are each amended to
36 read as follows:

1 (1) There is hereby created the private activity bond subcommittee
2 of the board.

3 (2) The subcommittee shall be primarily responsible for reviewing
4 and making recommendations to the board on requests for certification
5 and allocation pursuant to the provisions of chapter 39.86 RCW and as
6 authorized by rules adopted by the board.

7 (3) The subcommittee shall consist of the following members: Six
8 members of the board including: (a) The chair; (b) the county
9 official; (c) the city official; (d) the port district official; (e) a
10 legislator, appointed by the chair; and (f) the representative of the
11 public. The members' terms shall coincide with their terms of
12 appointment to the board.

13 (4) Staff support to the subcommittee shall be provided by the
14 department of community, trade, and economic development.

15 (5) Members of the subcommittee shall receive no compensation but
16 shall be reimbursed for travel expenses under RCW 43.03.050 and
17 43.03.060.

18 (6) If a vacancy on the subcommittee occurs by death, resignation,
19 failure to hold the office from which the member was appointed, or
20 otherwise, the vacancy shall be filled through the procedures specified
21 for filling the corresponding vacancy on the board.

22 **Sec. 99.** RCW 43.163.020 and 1990 c 53 s 2 are each amended to read
23 as follows:

24 The Washington economic development finance authority is
25 established as a public body corporate and politic, with perpetual
26 corporate succession, constituting an instrumentality of the state of
27 Washington exercising essential governmental functions. The authority
28 is a public body within the meaning of RCW 39.53.010.

29 The authority shall consist of eighteen members as follows: The
30 director of the department of community, trade, and economic
31 development, (~~the director of the department of community~~
32 ~~development,~~) the director of the department of agriculture, the state
33 treasurer, one member from each caucus in the house of representatives
34 appointed by the speaker of the house, one member from each caucus in
35 the senate appointed by the president of the senate, and ten public
36 members with one representative of women-owned businesses and one
37 representative of minority-owned businesses and with at least three of
38 the members residing east of the Cascades. The public members shall be

1 residents of the state appointed by the governor on the basis of their
2 interest or expertise in trade, agriculture or business finance or jobs
3 creation and development. One of the public members shall be appointed
4 by the governor as chair of the authority and shall serve as chair of
5 the authority at the pleasure of the governor. The authority may
6 select from its membership such other officers as it deems appropriate.

7 The term of the persons appointed by the governor as public members
8 of the authority, including the public member appointed as chair, shall
9 be four years from the date of appointment, except that the term of
10 three of the initial appointees shall be for two years from the date of
11 appointment and the term of four of the initial appointees shall be for
12 three years from the date of appointment. The governor shall designate
13 the appointees who will serve the two-year and three-year terms.

14 In the event of a vacancy on the authority due to death,
15 resignation or removal of one of the public members, or upon the
16 expiration of the term of one of the public members, the governor shall
17 appoint a successor for the remainder of the unexpired term. If either
18 of the state offices is abolished, the resulting vacancy on the
19 authority shall be filled by the state officer who shall succeed
20 substantially to the power and duties of the abolished office.

21 Any public member of the authority may be removed by the governor
22 for misfeasance, malfeasance or willful neglect of duty after notice
23 and a public hearing, unless such notice and hearing shall be expressly
24 waived in writing by the affected public member.

25 The state officials serving in ex officio capacity may each
26 designate an employee of their respective departments to act on their
27 behalf in all respects with regard to any matter to come before the
28 authority. Such designations shall be made in writing in such manner
29 as is specified by the rules of the authority.

30 The members of the authority shall serve without compensation but
31 shall be entitled to reimbursement, solely from the funds of the
32 authority, for expenses incurred in the discharge of their duties under
33 this chapter. The authority may borrow funds from the department for
34 the purpose of reimbursing members for expenses; however, the authority
35 shall repay the department as soon as practicable.

36 A majority of the authority shall constitute a quorum.

37 **Sec. 100.** RCW 43.163.060 and 1989 c 279 s 7 are each amended to
38 read as follows:

1 (1) The authority is authorized to participate fully in federal and
2 other governmental economic development finance programs and to take
3 such actions as are necessary and consistent with this chapter to
4 secure to itself and the people of the state the benefits of those
5 programs and to meet their requirements.

6 (2) The authority shall coordinate its programs with those
7 contributing to a common purpose found elsewhere in the departments of
8 community, trade, and economic development, (~~community development,~~)
9 agriculture or employment security, or any other department or
10 organization of, or affiliated with, the state or federal government,
11 and shall avoid any duplication of such activities or programs provided
12 elsewhere. The departments of community, trade, and economic
13 development, (~~community development,~~) agriculture, employment
14 security and other relevant state agencies shall provide to the
15 authority all reports prepared in the course of their ongoing
16 activities which may assist in the identification of unmet capital
17 financing needs by small-sized and medium-sized businesses in the
18 state.

19 **Sec. 101.** RCW 43.163.120 and 1989 c 279 s 13 are each amended to
20 read as follows:

21 The authority shall receive no appropriation of state funds. The
22 department of community, trade, and economic development shall provide
23 staff to the authority, to the extent permitted by law, to enable the
24 authority to accomplish its purposes; the staff from the department of
25 community, trade, and economic development may assist the authority in
26 organizing itself and in designing programs, but shall not be involved
27 in the issuance of bonds or in making credit decisions regarding
28 financing provided to borrowers by the authority. The authority shall
29 report each December on its activities to the house trade (~~and~~),
30 economic development, and housing committee and to the senate trade,
31 technology, and economic development (~~and labor~~) committee.

32 **Sec. 102.** RCW 43.165.010 and 1987 c 461 s 1 are each amended to
33 read as follows:

34 Unless the context clearly requires to the contrary, the
35 definitions in this section apply throughout this chapter.

36 (1) "Department" means the department of community, trade, and
37 economic development.

1 (2) "Director" means the director of the department.

2 (3) "Distressed area" means: (a) A county that has an unemployment
3 rate that is twenty percent above the state-wide average for the
4 previous three years; or (b) a community or area that has experienced
5 sudden and severe or long-term and severe loss of employment, or
6 erosion of its economic base due to decline of its dominant industries;
7 or (c) an area within a county which area: (i) Is composed of
8 contiguous census tracts; (ii) has a minimum population of five
9 thousand persons; (iii) has at least seventy percent of its families
10 and unrelated individuals with incomes below eighty percent of the
11 county's median income for families and unrelated individuals; and (iv)
12 has an unemployment rate which is at least forty percent higher than
13 the county's unemployment rate. For purposes of this definition,
14 "families and unrelated individuals" has the same meaning that is
15 ascribed to that term by the federal department of housing and urban
16 development in its regulations authorizing action grants for economic
17 development and neighborhood revitalization projects.

18 (4) "Economic development revolving loan funds" means a local, not-
19 for-profit or governmentally sponsored business loan program.

20 (5) "Team" means the community revitalization team.

21 (6) "Technical assistance" includes, but is not limited to,
22 assistance with strategic planning, market research, business plan
23 development review, organization and management development, accounting
24 and legal services, grant and loan packaging, and other assistance
25 which may be expected to contribute to the redevelopment and economic
26 well-being of a distressed area.

27 **Sec. 103.** RCW 43.168.031 and 1988 c 186 s 7 are each amended to
28 read as follows:

29 The Washington state development loan fund committee shall be
30 terminated on June 30, 1994, and its powers and duties transferred to
31 the director of the department of community, trade, and economic
32 development.

33 **Sec. 104.** RCW 43.170.020 and 1985 c 466 s 60 are each amended to
34 read as follows:

35 Unless the context clearly requires otherwise, the definitions in
36 this section apply throughout this chapter.

1 (1) "Department" means the department of community, trade, and
2 economic development.

3 (2) "Director" means the director of community, trade, and economic
4 development.

5 (3) "Program" means the small business innovators' opportunity
6 program.

7 (4) "Inventor" or "innovator" means one who thinks of, imagines, or
8 creates something new which may result in a device, contrivance, or
9 process for the first time, through the use of the imagination or
10 ingenious thinking and experimentation.

11 (5) "Proposal" means a plan provided by an inventor or innovator on
12 an idea for an invention or an improvement.

13 (6) "Higher education" means any university, college, community
14 college, or technical institute in this state.

15 **Sec. 105.** RCW 43.170.030 and 1985 c 466 s 61 are each amended to
16 read as follows:

17 The department (~~(of trade and economic development)~~), in
18 cooperation with institutions of higher education, shall establish as
19 a pilot project a small business innovators' opportunity program to
20 provide a professional research and counseling service on a user fee
21 basis to inventors, innovators, and the business community.

22 The composition and organizational structure of the program shall
23 be determined by the department in a manner which will foster the
24 continuation of the program without state funding at the end of the
25 pilot project established by this chapter. The department shall
26 provide staff support for the program for the duration of the pilot
27 project. The program shall:

28 (1) Receive proposals from inventors and innovators;

29 (2) Review proposals for accuracy and evaluate their prospects for
30 marketability;

31 (3) Cooperate with institutions of higher education to evaluate
32 proposals for marketability, suitability for patent rights, and for the
33 provision of professional research and counseling;

34 (4) Provide assistance to the innovators and inventors as
35 appropriate; and

36 (5) Have the power to receive funds, contract with institutions of
37 higher education, and carry out such other duties as are deemed
38 necessary to implement this chapter.

1 The user fee shall be set by the director in an amount which is
2 designed to recover the cost of the services provided.

3 **Sec. 106.** RCW 43.170.070 and 1989 c 312 s 9 are each amended to
4 read as follows:

5 Any innovation or inventor receiving assistance under this program
6 shall be referred to the investment opportunities office operated by
7 the department (~~(of trade and economic development)~~).

8 **Sec. 107.** RCW 43.172.011 and 1993 c 512 s 16 are each amended to
9 read as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout RCW 43.172.020 through 43.172.110.

12 (1) "Approved surety company" means a surety company approved by
13 the department for participation in providing direct bonding assistance
14 to qualified contractors.

15 (2) "Bond" means any bond or security required for bid, payment, or
16 performance of contracts.

17 (3) "Department" means the department of community, trade, and
18 economic development.

19 (4) "Program" means the Washington state small business bonding
20 assistance program provided for in this chapter.

21 (5) "Qualified contractor" means any resident minority business
22 enterprise or women's business enterprise, as determined by the
23 department to be consistent with the requirements of chapter 39.19 RCW
24 and engaged in the contracting business, which has obtained a
25 certificate of accreditation from the Washington state small business
26 bonding assistance program.

27 **Sec. 108.** RCW 43.172.020 and 1993 c 512 s 17 are each amended to
28 read as follows:

29 There is established within the department (~~(of trade and economic
30 development)~~) the Washington state small business bonding assistance
31 program to assist resident minority and women-owned small contracting
32 businesses to acquire the managerial and financial skills, standards,
33 and assistance necessary to enable them to obtain bid, payment, and
34 performance bonds from surety companies for either advertised or
35 designated contracts. The department shall implement the program by
36 establishing a course of instruction as set forth in RCW 43.172.040.

1 The department shall encourage surety companies and other private
2 interests to help implement this course of instruction to assist
3 minority and women-owned small contracting businesses. The department
4 shall adopt rules to ensure the proper implementation of the program
5 set forth in this chapter.

6 **Sec. 109.** RCW 43.180.040 and 1985 c 6 s 14 are each amended to
7 read as follows:

8 (1) There is hereby established a public body corporate and
9 politic, with perpetual corporate succession, to be known as the
10 Washington state housing finance commission. The commission is an
11 instrumentality of the state exercising essential government functions
12 and, for purposes of the code, acts as a constituted authority on
13 behalf of the state when it issues bonds pursuant to this chapter. The
14 commission is a "public body" within the meaning of RCW 39.53.010.

15 (2) The commission shall consist of the following voting members:

16 (a) The state treasurer, ex officio;

17 (b) The director of community, trade, and economic development, ex
18 officio;

19 (c) An elected local government official, ex officio, with
20 experience in local housing programs, who shall be appointed by the
21 governor with the consent of the senate;

22 (d) A representative of housing consumer interests, appointed by
23 the governor with the consent of the senate;

24 (e) A representative of labor interests, appointed by the governor,
25 with the consent of the senate, after consultation with representatives
26 of organized labor;

27 (f) A representative of low-income persons, appointed by the
28 governor with the consent of the senate;

29 (g) Five members of the public appointed by the governor, with the
30 consent of the senate, on the basis of geographic distribution and
31 their expertise in housing, real estate, finance, energy efficiency, or
32 construction, one of whom shall be appointed by the governor as chair
33 of the commission and who shall serve on the commission and as chair of
34 the commission at the pleasure of the governor.

35 The term of the persons appointed by the governor, other than the
36 chair, shall be four years from the date of their appointment, except
37 that the terms of three of the initial appointees shall be for two
38 years from the date of their appointment. The governor shall designate

1 the appointees who will serve the two-year terms. An appointee may be
2 removed by the governor for cause pursuant to RCW 43.06.070 and
3 43.06.080. The governor shall fill any vacancy in an appointed
4 position by appointment for the remainder of the unexpired term. If
5 the department of community development is abolished, the resulting
6 vacancy shall be filled by a state official who shall be appointed to
7 the commission by the governor. If this official occupies an office or
8 position for which senate confirmation is not required, then his or her
9 appointment to the commission shall be subject to the consent of the
10 senate. The members of the commission shall be compensated in
11 accordance with RCW 43.03.240 and may be reimbursed, solely from the
12 funds of the commission, for expenses incurred in the discharge of
13 their duties under this chapter, subject to the provisions of RCW
14 43.03.050 and 43.03.060. A majority of the commission constitutes a
15 quorum. Designees shall be appointed in such manner and shall exercise
16 such powers as are specified by the rules of the commission.

17 (3) The commission may adopt an official seal and may select from
18 its membership a vice chair, a secretary, and a treasurer. The
19 commission shall establish rules concerning its exercise of the powers
20 authorized by this chapter. The rules shall be adopted in conformance
21 with chapter 34.05 RCW.

22 **Sec. 110.** RCW 43.180.200 and 1986 c 264 s 3 are each amended to
23 read as follows:

24 For purposes of the code:

25 (1) The legislature reserves the right at any time to alter or
26 change the structure, organization, programs, or activities of the
27 commission and to terminate the commission, so long as the action does
28 not impair any outstanding contracts entered into by the commission;

29 (2) Any net earnings of the commission beyond that necessary to
30 retire its bonds and to carry out the purposes of this chapter shall
31 not inure to the benefit of any person other than the state;

32 (3) Upon dissolution of the commission, title to all of its
33 remaining property shall vest in the state;

34 (4) The commission constitutes the only housing finance agency of
35 the state of Washington; and

36 (5) In order to take advantage of the maximum amount of tax exempt
37 bonds for housing financing available pursuant to the code, any state

1 ceiling with respect to housing shall be allocated in accordance with
2 the following formula:

3 (a) Eighty percent of the state ceiling shall be allocated to the
4 commission and twenty percent shall be allocated to the other issuing
5 authorities in the state.

6 (b) The allocation to the issuing authorities other than the
7 commission shall be distributed to such issuing authorities in amounts
8 as determined following public notice by the department of community,
9 trade, and economic development pursuant to rules promulgated by it.
10 The distribution shall be in response to applications received from
11 such issuing authorities and shall be based on the following factors:
12 (i) The amount of housing to be made available by such applicant; (ii)
13 the population within the jurisdiction of the applicant; (iii)
14 coordination with other applicable federal and state housing programs;
15 (iv) the likelihood of implementing the proposed financing during that
16 year; and (v) consistency with the plan of the commission. On or
17 before February 1 of each year, the department of community, trade, and
18 economic development shall distribute the state ceiling allocation
19 among such issuing authorities and any unused portion shall be added to
20 the allocation of the commission. Each issuing authority other than
21 the commission shall confirm its allocation distribution by providing
22 to the department of community, trade, and economic development no
23 later than June 1 a copy of an executed bond purchase contract or
24 alternative documentation deemed sufficient by the commission to
25 evidence the reasonable likelihood of the allocation distribution being
26 fully used. Any portion of such allocation not so confirmed shall be
27 added to the allocation of the commission on July 1. Prior to July 1,
28 the commission shall provide written notice of the allocation decrease
29 to the affected issuing authority. The reallocation shall not limit
30 the authority of the commission to assign a portion of its allocation
31 pursuant to subsection (5)(c) of this section.

32 (c) The commission may assign a portion of its allocation to
33 another issuing agency.

34 **Sec. 111.** RCW 43.185.015 and 1991 c 356 s 2 are each amended to
35 read as follows:

36 There is created within the department (~~(of community development)~~)
37 the housing assistance program to carry out the purposes of this
38 chapter.

1 **Sec. 112.** RCW 43.185.020 and 1986 c 298 s 3 are each amended to
2 read as follows:

3 "Department" means the department of community, trade, and economic
4 development. "Director" means the director of the department of
5 community, trade, and economic development.

6 **Sec. 113.** RCW 43.185.050 and 1991 c 356 s 4 are each amended to
7 read as follows:

8 (1) The department shall use moneys from the housing trust fund and
9 other legislative appropriations to finance in whole or in part any
10 loans or grant projects that will provide housing for persons and
11 families with special housing needs and with incomes at or below fifty
12 percent of the median family income for the county or standard
13 metropolitan statistical area where the project is located. At least
14 thirty percent of these moneys used in any given funding cycle shall be
15 for the benefit of projects located in rural areas of the state as
16 defined by the department (~~(of community development)~~). If the
17 department determines that it has not received an adequate number of
18 suitable applications for rural projects during any given funding
19 cycle, the department may allocate unused moneys for projects in
20 nonrural areas of the state.

21 (2) Activities eligible for assistance from the housing trust fund
22 and other legislative appropriations include, but are not limited to:

23 (a) New construction, rehabilitation, or acquisition of low and
24 very low-income housing units;

25 (b) Rent subsidies;

26 (c) Matching funds for social services directly related to
27 providing housing for special-need tenants in assisted projects;

28 (d) Technical assistance, design and finance services and
29 consultation, and administrative costs for eligible nonprofit community
30 or neighborhood-based organizations;

31 (e) Administrative costs for housing assistance groups or
32 organizations when such grant or loan will substantially increase the
33 recipient's access to housing funds other than those available under
34 this chapter;

35 (f) Shelters and related services for the homeless;

36 (g) Mortgage subsidies, including temporary rental and mortgage
37 payment subsidies to prevent homelessness;

38 (h) Mortgage insurance guarantee or payments for eligible projects;

1 (i) Down payment or closing cost assistance for eligible first-time
2 home buyers;

3 (j) Acquisition of housing units for the purpose of preservation as
4 low-income or very low-income housing; and

5 (k) Projects making housing more accessible to families with
6 members who have disabilities.

7 (3) Legislative appropriations from capital bond proceeds and
8 moneys from repayment of loans from appropriations from capital bond
9 proceeds may be used only for the costs of projects authorized under
10 subsection (2) (a), (i), and (j) of this section, and not for the
11 administrative costs of the department.

12 **Sec. 114.** RCW 43.185A.010 and 1991 c 356 s 10 are each amended to
13 read as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "Affordable housing" means residential housing for rental or
17 private individual ownership which, as long as the same is occupied by
18 low-income households, requires payment of monthly housing costs,
19 including utilities other than telephone, of no more than thirty
20 percent of the family's income.

21 (2) "Department" means the department of community, trade, and
22 economic development.

23 (3) "Director" means the director of the department of community,
24 trade, and economic development.

25 (4) "First-time home buyer" means an individual or his or her
26 spouse who have not owned a home during the three-year period prior to
27 purchase of a home.

28 (5) "Low-income household" means a single person, family or
29 unrelated persons living together whose adjusted income is less than
30 eighty percent of the median family income, adjusted for household
31 size, for the county where the project is located.

32 **Sec. 115.** RCW 43.185A.020 and 1993 c 478 s 16 are each amended to
33 read as follows:

34 The affordable housing program is created in the department (~~of~~
35 ~~community development~~) for the purpose of developing and coordinating
36 public and private resources targeted to meet the affordable housing
37 needs of low-income households in the state of Washington. The program

1 shall be developed and administered by the department with advice and
2 input from the affordable housing advisory board established in RCW
3 43.185B.020.

4 **Sec. 116.** RCW 43.185B.010 and 1993 c 478 s 4 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Affordable housing" means residential housing that is rented
9 or owned by a person or household whose monthly housing costs,
10 including utilities other than telephone, do not exceed thirty percent
11 of the household's monthly income.

12 (2) "Department" means the department of community, trade, and
13 economic development.

14 (3) "Director" means the director of community, trade, and economic
15 development.

16 (4) "Nonprofit organization" means any public or private nonprofit
17 organization that: (a) Is organized under federal, state, or local
18 laws; (b) has no part of its net earnings inuring to the benefit of any
19 member, founder, contributor, or individual; and (c) has among its
20 purposes significant activities related to the provision of decent
21 housing that is affordable to very low-income, low-income, or moderate-
22 income households and special needs populations.

23 (5) "Regulatory barriers to affordable housing" and "regulatory
24 barriers" mean any public policies (including those embodied in
25 statutes, ordinances, regulations, or administrative procedures or
26 processes) required to be identified by the state or local government
27 in connection with its strategy under section 105(b)(4) of the
28 Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et
29 seq.).

30 (6) "Tenant-based organization" means a nonprofit organization
31 whose governing body includes a majority of members who reside in the
32 housing development and are considered low-income households.

33 **Sec. 117.** RCW 43.190.030 and 1988 c 119 s 2 are each amended to
34 read as follows:

35 There is created the office of the state long-term care ombudsman.
36 The department of community, trade, and economic development shall
37 contract with a private nonprofit organization to provide long-term

1 care ombudsman services as specified under, and consistent with, the
2 federal older Americans act as amended, federal mandates, the goals of
3 the state, and the needs of its citizens. The department of community,
4 trade, and economic development shall ensure that all program and staff
5 support necessary to enable the ombudsman to effectively protect the
6 interests of residents, patients, and clients of all long-term care
7 facilities is provided by the nonprofit organization that contracts to
8 provide long-term care ombudsman services. The long-term care
9 ombudsman program shall have the following powers and duties:

10 (1) To provide services for coordinating the activities of long-
11 term care ombudsmen throughout the state;

12 (2) Carry out such other activities as the department of community,
13 trade, and economic development deems appropriate;

14 (3) Establish procedures consistent with RCW 43.190.110 for
15 appropriate access by long-term care ombudsmen to long-term care
16 facilities and patients' records, including procedures to protect the
17 confidentiality of the records and ensure that the identity of any
18 complainant or resident will not be disclosed without the written
19 consent of the complainant or resident, or upon court order;

20 (4) Establish a state-wide uniform reporting system to collect and
21 analyze data relating to complaints and conditions in long-term care
22 facilities for the purpose of identifying and resolving significant
23 problems, with provision for submission of such data to the department
24 of social and health services and to the federal department of health
25 and human services, or its successor agency, on a regular basis; and

26 (5) Establish procedures to assure that any files maintained by
27 ombudsman programs shall be disclosed only at the discretion of the
28 ombudsman having authority over the disposition of such files, except
29 that the identity of any complainant or resident of a long-term care
30 facility shall not be disclosed by such ombudsman unless:

31 (a) Such complainant or resident, or the complainant's or
32 resident's legal representative, consents in writing to such
33 disclosure; or

34 (b) Such disclosure is required by court order.

35 **Sec. 118.** RCW 43.210.030 and 1991 c 314 s 15 are each amended to
36 read as follows:

37 The small business export finance assistance center and its
38 branches shall be governed and managed by a board of nineteen directors

1 appointed by the governor and confirmed by the senate. The directors
2 shall serve terms of six years except that two of the original
3 directors shall serve for two years and two of the original directors
4 shall serve for four years. The directors may provide for the payment
5 of their expenses. The directors shall include a representative of a
6 not-for-profit corporation formed for the purpose of facilitating
7 economic development, at least two representatives of state financial
8 institutions engaged in the financing of export transactions, a
9 representative of a port district, and a representative of organized
10 labor. Of the remaining board members, there shall be one
11 representative of business from the area west of Puget Sound, one
12 representative of business from the area east of Puget Sound and west
13 of the Cascade range, one representative of business from the area east
14 of the Cascade range and west of the Columbia river, one representative
15 of business from the area east of the Columbia river, the director of
16 the department of community, trade, and economic development, and the
17 director of the department of agriculture. One of the directors shall
18 be a representative of the public selected from the area in the state
19 west of the Cascade mountain range and one director shall be a
20 representative of the public selected from that area of the state east
21 of the Cascade mountain range. One director shall be a representative
22 of the public at large. The directors shall be broadly representative
23 of geographic areas of the state, and the representatives of businesses
24 shall represent at least four different industries in different sized
25 businesses as follows: (a) One representative of a company employing
26 fewer than one hundred persons; (b) one representative of a company
27 employing between one hundred and five hundred persons; (c) one
28 representative of a company employing more than five hundred persons;
29 (d) one representative from an export management company; and (e) one
30 representative from an agricultural or food processing company. Any
31 vacancies on the board due to the expiration of a term or for any other
32 reason shall be filled by appointment by the governor for the unexpired
33 term.

34 **Sec. 119.** RCW 43.210.050 and 1991 c 314 s 16 are each amended to
35 read as follows:

36 The small business export finance assistance center formed under
37 RCW 43.210.020 and 43.210.030 shall enter into a contract under this
38 chapter with the department of community, trade, and economic

1 development or its statutory successor. The contract shall require the
2 center to provide export assistance services, consistent with RCW
3 43.210.070 and 43.210.100 through 43.210.120, shall have a duration of
4 two years, and shall require the center to aggressively seek to fund
5 its continued operation from nonstate funds. The contract shall also
6 require the center to report annually to the department on its success
7 in obtaining nonstate funding. Upon expiration of the contract, any
8 provisions within the contract applicable to the Pacific Northwest
9 export assistance project shall be automatically renewed without change
10 provided the legislature appropriates funds for administration of the
11 small business export assistance center and the Pacific Northwest
12 export assistance project. The provisions of the contract related to
13 the Pacific Northwest export assistance project may be changed at any
14 time if the director of the department of community, trade, and
15 economic development or the president of the small business export
16 finance assistance center present compelling reasons supporting the
17 need for a contract change to the board of directors and a majority of
18 the board of directors agrees to the changes. The department of
19 agriculture shall be included in the contracting negotiations with the
20 department of community, trade, and economic development and the small
21 business export finance assistance center when the Pacific Northwest
22 export assistance project provides export services to industrial
23 sectors within the administrative domain of the Washington state
24 department of agriculture. The department of community, trade, and
25 economic development, the small business export finance assistance
26 center, and, if appropriate, the department of agriculture, shall
27 report annually, as one group, to the appropriate legislative oversight
28 committees on the progress of the Pacific Northwest export assistance
29 project.

30 **Sec. 120.** RCW 43.210.060 and 1985 c 466 s 65 are each amended to
31 read as follows:

32 The department of community, trade, and economic development or its
33 statutory successor shall adopt rules under chapter 34.05 RCW as
34 necessary to carry out the purposes of this chapter.

35 **Sec. 121.** RCW 43.210.070 and 1991 c 314 s 14 are each amended to
36 read as follows:

1 The small business export finance assistance center fund is created
2 in the custody of the state treasurer. Expenditures from the fund may
3 be used only for the purposes of funding the services of the small
4 business export finance assistance center and its projects under this
5 chapter. Only the director of the department of community, trade, and
6 economic development or the director's designee may authorize
7 expenditures from the fund. The director of the department of
8 community, trade, and economic development shall not withhold funds
9 appropriated for the administration of the small business export
10 finance assistance center and its projects, if the small business
11 export finance assistance center complies with the provisions of its
12 contract under RCW 43.210.050 and 43.210.100. Funding appropriated by
13 the state of Washington shall not be used to provide services to other
14 states or provinces. The fund is subject to allotment procedures under
15 chapter 43.88 RCW, but no appropriation is required for expenditures.

16 **Sec. 122.** RCW 43.210.100 and 1991 c 314 s 11 are each amended to
17 read as follows:

18 (1) The Pacific Northwest export assistance project is hereby
19 created for the following purposes:

20 (a) To assist manufacturers relatively new to exporting with gross
21 annual revenues less than twenty-five million dollars with
22 comprehensive services for designing and managing introductory export
23 strategies and in securing financing and credit guarantees for export
24 transactions;

25 (b) To provide, in cooperation with the export promotion services
26 offered by the department of community, trade, and economic development
27 and the Washington state department of agriculture, information and
28 assistance to manufacturers with gross annual revenues less than
29 twenty-five million dollars about the methods and procedures of
30 structuring company specific export financing and credit guarantee
31 alternatives; or

32 (c) To provide information to their clients about opportunities in
33 organizing cooperative export networks, foreign sales corporations, or
34 export trading companies under the United States export trading company
35 act of 1982, for the purpose of increasing their comparative sales
36 volume and ability to export their products to foreign markets.

1 (2) The Pacific Northwest export assistance project is a separate
2 branch of the small business export finance assistance center for
3 accounting and auditing purposes.

4 (3) The Pacific Northwest export assistance project is subject to
5 the authority of the small business export finance assistance center,
6 under RCW 43.210.020, and shall be governed and managed by the board of
7 directors, under RCW 43.210.030.

8 **Sec. 123.** RCW 43.210.120 and 1991 c 314 s 13 are each amended to
9 read as follows:

10 The department of community, trade, and economic development shall
11 adopt rules under chapter 34.05 RCW as necessary to carry out the
12 purposes of RCW 43.210.070 and 43.210.100 through 43.210.120.

13 **Sec. 124.** RCW 43.220.070 and 1990 c 71 s 2 are each amended to
14 read as follows:

15 (1) Conservation corps members shall be unemployed residents of the
16 state between eighteen and twenty-five years of age at the time of
17 enrollment who are citizens or lawful permanent residents of the United
18 States. The age requirements may be waived for corps leaders and
19 specialists with special leadership or occupational skills; such
20 members shall be given special responsibility for providing leadership,
21 character development, and sense of community responsibility to the
22 corps members, groups, and work crews to which they are assigned. The
23 upper age requirement may be waived for residents who have a sensory or
24 mental handicap. Special effort shall be made to recruit minority and
25 disadvantaged youth who meet selection criteria of the conservation
26 corps. Preference shall be given to youths residing in areas, both
27 urban and rural, in which there exists substantial unemployment
28 exceeding the state average unemployment rate.

29 (2) The legislature finds that people with developmental
30 disabilities would benefit from experiencing a meaningful work
31 experience, and learning the value of labor and of membership in a
32 productive society.

33 The legislature urges state agencies that are participating in the
34 Washington conservation corps program to consider for enrollment in the
35 program people who have developmental disabilities, as defined in RCW
36 71A.10.020.

1 If an agency chooses to enroll people with developmental
2 disabilities in its Washington conservation corps program, the agency
3 may apply to the United States department of labor, employment
4 standards administration for a special subminimum wage certificate in
5 order to be allowed to pay enrollees with developmental disabilities
6 according to their individual levels of productivity.

7 (3) Corps members shall not be considered state employees. Other
8 provisions of law relating to civil service, hours of work, rate of
9 compensation, sick leave, unemployment compensation, state retirement
10 plans, and vacation leave do not apply to the Washington conservation
11 corps except for the crew leaders, who shall be project employees, and
12 the administrative and supervisory personnel.

13 (4) Enrollment shall be for a period of six months which may be
14 extended for an additional six months by mutual agreement of the corps
15 and the corps member. Corps members shall be reimbursed at the minimum
16 wage rate established by state or federal law, whichever is higher:
17 PROVIDED, That if agencies elect to run a residential program, the
18 appropriate costs for room and board shall be deducted from the corps
19 member's paycheck as provided in chapter 43.220 RCW.

20 (5) Corps members are to be available at all times for emergency
21 response services coordinated through the department of community,
22 trade, and economic development or other public agency. Duties may
23 include sandbagging and flood cleanup, search and rescue, and other
24 functions in response to emergencies.

25 **Sec. 125.** RCW 43.280.020 and 1990 c 3 s 1203 are each amended to
26 read as follows:

27 There is established in the department of community, trade, and
28 economic development a grant program to enhance the funding for
29 treating the victims of sex offenders. Activities that can be funded
30 through this grant program are limited to those that:

- 31 (1) Provide effective treatment to victims of sex offenders;
- 32 (2) Increase access to and availability of treatment for victims of
33 sex offenders, particularly if from underserved populations; and
- 34 (3) Create or build on efforts by existing community programs,
35 coordinate those efforts, or develop cooperative efforts or other
36 initiatives to make the most effective use of resources to provide
37 treatment services to these victims.

1 Funding priority shall be given to those applicants that represent
2 well-established existing programs and applicants that represent new
3 programs that are being created in geographic areas where no programs
4 presently exist.

5 **Sec. 126.** RCW 43.280.060 and 1990 c 3 s 1207 are each amended to
6 read as follows:

7 (1) Subject to funds appropriated by the legislature, the
8 department of community, trade, and economic development shall make
9 awards under the grant program established by RCW 43.280.020.

10 (2) Awards shall be made competitively based on the purposes of and
11 criteria in this chapter.

12 (3) To aid the department of community, trade, and economic
13 development in making its determination, the department shall form a
14 peer review committee comprised of the executive administrator for the
15 crime victims' advocacy office and individuals who have experience in
16 the treatment of victims of predatory violent sex offenders. The peer
17 review committee shall advise the department on the extent to which
18 each eligible applicant meets the purposes and criteria of this
19 chapter. The department shall consider this advice in making awards.

20 (4) Activities funded under this section may be considered for
21 funding in future years, but shall be considered under the same terms
22 and criteria as new activities. Funding under this chapter shall not
23 constitute an obligation by the state of Washington to provide ongoing
24 funding.

25 **Sec. 127.** RCW 43.280.070 and 1990 c 3 s 1208 are each amended to
26 read as follows:

27 The department of community, trade, and economic development may
28 receive such gifts, grants, and endowments from public or private
29 sources as may be made from time to time, in trust or otherwise, for
30 the use and benefit of the purposes of this chapter and expend the same
31 or any income therefrom according to the terms of the gifts, grants, or
32 endowments.

33 **Sec. 128.** RCW 43.310.020 and 1993 c 497 s 4 are each amended to
34 read as follows:

35 (1) The department of community, trade, and economic development
36 may recommend existing programs or contract with either school

1 districts or community organizations, or both, through a request for
2 proposal process for the development, administration, and
3 implementation in the county of community-based gang risk prevention
4 and intervention pilot programs.

5 (2) Proposals by the school district for gang risk prevention and
6 intervention pilot program grant funding shall begin with school years
7 no sooner than the 1994-95 session, and last for a duration of two
8 years.

9 (3) The school district or community organization proposal shall
10 include:

11 (a) A description of the program goals, activities, and curriculum.
12 The description of the program goals shall include a list of measurable
13 objectives for the purpose of evaluation by the department of
14 community, trade, and economic development. To the extent possible,
15 proposals shall contain empirical data on current problems, such as
16 drop-out rates and occurrences of violence on and off campus by school-
17 age individuals.

18 (b) A description of the individual school or schools and the
19 geographic area to be affected by the program.

20 (c) A demonstration of broad-based support for the program from
21 business and community organizations.

22 (d) A clear description of the experience, expertise, and other
23 qualifications of the community organizations to conduct an effective
24 prevention and intervention program in cooperation with a school or a
25 group of schools.

26 (e) A proposed budget for expenditure of the grant.

27 (4) Grants awarded under this section may not be used for the
28 administrative costs of the school district or the individual school.

29 **Sec. 129.** RCW 46.12.295 and 1990 c 176 s 3 are each amended to
30 read as follows:

31 The department of licensing shall transfer all titling functions
32 pertaining to mobile homes to the housing division of the department of
33 community, trade, and economic development by July 1, 1991. The
34 department of licensing shall transfer all books, records, files, and
35 documents pertaining to mobile home titling to the department of
36 community, trade, and economic development. The directors of the
37 departments may immediately take such steps as are necessary to ensure

1 that (~~this act~~) chapter 176, Laws of 1990 is implemented on June 7,
2 1990.

3 **Sec. 130.** RCW 46.16.340 and 1986 c 266 s 49 are each amended to
4 read as follows:

5 The director, from time to time, shall furnish the (~~state~~)
6 department of community, trade, and economic development, the
7 Washington state patrol, and all county sheriffs a list of the names,
8 addresses, and license plate or radio station call letters of each
9 person possessing the special amateur radio station license plates so
10 that the facilities of such radio stations may be utilized to the
11 fullest extent in the work of these governmental agencies.

12 **Sec. 131.** RCW 46.37.467 and 1986 c 266 s 88 are each amended to
13 read as follows:

14 (1) Every automobile, truck, motorcycle, motor home, or off-road
15 vehicle that is fueled by an alternative fuel source shall bear a
16 reflective placard issued by the national fire protection association
17 indicating that the vehicle is so fueled. Violation of this subsection
18 is a traffic infraction.

19 (2) As used in this section "alternative fuel source" includes
20 propane, compressed natural gas, liquid petroleum gas, or any
21 chemically similar gas but does not include gasoline or diesel fuel.

22 (3) If a placard for a specific alternative fuel source has not
23 been issued by the national fire protection association, a placard
24 issued by the director of community, trade, and economic development,
25 through the director of fire protection, shall be required. The
26 director of community, trade, and economic development, through the
27 director of fire protection, shall develop rules for the design, size,
28 and placement of the placard which shall remain effective until a
29 specific placard is issued by the national fire protection association.

30 **Sec. 132.** RCW 47.01.290 and 1993 c 55 s 1 are each amended to read
31 as follows:

32 The state-interest component of the state-wide transportation plan
33 must include a state public transportation plan that recognizes that
34 while public transportation service is essentially a local
35 responsibility in Washington, there is significant state interest in

1 assuring that viable public transportation services are available
2 throughout the state. The public transportation plan shall:

3 (1) Articulate the state vision of and interest in public
4 transportation and provide quantifiable objectives, including benefits
5 indicators;

6 (2) Identify the goals for public transportation and the roles of
7 federal, state, regional, and local entities in achieving those goals;

8 (3) Recommend mechanisms for coordinating federal, state, regional,
9 and local planning for public transportation;

10 (4) Recommend mechanisms for coordinating public transportation
11 with other transportation services and modes;

12 (5) Recommend criteria, consistent with the goals identified in
13 subsection (2) of this section and with RCW 82.44.180 (2) and (3), for
14 existing federal authorizations administered by the department to
15 transit agencies; and

16 (6) Recommend a state-wide public transportation facilities and
17 equipment management system as required by federal law.

18 In developing the state public transportation plan, the department
19 shall involve local jurisdictions, public and private providers of
20 public transportation services, nonmotorized interests, and state
21 agencies with an interest in public transportation, including but not
22 limited to the departments of community, trade, and economic
23 development, social and health services, and ecology, the state energy
24 office, the office of financial management, and the office of the
25 governor.

26 The department shall submit an initial report to the legislative
27 transportation committee by December 1, 1993, and shall provide annual
28 reports summarizing the plan's progress each year thereafter.

29 **Sec. 133.** RCW 47.06.110 and 1993 c 446 s 11 are each amended to
30 read as follows:

31 The state-interest component of the state-wide multimodal
32 transportation plan shall include a state public transportation plan
33 that:

34 (1) Articulates the state vision of an interest in public
35 transportation and provides quantifiable objectives, including benefits
36 indicators;

37 (2) Identifies the goals for public transit and the roles of
38 federal, state, regional, and local entities in achieving those goals;

1 (3) Recommends mechanisms for coordinating state, regional, and
2 local planning for public transportation;

3 (4) Recommends mechanisms for coordinating public transportation
4 with other transportation services and modes;

5 (5) Recommends criteria, consistent with the goals identified in
6 subsection (2) of this section and with RCW 82.44.180 (2) and (3), for
7 existing federal authorizations administered by the department to
8 transit agencies; and

9 (6) Recommends a state-wide public transportation facilities and
10 equipment management system as required by federal law.

11 In developing the state public transportation plan, the department
12 shall involve local jurisdictions, public and private providers of
13 transportation services, nonmotorized interests, and state agencies
14 with an interest in public transportation, including but not limited to
15 the departments of community, trade, and economic development, social
16 and health services, and ecology, the state energy office, the office
17 of the superintendent of public instruction, the office of the
18 governor, and the office of financial management.

19 The department shall submit an initial report to the legislative
20 transportation committee by December 1, 1993, and shall provide annual
21 reports summarizing the plan's progress each year thereafter.

22 **Sec. 134.** RCW 47.12.064 and 1993 c 461 s 10 are each amended to
23 read as follows:

24 (1) The department shall identify and catalog real property that is
25 no longer required for department purposes and is suitable for the
26 development of affordable housing for very low-income, low-income, and
27 moderate-income households as defined in RCW 43.63A.510. The inventory
28 shall include the location, approximate size, and current zoning
29 classification of the property. The department shall provide a copy of
30 the inventory to the department of community, trade, and economic
31 development by November 1, 1993, and every November 1 thereafter.

32 (2) By November 1 of each year, beginning in 1994, the department
33 shall purge the inventory of real property of sites that are no longer
34 available for the development of affordable housing. The department
35 shall include an updated listing of real property that has become
36 available since the last update. As used in this section, "real
37 property" means buildings, land, or buildings and land.

1 **Sec. 135.** RCW 47.39.040 and 1985 c 6 s 16 are each amended to read
2 as follows:

3 The establishment of planning and design standards for items
4 provided for in RCW 47.39.050 shall be coordinated by the ((state))
5 department of community, trade, and economic development. The
6 department of transportation, parks and recreation commission, and any
7 other departments or commissions whose interests are affected shall
8 prepare, submit, and file with the ((state)) department of community,
9 trade, and economic development standards relating to the scenic and
10 recreational highway system. If varying planning and design standards
11 are filed, the ((state)) department of community, trade, and economic
12 development shall consult with the submitting agencies on the merits of
13 the several proposals and, based upon such consultation, establish a
14 set of standards. Pursuant to the planning and design standards so
15 established, the department of transportation and the parks and
16 recreation commission shall develop the highways and areas adjacent
17 thereto to accomplish the purposes of this chapter, but the department
18 shall retain exclusive authority over the highway right of way.

19 Responsibility for construction and maintenance is hereby
20 established between the department and the parks and recreation
21 commission with the department responsible for activities financed with
22 funds provided for under RCW 47.39.030(1) and the parks and recreation
23 commission responsible for activities financed from other sources of
24 funds. By mutual consent, responsibility for development and/or
25 maintenance may be transferred between the two agencies.

26 **Sec. 136.** RCW 47.39.090 and 1993 c 430 s 9 are each amended to
27 read as follows:

28 In developing the scenic and recreational highways program, the
29 department shall consult with the department of community, trade, and
30 economic development, ((the department of community development,)) the
31 department of natural resources, the parks and recreation commission,
32 affected cities, towns, and counties, regional transportation planning
33 organizations, state-wide bicycling organizations, and other interested
34 parties. The scenic and recreational highways program may identify
35 entire highway loops or similar tourist routes that could be developed
36 to promote tourist activity and provide concurrent economic growth
37 while protecting the scenic and recreational quality surrounding state
38 highways.

1 **Sec. 137.** RCW 47.50.090 and 1991 c 202 s 9 are each amended to
2 read as follows:

3 (1) The department shall develop, adopt, and maintain an access
4 control classification system for all routes on the state highway
5 system, the purpose of which shall be to provide for the implementation
6 and continuing applications of the provision of this chapter.

7 (2) The principal component of the access control classification
8 system shall be access management standards, the purpose of which shall
9 be to provide specific minimum standards to be adhered to in the
10 planning for and approval of access to state highways.

11 (3) The control classification system shall be developed consistent
12 with the following:

13 (a) The department shall, no later than January 1, 1993, adopt
14 rules setting forth procedures governing the implementation of the
15 access control classification system required by this chapter. The
16 rule shall provide for input from the entities described in (b) of this
17 subsection as well as for public meetings to discuss the access control
18 classification system. Nothing in this chapter shall affect the
19 validity of the department's existing or subsequently adopted rules
20 concerning access to the state highway system. Such rules shall remain
21 in effect until repealed or replaced by the rules required by this
22 chapter.

23 (b) The access control classification system shall be developed in
24 cooperation with counties, cities and towns, the ((state)) department
25 of community, trade, and economic development, regional transportation
26 planning organizations, and other local governmental entities, and for
27 city streets designated as state highways pursuant to chapter 47.24
28 RCW, adopted with the concurrence of the city design standards
29 committee.

30 (c) The rule required by this section shall provide that assignment
31 of a road segment to a specific access category be made in
32 consideration of the following criteria:

33 (i) Local land use plans and zoning, as set forth in comprehensive
34 plans;

35 (ii) The current functional classification as well as potential
36 future functional classification of each road on the state highway
37 system;

38 (iii) Existing and projected traffic volumes;

1 (iv) Existing and projected state, local, and metropolitan planning
2 organization transportation plans and needs;
3 (v) Drainage requirements;
4 (vi) The character of lands adjoining the highway;
5 (vii) The type and volume of traffic requiring access;
6 (viii) Other operational aspects of access;
7 (ix) The availability of reasonable access by way of county roads
8 and city streets to a state highway; and
9 (x) The cumulative effect of existing and projected connections on
10 the state highway system's ability to provide for the safe and
11 efficient movement of people and goods within the state.
12 (d) Access management standards shall include, but not be limited
13 to, connection location standards, safety factors, design and
14 construction standards, desired levels of service, traffic control
15 devices, and effective maintenance of the roads. The standards shall
16 also contain minimum requirements for the spacing of connections,
17 intersecting streets, roads, and highways.
18 (e) An access control category shall be assigned to each segment of
19 the state highway system by July 1, 1993.

20 **Sec. 138.** RCW 47.76.230 and 1990 c 43 s 3 are each amended to read
21 as follows:

22 (1) The department of transportation shall continue its
23 responsibility for the development and implementation of the state rail
24 plan and programs, and the utilities and transportation commission
25 shall continue its responsibility for intrastate rates, service, and
26 safety issues.

27 (2) The department of transportation shall maintain an enhanced
28 data file on the rail system. Proprietary annual station traffic data
29 from each railroad and the modal use of major shippers shall be
30 obtained to the extent that such information is available.

31 (3) The department of transportation shall provide technical
32 assistance, upon request, to state agencies and local interests.
33 Technical assistance includes, but is not limited to, the following:

34 (a) Abandonment cost-benefit analyses, to include the public and
35 private costs and benefits of maintaining the service, providing
36 alternative service including necessary road improvement costs, or of
37 taking no action;

1 (b) Assistance in the formation of county rail districts and port
2 districts; and

3 (c) Feasibility studies for rail service continuation and/or rail
4 service assistance.

5 (4) With funding authorized by the legislature, the department of
6 transportation shall develop a cooperative process to conduct community
7 and business information programs and to regularly disseminate
8 information on rail matters. The following agencies and jurisdictions
9 shall be involved in the process:

10 (a) The (~~state departments~~) department of community, trade, and
11 economic development (~~and trade and economic development~~);

12 (b) Local jurisdictions and local economic development agencies;
13 and

14 (c) Other interested public and private organizations.

15 **Sec. 139.** RCW 48.05.320 and 1986 c 266 s 66 are each amended to
16 read as follows:

17 (1) Each authorized insurer shall promptly report to the director
18 of community, trade, and economic development, through the director of
19 fire protection, upon forms as prescribed and furnished by him or her,
20 each fire loss of property in this state reported to it and whether the
21 loss is due to criminal activity or to undetermined causes.

22 (2) Each such insurer shall likewise report to the director of
23 community, trade, and economic development, through the director of
24 fire protection, upon claims paid by it for loss or damage by fire in
25 this state. Copies of all reports required by this section shall be
26 promptly transmitted to the state insurance commissioner.

27 **Sec. 140.** RCW 48.48.030 and 1986 c 266 s 67 are each amended to
28 read as follows:

29 (1) The director of community, trade, and economic development,
30 through the director of fire protection or his or her authorized
31 deputy, shall have authority at all times of day and night, in the
32 performance of duties imposed by this chapter, to enter upon and
33 examine any building or premises where any fire has occurred and other
34 buildings and premises adjoining or near thereto.

35 (2) The director of community, trade, and economic development,
36 through the director of fire protection or his or her authorized
37 deputy, shall have authority at any reasonable hour to enter into any

1 public building or premises or any building or premises used for public
2 purposes to inspect for fire hazards.

3 **Sec. 141.** RCW 48.48.040 and 1986 c 266 s 68 are each amended to
4 read as follows:

5 (1) The director of community, trade, and economic development,
6 through the director of fire protection or his or her authorized
7 deputy, shall have authority to enter upon all premises and into all
8 buildings except private dwellings for the purpose of inspection to
9 ascertain if any fire hazard exists, and to require conformance with
10 minimum standards for the prevention of fire and for the protection of
11 life and property against fire and panic as to use of premises, and may
12 adopt by reference nationally recognized standards applicable to local
13 conditions.

14 (2) The director of community, trade, and economic development,
15 through the director of fire protection or his or her authorized
16 deputy, may, upon request by the chief fire official or the local
17 governing body or of taxpayers of such area, assist in the enforcement
18 of any such code.

19 **Sec. 142.** RCW 48.48.050 and 1986 c 266 s 70 are each amended to
20 read as follows:

21 (1) If the director of community, trade, and economic development,
22 through the director of fire protection or his or her authorized
23 deputy, finds in any building or premises subject to their inspection
24 under this chapter, any combustible material or flammable conditions or
25 fire hazards dangerous to the safety of the building, premises, or to
26 the public, he or she shall by written order require such condition to
27 be remedied, and such order shall forthwith be complied with by the
28 owner or occupant of the building or premises.

29 (2) An owner or occupant aggrieved by any such order made by the
30 director of community, trade, and economic development, through the
31 director of fire protection or his or her deputy, may appeal such order
32 pursuant to chapter 34.05 RCW. If the order is confirmed, the order
33 shall remain in force and be complied with by the owner or occupant.

34 (3) Any owner or occupant failing to comply with any such order not
35 appealed from or with any order so confirmed shall be punishable by a
36 fine of not less than ten dollars nor more than fifty dollars for each
37 day such failure exists.

1 **Sec. 143.** RCW 48.48.060 and 1986 c 266 s 71 are each amended to
2 read as follows:

3 (1) The chief of each organized fire department, the sheriff or
4 other designated county official, and the designated city or town
5 official shall investigate the cause, origin, and extent of loss of all
6 fires occurring within their respective jurisdictions, as determined by
7 this subsection, and shall forthwith notify the director of community,
8 trade, and economic development, through the director of fire
9 protection, of all fires of criminal, suspected, or undetermined cause
10 occurring within their respective jurisdictions. The county fire
11 marshal shall also be notified of and investigate all such fires
12 occurring in unincorporated areas of the county. Fire departments
13 shall have the responsibility imposed by this subsection for areas
14 within their jurisdictions. Sheriffs or other designated county
15 officials shall have responsibility imposed by this subsection for
16 county areas not within the jurisdiction of a fire department, unless
17 such areas are within the boundaries of a city or town, in which case
18 the designated city or town official shall have the responsibility
19 imposed by this subsection. For the purposes of this subsection,
20 county officials shall be designated by the county legislative
21 authority, and city or town officials shall be designated by the
22 appropriate city or town legislative or executive authority. In
23 addition to the responsibility imposed by this subsection, any sheriff
24 or chief of police may assist in the investigation of the cause,
25 origin, and extent of loss of all fires occurring within his or her
26 respective jurisdiction.

27 (2) The director of community, trade, and economic development,
28 through the director of fire protection or his or her deputy, may
29 investigate any fire for the purpose of determining its cause, origin,
30 and the extent of the loss. The director of community, trade, and
31 economic development, through the director of fire protection or his or
32 her deputy, shall assist in the investigation of those fires of
33 criminal, suspected, or undetermined cause when requested by the
34 reporting agency. In the investigation of any fire of criminal,
35 suspected, or undetermined cause, the director of community, trade, and
36 economic development and the director of fire protection or his or her
37 deputy, are vested with police powers to enforce the laws of this
38 state. To exercise these powers, authorized deputies must receive
39 prior written authorization from the director of community, trade, and

1 economic development, through the director of fire protection, and
2 shall have completed a course of training prescribed by the Washington
3 state criminal justice training commission.

4 **Sec. 144.** RCW 48.48.065 and 1986 c 266 s 72 are each amended to
5 read as follows:

6 (1) The chief of each organized fire department, or the sheriff or
7 other designated county official having jurisdiction over areas not
8 within the jurisdiction of any fire department, shall report
9 statistical information and data to the director of community, trade,
10 and economic development, through the director of fire protection, on
11 each fire occurring within the official's jurisdiction. Reports shall
12 be consistent with the national fire incident reporting system
13 developed by the United States fire administration and rules
14 established by the director of community, trade, and economic
15 development, through the director of fire protection. The director of
16 community, trade, and economic development, through the director of
17 fire protection, and the department of natural resources shall jointly
18 determine the statistical information to be reported on fires on land
19 under the jurisdiction of the department of natural resources.

20 (2) The director of community, trade, and economic development,
21 through the director of fire protection, shall analyze the information
22 and data reported, compile a report, and distribute a copy annually by
23 January 31 to each chief fire official in the state. Upon request, the
24 director of community, trade, and economic development, through the
25 director of fire protection, shall also furnish a copy of the report to
26 any other interested person at cost.

27 **Sec. 145.** RCW 48.48.070 and 1986 c 266 s 73 are each amended to
28 read as follows:

29 In the conduct of any investigation into the cause, origin, or loss
30 resulting from any fire, the director of community, trade, and economic
31 development and the director of fire protection shall have the same
32 power and rights relative to securing the attendance of witnesses and
33 the taking of testimony under oath as is conferred upon the insurance
34 commissioner under RCW 48.03.070. False swearing by any such witness
35 shall be deemed to be perjury and shall be subject to punishment as
36 such.

1 **Sec. 146.** RCW 48.48.080 and 1986 c 266 s 74 are each amended to
2 read as follows:

3 If as the result of any such investigation, or because of any
4 information received, the director of community, trade, and economic
5 development, through the director of fire protection, is of the opinion
6 that there is evidence sufficient to charge any person with any crime,
7 he or she may cause such person to be arrested and charged with such
8 offense, and shall furnish to the prosecuting attorney of the county in
9 which the offense was committed, the names of witnesses and all
10 pertinent and material evidence and testimony within his or her
11 possession relative to the offense.

12 **Sec. 147.** RCW 48.48.090 and 1986 c 266 s 75 are each amended to
13 read as follows:

14 The director of community, trade, and economic development, through
15 the director of fire protection, shall keep on file all reports of
16 fires made to him or her pursuant to this code. Such records shall at
17 all times during business hours be open to public inspection; except,
18 that any testimony taken in a fire investigation may, in the discretion
19 of the director of community, trade, and economic development, through
20 the director of fire protection, be withheld from public scrutiny. The
21 director of community, trade, and economic development, through the
22 director of fire protection, may destroy any such report after five
23 years from its date.

24 **Sec. 148.** RCW 48.48.110 and 1986 c 266 s 76 are each amended to
25 read as follows:

26 The director of community, trade, and economic development, through
27 the director of fire protection, shall submit annually a report to the
28 governor of this state. The report shall contain a statement of his or
29 her official acts pursuant to this chapter.

30 **Sec. 149.** RCW 48.48.140 and 1991 c 154 s 1 are each amended to
31 read as follows:

32 (1) Smoke detection devices shall be installed inside all dwelling
33 units:

34 (a) Occupied by persons other than the owner on and after December
35 31, 1981; or

36 (b) Built or manufactured in this state after December 31, 1980.

1 (2) The smoke detection devices shall be designed, manufactured,
2 and installed inside dwelling units in conformance with:

3 (a) Nationally accepted standards; and

4 (b) As provided by the administrative procedure act, chapter 34.05
5 RCW, rules and regulations promulgated by the director of community,
6 trade, and economic development, through the director of fire
7 protection.

8 (3) Installation of smoke detection devices shall be the
9 responsibility of the owner. Maintenance of smoke detection devices,
10 including the replacement of batteries where required for the proper
11 operation of the smoke detection device, shall be the responsibility of
12 the tenant, who shall maintain the device as specified by the
13 manufacturer. At the time of a vacancy, the owner shall insure that
14 the smoke detection device is operational prior to the reoccupancy of
15 the dwelling unit.

16 (4) Any owner or tenant failing to comply with this section shall
17 be punished by a fine of not more than two hundred dollars.

18 (5) For the purposes of this section:

19 (a) "Dwelling unit" means a single unit providing complete,
20 independent living facilities for one or more persons including
21 permanent provisions for living, sleeping, eating, cooking, and
22 sanitation; and

23 (b) "Smoke detection device" means an assembly incorporating in one
24 unit a device which detects visible or invisible particles of
25 combustion, the control equipment, and the alarm-sounding device,
26 operated from a power supply either in the unit or obtained at the
27 point of installation.

28 **Sec. 150.** RCW 48.48.150 and 1986 c 266 s 90 are each amended to
29 read as follows:

30 (1) All premises guarded by guard animals, which are animals
31 professionally trained to defend and protect premises or the occupants
32 of the premises, shall be registered with the local fire department.
33 Front entrances to residences and all entrances to business premises
34 shall be posted in a visible location with signs approved by the
35 director of community, trade, and economic development, through the
36 director of fire protection, indicating that guard animals are present.

37 (2) A fire fighter, who reasonably believes that his or her safety
38 is endangered by the presence of a guard animal, may without liability:

1 (a) Refuse to enter the premises, or (b) take any reasonable action
2 necessary to protect himself or herself from attack by the guard
3 animal.

4 (3) If the person responsible for the guard animal being on the
5 premises does not comply with subsection (1) of this section, that
6 person may be held liable for any injury to the fire fighter caused by
7 the presence of the guard animal.

8 **Sec. 151.** RCW 48.50.020 and 1986 c 266 s 77 are each amended to
9 read as follows:

10 As used in this chapter the following terms have the meanings
11 indicated unless the context clearly requires otherwise.

12 (1) "Authorized agency" means a public agency or its official
13 representative having legal authority to investigate the cause of a
14 fire and to initiate criminal proceedings or further investigations if
15 the cause was not accidental, including the following persons and
16 agencies:

17 (a) The director of community, trade, and economic development and
18 the director of fire protection;

19 (b) The prosecuting attorney of the county where the fire occurred;

20 (c) The state attorney general, when engaged in a prosecution which
21 is or may be connected with the fire;

22 (d) The Federal Bureau of Investigation, or any other federal
23 agency; and

24 (e) The United States attorney's office when authorized or charged
25 with investigation or prosecution concerning the fire.

26 (2) "Insurer" means any insurer, as defined in RCW 48.01.050, which
27 insures against loss by fire, and includes insurers under the
28 Washington F.A.I.R. plan.

29 (3) "Relevant information" means information having any tendency to
30 make the existence of any fact that is of consequence to the
31 investigation or determination of the cause of any fire more probable
32 or less probable than it would be without the information.

33 **Sec. 152.** RCW 48.50.040 and 1986 c 266 s 91 are each amended to
34 read as follows:

35 (1) When an insurer has reason to believe that a fire loss reported
36 to the insurer may be of other than accidental cause, the insurer shall
37 notify the director of community, trade, and economic development,

1 through the director of fire protection, in the manner prescribed under
2 RCW 48.05.320 concerning the circumstances of the fire loss, including
3 any and all relevant material developed from the insurer's inquiry into
4 the fire loss.

5 (2) Notification of the director of community, trade, and economic
6 development, through the director of fire protection, under subsection
7 (1) of this section does not relieve the insurer of the duty to respond
8 to a request for information from any other authorized agency.

9 **Sec. 153.** RCW 48.53.020 and 1986 c 266 s 92 are each amended to
10 read as follows:

11 (1) The director of community, trade, and economic development,
12 through the director of fire protection, may designate certain classes
13 of occupancy within a geographic area or may designate geographic areas
14 as having an abnormally high incidence of arson. This designation
15 shall not be a valid reason for cancellation, refusal to issue or
16 renew, modification, or increasing the premium for any fire insurance
17 policy.

18 (2) A fire insurance policy may not be issued to insure any
19 property within a class of occupancy within a geographic area or within
20 a geographic area designated by the director of community, trade, and
21 economic development, through the director of fire protection, as
22 having an abnormally high incidence of arson until the applicant has
23 submitted an anti-arson application and the insurer or the insurer's
24 representative has inspected the property. The application shall be
25 prescribed by the director of community, trade, and economic
26 development, through the director of fire protection, and shall contain
27 but not be limited to the following:

28 (a) The name and address of the prospective insured and any
29 mortgagees or other parties having an ownership interest in the
30 property to be insured;

31 (b) The amount of insurance requested and the method of valuation
32 used to establish the amount of insurance;

33 (c) The dates and selling prices of the property, if any, during
34 the previous three years;

35 (d) Fire losses exceeding one thousand dollars during the previous
36 five years for property in which the prospective insured held an equity
37 interest or mortgage;

1 (e) Current corrective orders pertaining to fire, safety, health,
2 building, or construction codes that have not been complied with within
3 the time period or any extension of such time period authorized by the
4 authority issuing such corrective order applicable to the property to
5 be insured;

6 (f) Present or anticipated occupancy of the structure, and whether
7 a certificate of occupancy has been issued;

8 (g) Signature and title, if any, of the person submitting the
9 application.

10 (3) If the facts required to be reported by subsection (2) of this
11 section materially change, the insured shall notify the insurer of any
12 such change within fourteen days.

13 (4) An anti-arson application is not required for: (a) Fire
14 insurance policies covering one to four-unit owner-occupied residential
15 dwellings; (b) policies existing as of June 10, 1982; or (c) the
16 renewal of these policies.

17 (5) An anti-arson application shall contain a notice stating:
18 "Designation of a class of occupancy within a geographic area or
19 geographic areas as having an abnormally high incidence of arson shall
20 not be a valid reason for cancellation, refusal to issue or renew,
21 modification, or increasing the premium for any fire insurance policy."

22 **Sec. 154.** RCW 48.53.060 and 1986 c 266 s 93 are each amended to
23 read as follows:

24 Rules designating geographic areas or classes of occupancy as
25 having an abnormally high incidence of arson, and any other rules
26 necessary to implement this chapter shall be adopted by the director of
27 community, trade, and economic development, through the director of
28 fire protection, under chapter 34.05 RCW.

29 **Sec. 155.** RCW 50.38.030 and 1993 c 62 s 3 are each amended to read
30 as follows:

31 The employment security department shall consult with the following
32 agencies prior to the issuance of the state occupational forecast:

- 33 (1) Office of financial management;
- 34 (2) Department of community, trade, and economic development;
- 35 (3) Department of labor and industries;
- 36 (4) State board for community and technical colleges;
- 37 (5) Superintendent of public instruction;

1 (6) Department of social and health services;
2 (7) (~~Department of community development;~~
3 ~~(8)~~) Work force training and education coordinating board; and
4 (~~(9)~~) (8) Other state and local agencies as deemed appropriate by
5 the commissioner of the employment security department.

6 These agencies shall cooperate with the employment security
7 department, submitting information relevant to the generation of
8 occupational forecasts.

9 **Sec. 156.** RCW 53.36.030 and 1991 c 314 s 29 are each amended to
10 read as follows:

11 (1)(a) Except as provided in (b) of this subsection, a port
12 district may at any time contract indebtedness or borrow money for
13 district purposes and may issue general obligation bonds therefor not
14 exceeding an amount, together with any existing indebtedness of the
15 district not authorized by the voters, of one-fourth of one percent of
16 the value of the taxable property in the district.

17 (b) Port districts having less than eight hundred million dollars
18 in value of taxable property may at any time contract indebtedness or
19 borrow money for port district purposes and may issue general
20 obligation bonds therefor not exceeding an amount, combined with
21 existing indebtedness of the district not authorized by the voters, of
22 three-eighths of one percent of the value of the taxable property in
23 the district. Prior to contracting for any indebtedness authorized by
24 this subsection (1)(b), the port district must have a comprehensive
25 plan for harbor improvements or industrial development and a long-term
26 financial plan approved by the department of community, trade, and
27 economic development. The department of community, trade, and economic
28 development is immune from any liability for its part in reviewing or
29 approving port district's improvement or development plans, or
30 financial plans. Any indebtedness authorized by this subsection (1)(b)
31 may be used only to acquire or construct a facility, and, prior to
32 contracting for such indebtedness, the port district must have a lease
33 contract for a minimum of five years for the facility to be acquired or
34 constructed by the debt.

35 (2) With the assent of three-fifths of the voters voting thereon at
36 a general or special port election called for that purpose, a port
37 district may contract indebtedness or borrow money for district
38 purposes and may issue general obligation bonds therefor provided the

1 total indebtedness of the district at any such time shall not exceed
2 three-fourths of one percent of the value of the taxable property in
3 the district.

4 (3) In addition to the indebtedness authorized under subsections
5 (1) and (2) of this section, port districts having less than two
6 hundred million dollars in value of taxable property and operating a
7 municipal airport may at any time contract indebtedness or borrow money
8 for airport capital improvement purposes and may issue general
9 obligation bonds therefor not exceeding an additional one-eighth of one
10 percent of the value of the taxable property in the district without
11 authorization by the voters; and, with the assent of three-fifths of
12 the voters voting thereon at a general or special port election called
13 for that purpose, may contract indebtedness or borrow money for airport
14 capital improvement purposes and may issue general obligation bonds
15 therefor for an additional three-eighths of one percent provided the
16 total indebtedness of the district for all port purposes at any such
17 time shall not exceed one and one-fourth percent of the value of the
18 taxable property in the district.

19 (4) Any port district may issue general district bonds evidencing
20 any indebtedness, payable at any time not exceeding fifty years from
21 the date of the bonds. Any contract for indebtedness or borrowed money
22 authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years.
23 The bonds shall be issued and sold in accordance with chapter 39.46
24 RCW.

25 (5) Elections required under this section shall be held as provided
26 in RCW 39.36.050.

27 (6) For the purpose of this section, "indebtedness of the district"
28 shall not include any debt of a county-wide district with a population
29 less than twenty-five hundred people when the debt is secured by a
30 mortgage on property leased to the federal government; and the term
31 "value of the taxable property" shall have the meaning set forth in RCW
32 39.36.015.

33 **Sec. 157.** RCW 54.16.285 and 1991 c 165 s 3 are each amended to
34 read as follows:

35 (1) A district providing utility service for residential space
36 heating shall not terminate such utility service between November 15
37 through March 15 if the customer:

1 (a) Notifies the utility of the inability to pay the bill,
2 including a security deposit. This notice should be provided within
3 five business days of receiving a payment overdue notice unless there
4 are extenuating circumstances. If the customer fails to notify the
5 utility within five business days and service is terminated, the
6 customer can, by paying reconnection charges, if any, and fulfilling
7 the requirements of this section, receive the protections of this
8 chapter;

9 (b) Provides self-certification of household income for the prior
10 twelve months to a grantee of the department of community, trade, and
11 economic development which administers federally funded energy
12 assistance programs. The grantee shall determine that the household
13 income does not exceed the maximum allowed for eligibility under the
14 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
15 shall provide a dollar figure that is seven percent of household
16 income. The grantee may verify information provided in the self-
17 certification;

18 (c) Has applied for home heating assistance from applicable
19 government and private sector organizations and certifies that any
20 assistance received will be applied to the current bill and future
21 utility bills;

22 (d) Has applied for low-income weatherization assistance to the
23 utility or other appropriate agency if such assistance is available for
24 the dwelling;

25 (e) Agrees to a payment plan and agrees to maintain the payment
26 plan. The plan will be designed both to pay the past due bill by the
27 following October 15 and to pay for continued utility service. If the
28 past due bill is not paid by the following October 15, the customer
29 shall not be eligible for protections under this chapter until the past
30 due bill is paid. The plan shall not require monthly payments in
31 excess of seven percent of the customer's monthly income plus one-
32 twelfth of any arrearage accrued from the date application is made and
33 thereafter during November 15 through March 15. A customer may agree
34 to pay a higher percentage during this period, but shall not be in
35 default unless payment during this period is less than seven percent of
36 monthly income plus one-twelfth of any arrearage accrued from the date
37 application is made and thereafter. If assistance payments are
38 received by the customer subsequent to implementation of the plan, the
39 customer shall contact the utility to reformulate the plan; and

1 (f) Agrees to pay the moneys owed even if he or she moves.

2 (2) The utility shall:

3 (a) Include in any notice that an account is delinquent and that
4 service may be subject to termination, a description of the customer's
5 duties in this section;

6 (b) Assist the customer in fulfilling the requirements under this
7 section;

8 (c) Be authorized to transfer an account to a new residence when a
9 customer who has established a plan under this section moves from one
10 residence to another within the same utility service area;

11 (d) Be permitted to disconnect service if the customer fails to
12 honor the payment program. Utilities may continue to disconnect
13 service for those practices authorized by law other than for nonpayment
14 as provided for in this section. Customers who qualify for payment
15 plans under this section who default on their payment plans and are
16 disconnected can be reconnected and maintain the protections afforded
17 under this chapter by paying reconnection charges, if any, and by
18 paying all amounts that would have been due and owing under the terms
19 of the applicable payment plan, absent default, on the date on which
20 service is reconnected; and

21 (e) Advise the customer in writing at the time it disconnects
22 service that it will restore service if the customer contacts the
23 utility and fulfills the other requirements of this section.

24 (3) All districts providing utility service for residential space
25 heating shall offer residential customers the option of a budget
26 billing or equal payment plan. The budget billing or equal payment
27 plan shall be offered low-income customers eligible under the state's
28 plan for low-income energy assistance prepared in accordance with 42
29 U.S.C. 8624(C)(1) without limiting availability to certain months of
30 the year, without regard to the length of time the customer has
31 occupied the premises, and without regard to whether the customer is
32 the tenant or owner of the premises occupied.

33 (4) An agreement between the customer and the utility, whether oral
34 or written, shall not waive the protections afforded under this
35 chapter.

36 **Sec. 158.** RCW 54.52.010 and 1985 c 6 s 20 are each amended to read
37 as follows:

1 A public utility district may include along with, or as part of its
2 regular customer billings, a request for voluntary contributions to
3 assist qualified low-income residential customers of the district in
4 paying their electricity bills. All funds received by the district in
5 response to such requests shall be transmitted to the grantee of the
6 department of community, trade, and economic development which
7 administers federally funded energy assistance programs for the state
8 in the district's service area or to a charitable organization within
9 the district's service area. All such funds shall be used solely to
10 supplement assistance to low-income residential customers of the
11 district in paying their electricity bills. The grantee or charitable
12 organization shall be responsible to determine which of the district's
13 customers are qualified for low-income assistance and the amount of
14 assistance to be provided to those who are qualified.

15 **Sec. 159.** RCW 54.52.020 and 1985 c 6 s 21 are each amended to read
16 as follows:

17 All assistance provided under this chapter shall be disbursed by
18 the grantee or charitable organization. Where possible the public
19 utility district will be paid on behalf of the customer by the grantee
20 or the charitable organization. When direct vendor payment is not
21 feasible, a check will be issued jointly payable to the customer and
22 the public utility district. The availability of funds for assistance
23 to a district's low-income customers as a result of voluntary
24 contributions shall not reduce the amount of assistance for which the
25 district's customers are eligible under the federally funded energy
26 assistance programs administered by the grantee of the department of
27 community, trade, and economic development within the district's
28 service area. The grantee or charitable organization shall provide the
29 district with a quarterly report on January 15th, April 15th, July
30 15th, and October 15th which includes information concerning the total
31 amount of funds received from the district, the names of all recipients
32 of assistance from these funds, the amount received by each recipient,
33 and the amount of funds received from the district currently on hand
34 and available for future low-income assistance.

35 **Sec. 160.** RCW 56.40.010 and 1993 c 45 s 1 are each amended to read
36 as follows:

1 A sewer district may include along with, or as part of its regular
2 customer billings, a request for voluntary contributions to assist
3 qualified low-income residential customers of the district in paying
4 their sewer district bills. All funds received by the district in
5 response to such requests shall be transmitted to the grantee of the
6 department of community, trade, and economic development which
7 administers federally funded energy assistance programs for the state
8 in the district's service area or to a charitable organization within
9 the district's service area. All such funds shall be used solely to
10 supplement assistance to low-income residential customers of the
11 district in paying their sewer district bills. The grantee or
12 charitable organization shall be responsible to determine which of the
13 district's customers are qualified for low-income assistance and the
14 amount of assistance to be provided to those who are qualified.

15 **Sec. 161.** RCW 56.40.020 and 1993 c 45 s 2 are each amended to read
16 as follows:

17 All assistance provided under this chapter shall be disbursed by
18 the grantee or charitable organization. Where possible the sewer
19 district will be paid on behalf of the customer by the grantee or the
20 charitable organization. When direct vendor payment is not feasible,
21 a check will be issued jointly payable to the customer and the sewer
22 district. The availability of funds for assistance to a district's
23 low-income customers as a result of voluntary contributions shall not
24 reduce the amount of assistance for which the district's customers are
25 eligible under the federally funded energy assistance programs
26 administered by the grantee of the department of community, trade, and
27 economic development within the district's service area. The grantee
28 or charitable organization shall provide the district with a quarterly
29 report on January 15th, April 15th, July 15th, and October 15th which
30 includes information concerning the total amount of funds received from
31 the district, the names of all recipients of assistance from these
32 funds, the amount received by each recipient, and the amount of funds
33 received from the district currently on hand and available for future
34 low-income assistance.

35 **Sec. 162.** RCW 57.46.010 and 1993 c 45 s 5 are each amended to read
36 as follows:

1 A water district may include along with, or as part of its regular
2 customer billings, a request for voluntary contributions to assist
3 qualified low-income residential customers of the district in paying
4 their water district bills. All funds received by the district in
5 response to such requests shall be transmitted to the grantee of the
6 department of community, trade, and economic development which
7 administers federally funded energy assistance programs for the state
8 in the district's service area or to a charitable organization within
9 the district's service area. All such funds shall be used solely to
10 supplement assistance to low-income residential customers of the
11 district in paying their water district bills. The grantee or
12 charitable organization shall be responsible to determine which of the
13 district's customers are qualified for low-income assistance and the
14 amount of assistance to be provided to those who are qualified.

15 **Sec. 163.** RCW 57.46.020 and 1993 c 45 s 6 are each amended to read
16 as follows:

17 All assistance provided under this chapter shall be disbursed by
18 the grantee or charitable organization. Where possible the water
19 district will be paid on behalf of the customer by the grantee or the
20 charitable organization. When direct vendor payment is not feasible,
21 a check will be issued jointly payable to the customer and the water
22 district. The availability of funds for assistance to a district's
23 low-income customers as a result of voluntary contributions shall not
24 reduce the amount of assistance for which the district's customers are
25 eligible under the federally funded energy assistance programs
26 administered by the grantee of the department of community, trade, and
27 economic development within the district's service area. The grantee
28 or charitable organization shall provide the district with a quarterly
29 report on January 15th, April 15th, July 15th, and October 15th which
30 includes information concerning the total amount of funds received from
31 the district, the names of all recipients of assistance from these
32 funds, the amount received by each recipient, and the amount of funds
33 received from the district currently on hand and available for future
34 low-income assistance.

35 **Sec. 164.** RCW 59.18.440 and 1990 1st ex.s. c 17 s 49 are each
36 amended to read as follows:

1 (1) Any city, town, county, or municipal corporation that is
2 required to develop a comprehensive plan under RCW 36.70A.040(1) is
3 authorized to require, after reasonable notice to the public and a
4 public hearing, property owners to provide their portion of reasonable
5 relocation assistance to low-income tenants upon the demolition,
6 substantial rehabilitation whether due to code enforcement or any other
7 reason, or change of use of residential property, or upon the removal
8 of use restrictions in an assisted-housing development. No city, town,
9 county, or municipal corporation may require property owners to provide
10 relocation assistance to low-income tenants, as defined in this
11 chapter, upon the demolition, substantial rehabilitation, upon the
12 change of use of residential property, or upon the removal of use
13 restrictions in an assisted-housing development, except as expressly
14 authorized herein or when authorized or required by state or federal
15 law. As used in this section, "assisted housing development" means a
16 multifamily rental housing development that either receives government
17 assistance and is defined as federally assisted housing in RCW
18 59.28.020, or that receives other federal, state, or local government
19 assistance and is subject to use restrictions.

20 (2) As used in this section, "low-income tenants" means tenants
21 whose combined total income per dwelling unit is at or below fifty
22 percent of the median income, adjusted for family size, in the county
23 where the tenants reside.

24 The department of community, trade, and economic development shall
25 adopt rules defining county median income in accordance with the
26 definitions promulgated by the federal department of housing and urban
27 development.

28 (3) A requirement that property owners provide relocation
29 assistance shall include the amounts of such assistance to be provided
30 to low-income tenants. In determining such amounts, the jurisdiction
31 imposing the requirement shall evaluate, and receive public testimony
32 on, what relocation expenses displaced tenants would reasonably incur
33 in that jurisdiction including:

34 (a) Actual physical moving costs and expenses;

35 (b) Advance payments required for moving into a new residence such
36 as the cost of first and last month's rent and security and damage
37 deposits;

38 (c) Utility connection fees and deposits; and

1 (d) Anticipated additional rent and utility costs in the residence
2 for one year after relocation.

3 (4)(a) Relocation assistance provided to low-income tenants under
4 this section shall not exceed two thousand dollars for each dwelling
5 unit displaced by actions of the property owner under subsection (1) of
6 this section. A city, town, county, or municipal corporation may make
7 future annual adjustments to the maximum amount of relocation
8 assistance required under this subsection in order to reflect any
9 changes in the housing component of the consumer price index as
10 published by the United States department of labor, bureau of labor
11 statistics.

12 (b) The property owner's portion of any relocation assistance
13 provided to low-income tenants under this section shall not exceed one-
14 half of the required relocation assistance under (a) of this subsection
15 in cash or services.

16 (c) The portion of relocation assistance not covered by the
17 property owner under (b) of this subsection shall be paid by the city,
18 town, county, or municipal corporation authorized to require relocation
19 assistance under subsection (1) of this section. The relocation
20 assistance may be paid from proceeds collected from the excise tax
21 imposed under RCW 82.46.010.

22 (5) A city, town, county, or municipal corporation requiring the
23 provision of relocation assistance under this section shall adopt
24 policies, procedures, or regulations to implement such requirement.
25 Such policies, procedures, or regulations shall include provisions for
26 administrative hearings to resolve disputes between tenants and
27 property owners relating to relocation assistance or unlawful detainer
28 actions during relocation, and shall require a decision within thirty
29 days of a request for a hearing by either a tenant or property owner.

30 Judicial review of an administrative hearing decision relating to
31 relocation assistance may be had by filing a petition, within ten days
32 of the decision, in the superior court in the county where the
33 residential property is located. Judicial review shall be confined to
34 the record of the administrative hearing and the court may reverse the
35 decision only if the administrative findings, inferences, conclusions,
36 or decision is:

37 (a) In violation of constitutional provisions;

38 (b) In excess of the authority or jurisdiction of the
39 administrative hearing officer;

1 (c) Made upon unlawful procedure or otherwise is contrary to law;
2 or

3 (d) Arbitrary and capricious.

4 (6) Any city, town, county, or municipal corporation may require
5 relocation assistance, under the terms of this section, for otherwise
6 eligible tenants whose living arrangements are exempted from the
7 provisions of this chapter under RCW 59.18.040(3) and if the living
8 arrangement is considered to be a rental or lease pursuant to RCW
9 67.28.180(1).

10 (7)(a) Persons who move from a dwelling unit prior to the
11 application by the owner of the dwelling unit for any governmental
12 permit necessary for the demolition, substantial rehabilitation, or
13 change of use of residential property or prior to any notification or
14 filing required for condominium conversion shall not be entitled to the
15 assistance authorized by this section.

16 (b) Persons who move into a dwelling unit after the application for
17 any necessary governmental permit or after any required condominium
18 conversion notification or filing shall not be entitled to the
19 assistance authorized by this section if such persons receive written
20 notice from the property owner prior to taking possession of the
21 dwelling unit that specifically describes the activity or condition
22 that may result in their temporary or permanent displacement and
23 advises them of their ineligibility for relocation assistance.

24 **Sec. 165.** RCW 59.21.010 and 1991 c 327 s 10 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

28 (1) "Director" means the director of the department of community,
29 trade, and economic development.

30 (2) "Department" means the department of community, trade, and
31 economic development.

32 (3) "Fund" means the mobile home park relocation fund established
33 under RCW 59.21.050 consisting of park-owner fee payments under RCW
34 59.21.095 as well as park-owner payments when there are insufficient
35 moneys in its fund.

36 (4) "Low-income" means at or below eighty percent of median
37 household income as defined by the United States department of housing

1 and urban development, for the county or standard metropolitan
2 statistical area where the park is located.

3 (5) "Mobile home park" or "park" means real property that is rented
4 or held out for rent to others for the placement of two or more mobile
5 homes for the primary purpose of production of income, except where the
6 real property is rented or held out for rent for seasonal recreational
7 purpose only and is not intended for year-round occupancy.

8 (6) "Landlord" or "park-owner" means the owner of the mobile home
9 park that is being closed at the time relocation assistance is
10 provided.

11 (7) "Relocate" means to remove the mobile home from the mobile home
12 park being closed.

13 (8) "Relocation assistance" means the monetary assistance provided
14 under RCW 59.21.020.

15 **Sec. 166.** RCW 59.21.050 and 1991 sp.s. c 13 s 74 are each amended
16 to read as follows:

17 (1) The mobile home park relocation fund is created in the custody
18 of the state treasurer. All legislative appropriations for mobile home
19 relocation assistance, receipts from fees collected under this chapter,
20 and amounts required to be paid by park-owners to low-income park
21 tenants when there are insufficient moneys in the fund shall be
22 deposited into the fund. Expenditures from the fund may be used only
23 for relocation assistance under RCW 59.21.020, or transfer to the
24 mobile home park purchase fund under subsection (2) of this section.
25 Only the director (~~of community development~~) or the director's
26 designee may authorize expenditures from the fund. All relocation
27 payments to low-income park tenants, including those due from the park-
28 owner shall be made from the fund. The fund is subject to allotment
29 procedures under chapter 43.88 RCW, but no appropriation is required
30 for expenditures.

31 (2) Unexpended and unencumbered moneys that remain in the fund at
32 the end of the fiscal year do not revert to the state general fund but
33 remain in the fund, separately accounted for, as a contingency reserve,
34 or if the director determines at the end of any fiscal year beginning
35 after December 31, 1991, that the fund contains a surplus over the
36 projected amount needed for relocation during the upcoming year(s), any
37 surplus may be transferred to the mobile home park purchase fund
38 created by chapter 59.22 RCW. However, the director may cause any

1 uncommitted funds in the mobile home park purchase fund which were
2 transferred from the mobile home park relocation fund to be transferred
3 back to the mobile home park relocation fund if that fund cannot
4 otherwise meet its current obligations.

5 (3) A low-income park tenant who is entitled to relocation
6 assistance under this chapter is entitled to payment only after
7 submitting an application which includes: (a) A copy of the notice
8 from the park-owner that the tenancy is terminated due to closure of
9 the park; (b) a copy of the rental agreement currently in force; and
10 (c) a copy of the contract entered into for the purpose of relocating
11 the mobile home, which includes the date of relocation.

12 (4) The director may adopt rules for the administration of the
13 fund.

14 **Sec. 167.** RCW 59.22.010 and 1987 c 482 s 1 are each amended to
15 read as follows:

16 (1) The legislature finds:

17 (a) That manufactured housing and mobile home parks provide a
18 source of low-cost housing to the low income, elderly, poor and
19 infirmed, without which they could not afford private housing; but
20 rising costs of mobile home park development and operation, as well as
21 turnover in ownership, has resulted in mobile home park living becoming
22 unaffordable to the low income, elderly, poor and infirmed, resulting
23 in increased numbers of homeless persons, and persons who must look to
24 public housing and public programs, increasing the burden on the state
25 to meet the housing needs of its residents;

26 (b) That state government can play a vital role in addressing the
27 problems confronted by mobile home park residents by providing
28 assistance which makes it possible for mobile home park residents to
29 acquire the mobile home parks in which they reside and convert them to
30 resident ownership; and

31 (c) That to accomplish this purpose, information and technical
32 support shall be made available through the department (~~of community~~
33 ~~development~~)).

34 (2) Therefore, it is the intent of the legislature, in order to
35 maintain low-cost housing in mobile home parks to benefit the low
36 income, elderly, poor and infirmed, to encourage and facilitate the
37 conversion of mobile home parks to resident ownership, to protect low-
38 income mobile home park residents from both physical and economic

1 displacement, to obtain a high level of private financing for mobile
2 home park conversions, and to help establish acceptance for resident-
3 owned mobile home parks in the private market.

4 **Sec. 168.** RCW 59.22.020 and 1993 c 66 s 9 are each amended to read
5 as follows:

6 The following definitions shall apply throughout this chapter
7 unless the context clearly requires otherwise:

8 (1) "Account" means the mobile home affairs account created under
9 RCW 59.22.070.

10 (2) "Affordable" means that, where feasible, low-income residents
11 should not pay more than thirty percent of their monthly income for
12 housing costs.

13 (3) "Conversion costs" includes the cost of acquiring the mobile
14 home park, the costs of planning and processing the conversion, the
15 costs of any needed repairs or rehabilitation, and any expenditures
16 required by a government agency or lender for the project.

17 (4) "Department" means the department of community, trade, and
18 economic development.

19 (5) "Fee" means the mobile home title transfer fee imposed under
20 RCW 59.22.080.

21 (6) "Fund" or "park purchase account" means the mobile home park
22 purchase account created pursuant to RCW 59.22.030.

23 (7) "Housing costs" means the total cost of owning, occupying, and
24 maintaining a mobile home and a lot or space in a mobile home park.

25 (8) "Individual interest in a mobile home park" means any interest
26 which is fee ownership or a lesser interest which entitles the holder
27 to occupy a lot or space in a mobile home park for a period of not less
28 than either fifteen years or the life of the holder. Individual
29 interests in a mobile home park include, but are not limited to, the
30 following:

31 (a) Ownership of a lot or space in a mobile home park or
32 subdivision;

33 (b) A membership or shares in a stock cooperative, or a limited
34 equity housing cooperative; or

35 (c) Membership in a nonprofit mutual benefit corporation which
36 owns, operates, or owns and operates the mobile home park.

37 (9) "Low-income resident" means an individual or household who
38 resided in the mobile home park prior to application for a loan

1 pursuant to this chapter and with an annual income at or below eighty
2 percent of the median income for the county of standard metropolitan
3 statistical area of residence. Net worth shall be considered in the
4 calculation of income with the exception of the resident's mobile/
5 manufactured home which is used as their primary residence.

6 (10) "Low-income spaces" means those spaces in a mobile home park
7 operated by a resident organization which are occupied by low-income
8 residents.

9 (11) "Mobile home park" means a mobile home park, as defined in RCW
10 59.20.030(4), or a manufactured home park subdivision as defined by RCW
11 59.20.030(6) created by the conversion to resident ownership of a
12 mobile home park.

13 (12) "Resident organization" means a group of mobile home park
14 residents who have formed a nonprofit corporation, cooperative
15 corporation, or other entity or organization for the purpose of
16 acquiring the mobile home park in which they reside and converting the
17 mobile home park to resident ownership. The membership of a resident
18 organization shall include at least two-thirds of the households
19 residing in the mobile home park at the time of application for
20 assistance from the department.

21 (13) "Resident ownership" means, depending on the context, either
22 the ownership, by a resident organization, as defined in this section,
23 of an interest in a mobile home park which entitles the resident
24 organization to control the operations of the mobile home park for a
25 term of no less than fifteen years, or the ownership of individual
26 interests in a mobile home park, or both.

27 (14) "Landlord" shall have the same meaning as it does in RCW
28 59.20.030.

29 (15) "Manufactured housing" means residences constructed on one or
30 more chassis for transportation, and which bear an insignia issued by
31 a state or federal regulatory agency indication compliance with all
32 applicable construction standards of the United States department of
33 housing and urban development.

34 (16) "Mobile home" shall have the same meaning as it does in RCW
35 46.04.302.

36 (17) "Mobile home lot" shall have the same meaning as it does in
37 RCW 59.20.030.

38 (18) "Tenant" means a person who rents a mobile home lot for a term
39 of one month or longer and owns the mobile home on the lot.

1 **Sec. 169.** RCW 59.22.070 and 1989 c 201 s 8 are each amended to
2 read as follows:

3 There is created in the custody of the state treasurer a special
4 account known as the mobile home affairs account.

5 Disbursements from this special account shall be as follows:

6 (1) For the two-year period beginning July 1, 1988, forty thousand
7 dollars, or so much thereof as may be necessary for costs incurred in
8 registering landlords and collecting fees, and thereafter five thousand
9 dollars per year for that purpose.

10 (2) All remaining amounts shall be remitted to the department (~~of~~
11 ~~community development~~) for the purpose of implementing RCW 59.22.050
12 and 59.22.060.

13 **Sec. 170.** RCW 59.24.020 and 1988 c 237 s 2 are each amended to
14 read as follows:

15 (1) The department of community, trade, and economic development
16 shall establish the rental security deposit guarantee program. Through
17 this program the department of community, trade, and economic
18 development shall provide grants and technical assistance to local
19 governments or nonprofit corporations, including local housing
20 authorities as defined in RCW 35.82.030, who operate emergency housing
21 shelters or transitional housing programs. The grants are to be used
22 for the payment of residential rental security deposits under this
23 chapter. The technical assistance is to help the local government or
24 nonprofit corporation apply for grants and carry out the program. In
25 order to be eligible for grants under this program, the recipient local
26 government or nonprofit corporation shall provide fifteen percent of
27 the total amount needed for the security deposit. The security deposit
28 may include last month's rent where such rent is required as a normal
29 practice by the landlord.

30 (2) The grants and matching funds shall be placed by the recipient
31 local government or nonprofit corporation in a revolving loan fund and
32 deposited in a bank or savings institution in an account that is
33 separate from all other funds of the recipient. The funds and interest
34 earned on these funds shall be utilized only as collateral to guarantee
35 the payment of a security deposit required by a residential rental
36 property owner as a condition for entering into a rental agreement with
37 a prospective tenant.

1 (3) Prospective tenants who are eligible to participate in the
2 rental security deposit guarantee program shall be limited to homeless
3 persons or families who are residing in an emergency shelter or
4 transitional housing operated by a local government or a nonprofit
5 corporation, or to families who are temporarily residing in a park,
6 car, or are otherwise without adequate shelter. The local government
7 or nonprofit corporation shall make a determination regarding the
8 person's or family's eligibility to participate in this program and a
9 determination that a local rental unit is available for occupation. A
10 determination of eligibility shall include, but is not limited to: (a)
11 A determination that the person or family is homeless or is in
12 transitional housing; (b) a verification of income and that the person
13 or family can reasonably make the monthly rental payment; and (c) a
14 determination that the person or family does not have the financial
15 resources to make the rental security deposit.

16 **Sec. 171.** RCW 59.24.050 and 1988 c 237 s 5 are each amended to
17 read as follows:

18 The department of community, trade, and economic development may
19 adopt rules to implement this chapter, including but not limited to:
20 (1) The eligibility of and the application process for local
21 governments and nonprofit corporations; (2) the criteria by which
22 grants and technical assistance shall be provided to local governments
23 and nonprofit corporations; and (3) the criteria local governments and
24 nonprofit corporations shall use in entering into contracts with
25 tenants and rental property owners.

26 **Sec. 172.** RCW 59.24.060 and 1988 c 237 s 6 are each amended to
27 read as follows:

28 The department of community, trade, and economic development may
29 receive such gifts, grants, or endowments from public or private
30 sources, as may be made from time to time, in trust or otherwise, to be
31 used by the department of community, trade, and economic development
32 for its programs, including the rental security deposit guarantee
33 program. Funds from the housing trust fund, chapter 43.185 RCW, up to
34 one hundred thousand dollars, may be used for the rental security
35 deposit guarantee program by the department of community, trade, and
36 economic development, local governments, and nonprofit organizations,

1 provided all the requirements of this chapter and chapter 43.185 RCW
2 are met.

3 **Sec. 173.** RCW 59.28.040 and 1989 c 188 s 4 are each amended to
4 read as follows:

5 All owners of federally assisted housing shall, at least twelve
6 months before the expiration of the rental assistance contract or
7 prepayment of a mortgage or loan, serve a written notice of the
8 anticipated expiration or prepayment date on each tenant household
9 residing in the housing, on the clerk of the city, or county if in an
10 unincorporated area, in which the property is located, and on the
11 ((state)) department of community, trade, and economic development, by
12 regular and certified mail.

13 **Sec. 174.** RCW 59.28.050 and 1989 c 188 s 5 are each amended to
14 read as follows:

15 This chapter shall not in any way prohibit an owner of federally
16 assisted housing from terminating a rental assistance contract or
17 prepaying a mortgage or loan. The requirement in this chapter for
18 notice shall not be construed as conferring any new or additional
19 regulatory power upon the city or county clerk or upon the ((state))
20 department of community, trade, and economic development.

21 **Sec. 175.** RCW 59.28.060 and 1989 c 188 s 6 are each amended to
22 read as follows:

23 The notice to tenants required by RCW 59.28.040 shall state the
24 date of expiration or prepayment and the effect, if any, that the
25 expiration or prepayment will have upon the tenants' rent and other
26 terms of their rental agreement.

27 The notice to the city or county clerk and to the ((state))
28 department of community, trade, and economic development required by
29 RCW 59.28.040 shall state: (1) The name, location, and project number
30 of the federally assisted housing and the type of assistance received
31 from the federal government; (2) the number and size of units; (3) the
32 age, race, family size, and estimated incomes of the tenants who will
33 be affected by the prepayment of the loan or mortgage or expiration of
34 the federal assistance contract; (4) the projected rent increases for
35 each affected tenant; and (5) the anticipated date of prepayment of the
36 loan or mortgage or expiration of the federal assistance contract.

1 **Sec. 176.** RCW 59.28.110 and 1989 c 188 s 11 are each amended to
2 read as follows:

3 The director of the department of community, trade, and economic
4 development shall prepare an annual report on the preservation and loss
5 of federally assisted housing in the state of Washington. The director
6 shall include in this report recommendations for preserving federally
7 assisted housing and for minimizing the involuntary displacement of
8 tenants residing in such housing. The director shall provide a copy of
9 this report to the house of representatives committee on housing and
10 the senate committee on trade, technology, and economic development
11 (~~and labor~~)).

12 **Sec. 177.** RCW 66.08.190 and 1991 sp.s. c 32 s 34 are each amended
13 to read as follows:

14 When excess funds are distributed, all moneys subject to
15 distribution shall be disbursed as follows:

16 (1) Three-tenths of one percent to the department of community,
17 trade, and economic development to be allocated to border areas under
18 RCW 66.08.195; and

19 (2) From the amount remaining after distribution under subsection
20 (1) of this section, fifty percent to the general fund of the state,
21 ten percent to the counties of the state, and forty percent to the
22 incorporated cities and towns of the state.

23 (3) The governor may notify and direct the state treasurer to
24 withhold the revenues to which the counties and cities are entitled
25 under this section if the counties or cities are found to be in
26 noncompliance pursuant to RCW 36.70A.340.

27 **Sec. 178.** RCW 66.08.195 and 1988 c 229 s 3 are each amended to
28 read as follows:

29 For the purposes of this section, the term "border area" means
30 Blaine, Everson, Friday Harbor, Lynden, Nooksack, Northport, Oroville,
31 Port Angeles, Sumas, and that area of Whatcom county commonly referred
32 to as Point Roberts.

33 Funds allocable to border areas under RCW 66.08.190 shall be
34 distributed pursuant to a formula developed by the department of
35 community, trade, and economic development, by rule, based on border
36 traffic and historical public impacts of law enforcement problems
37 caused by the border on local budgets. All such funds received by

1 Whatcom county pursuant to this allocation shall be spent within the
2 Point Roberts area.

3 **Sec. 179.** RCW 67.16.100 and 1991 c 270 s 4 are each amended to
4 read as follows:

5 (1) All sums paid to the commission under this chapter, including
6 those sums collected for license fees and excluding those sums
7 collected under RCW 67.16.102, 67.16.105(3), and 67.16.105(4), shall be
8 disposed of by the commission as follows:

9 (a) Fifty percent thereof shall be retained by the commission for
10 the payment of the salaries of its members, secretary, clerical,
11 office, and other help and all expenses incurred in carrying out the
12 provisions of this chapter. No salary, wages, expenses, or
13 compensation of any kind shall be paid by the state in connection with
14 the work of the commission.

15 (b) One percent shall, on the next business day following the
16 receipt thereof, be paid to the state treasurer to be deposited in the
17 general fund.

18 (c) Three percent shall, on the next business day following the
19 receipt thereof, be paid to the state treasurer, who is hereby made ex
20 officio treasurer of a fund to be known as the "state trade fair fund"
21 which shall be maintained as a separate and independent fund, and made
22 available to the director of community, trade, and economic development
23 for the sole purpose of assisting state trade fairs.

24 (d) Forty-six percent shall be paid to the state treasurer, who is
25 hereby made ex officio treasurer of a fund to be known as the "fair
26 fund," which shall be maintained as a separate and independent fund
27 outside of the state treasury, and made available to the director of
28 agriculture for the sole purpose of assisting fairs in the manner
29 provided in Title 15 RCW.

30 (2) Any moneys collected or paid to the commission under the terms
31 of this chapter and not expended at the close of the fiscal biennium
32 shall be paid to the state treasurer and be placed in the general fund.
33 The commission may, with the approval of the office of financial
34 management, retain any sum required for working capital.

35 **Sec. 180.** RCW 67.38.070 and 1985 c 6 s 22 are each amended to read
36 as follows:

1 The comprehensive cultural arts, stadium and convention plan
2 adopted by the district shall be reviewed by the ((state)) department
3 of community, trade, and economic development to determine:

4 (1) Whether the plan will enhance the progress of the state and
5 provide for the general welfare of the population; and

6 (2) Whether such plan is eligible for matching federal funds.

7 After reviewing the comprehensive cultural arts, stadium and
8 convention plan, the ((state)) department of community, trade, and
9 economic development shall have sixty days in which to approve such
10 plan and to certify to the state treasurer that such district shall be
11 eligible to receive funds. To be approved a plan shall provide for
12 coordinated cultural arts, stadium and convention planning, and be
13 consistent with the public cultural arts, stadium and convention
14 coordination criteria in a manner prescribed by chapter 35.60 RCW. In
15 the event such comprehensive plan is disapproved and ruled ineligible
16 to receive funds, the ((state)) department of community, trade, and
17 economic development shall provide written notice to the district
18 within thirty days as to the reasons for such plan's disapproval and
19 such ineligibility. The district may resubmit such plan upon
20 reconsideration and correction of such deficiencies cited in such
21 notice of disapproval.

22 **Sec. 181.** RCW 68.60.030 and 1993 c 67 s 1 are each amended to read
23 as follows:

24 (1)(a) The archaeological and historical division of the department
25 of community, trade, and economic development may grant by
26 nontransferable certificate authority to maintain and protect an
27 abandoned cemetery upon application made by a preservation organization
28 which has been incorporated for the purpose of restoring, maintaining,
29 and protecting an abandoned cemetery. Such authority shall be limited
30 to the care, maintenance, restoration, protection, and historical
31 preservation of the abandoned cemetery, and shall not include authority
32 to make burials, unless specifically granted by the cemetery board.

33 (b) Those preservation and maintenance corporations that are
34 granted authority to maintain and protect an abandoned cemetery shall
35 be entitled to hold and possess burial records, maps, and other
36 historical documents as may exist. Maintenance and preservation
37 corporations that are granted authority to maintain and protect an
38 abandoned cemetery shall not be liable to those claiming burial rights,

1 ancestral ownership, or to any other person or organization alleging to
2 have control by any form of conveyance not previously recorded at the
3 county auditor's office within the county in which the abandoned
4 cemetery exists. Such organizations shall not be liable for any
5 reasonable alterations made during restoration work on memorials,
6 roadways, walkways, features, plantings, or any other detail of the
7 abandoned cemetery.

8 (c) Should the maintenance and preservation corporation be
9 dissolved, the archaeological and historical division of the department
10 of community, trade, and economic development shall revoke the
11 certificate of authority.

12 (d) Maintenance and preservation corporations that are granted
13 authority to maintain and protect an abandoned cemetery may establish
14 care funds pursuant to chapter 68.44 RCW, and shall report in
15 accordance with chapter 68.44 RCW to the state cemetery board.

16 (2) Except as provided in subsection (1) of this section, the
17 department of community, trade, and economic development may, in its
18 sole discretion, authorize any Washington nonprofit corporation that is
19 not expressly incorporated for the purpose of restoring, maintaining,
20 and protecting an abandoned cemetery, to restore, maintain, and protect
21 one or more abandoned cemeteries. The authorization may include the
22 right of access to any burial records, maps, and other historical
23 documents, but shall not include the right to be the permanent
24 custodian of original records, maps, or documents. This authorization
25 shall be granted by a nontransferable certificate of authority. Any
26 nonprofit corporation authorized and acting under this subsection is
27 immune from liability to the same extent as if it were a preservation
28 organization holding a certificate of authority under subsection (1) of
29 this section.

30 (3) The department of community, trade, and economic development
31 shall establish standards and guidelines for granting certificates of
32 authority under subsections (1) and (2) of this section to assure that
33 any restoration, maintenance, and protection activities authorized
34 under this subsection are conducted and supervised in an appropriate
35 manner.

36 **Sec. 182.** RCW 70.41.080 and 1986 c 266 s 94 are each amended to
37 read as follows:

1 Standards for fire protection and the enforcement thereof, with
2 respect to all hospitals to be licensed hereunder shall be the
3 responsibility of the director of community, trade, and economic
4 development, through the director of fire protection, who shall adopt,
5 after approval by the department, such recognized standards as may be
6 applicable to hospitals for the protection of life against the cause
7 and spread of fire and fire hazards. The department upon receipt of an
8 application for a license, shall submit to the (~~state fire marshal~~)
9 director of fire protection in writing, a request for an inspection,
10 giving the applicant's name and the location of the premises to be
11 licensed. Upon receipt of such a request, the director of community,
12 trade, and economic development, through the director of fire
13 protection, or his or her deputy, shall make an inspection of the
14 hospital to be licensed, and if it is found that the premises do not
15 comply with the required safety standards and fire regulations as
16 adopted pursuant to this chapter, he or she shall promptly make a
17 written report to the hospital and to the department listing the
18 corrective actions required and the time allowed for accomplishing such
19 corrections. The applicant or licensee shall notify the director of
20 community, trade, and economic development, through the director of
21 fire protection, upon completion of any corrections required by him or
22 her, and the director of community, trade, and economic development,
23 through the director of fire protection, or his or her deputy, shall
24 make a reinspection of such premises. Whenever the hospital to be
25 licensed meets with the approval of the director of community, trade,
26 and economic development, through the director of fire protection, he
27 or she shall submit to the department a written report approving the
28 hospital with respect to fire protection, and such report is required
29 before a full license can be issued. The director of community, trade,
30 and economic development, through the director of fire protection,
31 shall make or cause to be made inspections of such hospitals at least
32 once a year.

33 In cities which have in force a comprehensive building code, the
34 provisions of which are determined by the director of community, trade,
35 and economic development, through the director of fire protection, to
36 be equal to the minimum standards of the code for hospitals adopted by
37 the director of community, trade, and economic development, through the
38 director of fire protection, the chief of the fire department, provided
39 the latter is a paid chief of a paid fire department, shall make the

1 inspection with the director of community, trade, and economic
2 development, through the director of fire protection, or his or her
3 deputy and they shall jointly approve the premises before a full
4 license can be issued.

5 **Sec. 183.** RCW 70.62.290 and 1986 c 266 s 95 are each amended to
6 read as follows:

7 Rules and regulations establishing fire and life safety
8 requirements, not inconsistent with the provisions of this chapter,
9 shall continue to be promulgated and enforced by the director of
10 community, trade, and economic development, through the director of
11 fire protection.

12 **Sec. 184.** RCW 70.75.020 and 1986 c 266 s 96 are each amended to
13 read as follows:

14 The standardization of existing fire protection equipment in this
15 state shall be arranged for and carried out by or under the direction
16 of the director of community, trade, and economic development, through
17 the director of fire protection. He or she shall provide the
18 appliances necessary for carrying on this work, shall proceed with such
19 standardization as rapidly as possible, and shall require the
20 completion of such work within a period of five years from June 8,
21 1967: PROVIDED, That the director of community, trade, and economic
22 development, through the director of fire protection, may exempt
23 special purpose fire equipment and existing fire protection equipment
24 from standardization when it is established that such equipment is not
25 essential to the coordination of public fire protection operations.

26 **Sec. 185.** RCW 70.75.030 and 1986 c 266 s 97 are each amended to
27 read as follows:

28 The director of community, trade, and economic development, through
29 the director of fire protection, shall notify industrial establishments
30 and property owners having equipment, which may be necessary for fire
31 department use in protecting the property or putting out fire, of any
32 changes necessary to bring their equipment up to the requirements of
33 the standard established by RCW 70.75.020, and shall render such
34 assistance as may be available for converting substandard equipment to
35 meet standard specifications and requirements.

1 **Sec. 186.** RCW 70.75.040 and 1986 c 266 s 98 are each amended to
2 read as follows:

3 Any person who, without approval of the director of community,
4 trade, and economic development, through the director of fire
5 protection, sells or offers for sale in Washington any fire hose, fire
6 engine or other equipment for fire protection purposes which is fitted
7 or equipped with other than the standard thread is guilty of a
8 misdemeanor: PROVIDED, That fire equipment for special purposes,
9 research, programs, forest fire fighting, or special features of fire
10 protection equipment found appropriate for uniformity within a
11 particular protection area may be specifically exempted from this
12 requirement by order of the director of community, trade, and economic
13 development, through the director of fire protection.

14 **Sec. 187.** RCW 70.77.170 and 1986 c 266 s 99 are each amended to
15 read as follows:

16 "License" means a nontransferable formal authorization which the
17 director of community, trade, and economic development and the director
18 of fire protection are permitted to issue under this chapter to engage
19 in the act specifically designated therein.

20 **Sec. 188.** RCW 70.77.250 and 1986 c 266 s 100 are each amended to
21 read as follows:

22 (1) The director of community, trade, and economic development,
23 through the director of fire protection, shall enforce and administer
24 this chapter.

25 (2) The director of community, trade, and economic development,
26 through the director of fire protection, shall appoint such deputies
27 and employees as may be necessary and required to carry out the
28 provisions of this chapter.

29 (3) The director of community, trade, and economic development,
30 through the director of fire protection, may prescribe such rules
31 relating to fireworks as may be necessary for the protection of life
32 and property and for the implementation of this chapter.

33 (4) The director of community, trade, and economic development,
34 through the director of fire protection, shall prescribe such rules as
35 may be necessary to ensure state-wide minimum standards for the
36 enforcement of this chapter. Counties, cities, and towns shall comply
37 with such state rules. Any local rules adopted by local authorities

1 that are more restrictive than state law as to the types of fireworks
2 that may be sold shall have an effective date no sooner than one year
3 after their adoption.

4 (5) The director of community, trade, and economic development,
5 through the director of fire protection, may exercise the necessary
6 police powers to enforce the criminal provisions of this chapter. This
7 grant of police powers does not prevent any other state agency or local
8 government agency having general law enforcement powers from enforcing
9 this chapter within the jurisdiction of the agency or local government.

10 **Sec. 189.** RCW 70.77.305 and 1986 c 266 s 101 are each amended to
11 read as follows:

12 The director of community, trade, and economic development, through
13 the director of fire protection, has the power to issue licenses for
14 the manufacture, importation, sale, and use of all fireworks in this
15 state. A person may be licensed as a manufacturer, importer, or
16 wholesaler under this chapter only if the person has a designated agent
17 in this state who is registered with the director of community, trade,
18 and economic development, through the director of fire protection.

19 **Sec. 190.** RCW 70.77.315 and 1986 c 266 s 102 are each amended to
20 read as follows:

21 Any person who desires to engage in the manufacture, importation,
22 sale, or use of fireworks shall make a written application to the
23 director of community, trade, and economic development, through the
24 director of fire protection, on forms provided by him or her. Such
25 application shall be accompanied by the annual license fee as
26 prescribed in this chapter.

27 **Sec. 191.** RCW 70.77.325 and 1991 c 135 s 4 are each amended to
28 read as follows:

29 (1) Application for a license shall be made annually by every
30 person holding an existing license who wishes to continue the activity
31 requiring the license. The application shall be accompanied by the
32 annual license fees as prescribed in RCW 70.77.343 and 70.77.340.

33 (2) A person applying for an annual license as a retailer under
34 this chapter shall file an application by June 10 of the current year.
35 The director of community, trade, and economic development, through the

1 director of fire protection, shall grant or deny the license within
2 fifteen days of receipt of the application.

3 (3) A person applying for an annual license as a manufacturer,
4 importer, or wholesaler under this chapter shall file an application by
5 January 31 of the current year. The director of community, trade, and
6 economic development, through the director of fire protection, shall
7 grant or deny the license within ninety days of receipt of the
8 application.

9 **Sec. 192.** RCW 70.77.330 and 1986 c 266 s 104 are each amended to
10 read as follows:

11 If the director of community, trade, and economic development,
12 through the director of fire protection, finds that the granting of
13 such license would not be contrary to public safety or welfare, he or
14 she shall issue a license authorizing the applicant to engage in the
15 particular act or acts upon the payment of the license fee specified in
16 this chapter. Licensees may transport the class of fireworks for which
17 they hold a valid license.

18 **Sec. 193.** RCW 70.77.355 and 1986 c 266 s 105 are each amended to
19 read as follows:

20 (1) Any adult person may secure a general license from the director
21 of community, trade, and economic development, through the director of
22 fire protection, for the public display of fireworks within the state
23 of Washington. A general license is subject to the provisions of this
24 chapter relative to the securing of local permits for the public
25 display of fireworks in any city, county, or fire protection district,
26 except that in lieu of filing the bond or certificate of public
27 liability insurance with the appropriate local official under RCW
28 70.77.260 as required in RCW 70.77.285, the same bond or certificate
29 shall be filed with the director of community, trade, and economic
30 development, through the director of fire protection. The bond or
31 certificate of insurance for a general license in addition shall
32 provide that: (a) The insurer will not cancel the insured's coverage
33 without fifteen days prior written notice to the director of community,
34 trade, and economic development, through the director of fire
35 protection; (b) the duly licensed pyrotechnic operator required by law
36 to supervise and discharge the public display, acting either as an
37 employee of the insured or as an independent contractor and the state

1 of Washington, its officers, agents, employees, and servants are
2 included as additional insureds, but only insofar as any operations
3 under contract are concerned; and (c) the state is not responsible for
4 any premium or assessments on the policy.

5 (2) The director of community, trade, and economic development,
6 through the director of fire protection, may issue such general
7 licenses. The holder of a general license shall file a certificate
8 from the director of community, trade, and economic development,
9 through the director of fire protection, evidencing the license with
10 any application for a local permit for the public display of fireworks
11 under RCW 70.77.260.

12 **Sec. 194.** RCW 70.77.360 and 1986 c 266 s 106 are each amended to
13 read as follows:

14 If the director of community, trade, and economic development,
15 through the director of fire protection, finds that an application for
16 any license under this chapter contains a material misrepresentation or
17 that the granting of any license would be contrary to the public safety
18 or welfare, the director of community, trade, and economic development,
19 through the director of fire protection, may deny the application for
20 the license.

21 **Sec. 195.** RCW 70.77.365 and 1986 c 266 s 107 are each amended to
22 read as follows:

23 A written report by the director of community, trade, and economic
24 development, through the director of fire protection, or a local fire
25 official, or any of their authorized representatives, disclosing that
26 the applicant for a license, or the premises for which a license is to
27 apply, do not meet the qualifications or conditions for a license
28 constitutes grounds for the denial by the director of community, trade,
29 and economic development, through the director of fire protection, of
30 any application for a license.

31 **Sec. 196.** RCW 70.77.375 and 1986 c 266 s 108 are each amended to
32 read as follows:

33 The director of community, trade, and economic development, through
34 the director of fire protection, upon reasonable opportunity to be
35 heard, shall revoke any license issued pursuant to this chapter, if he
36 or she finds that:

1 (1) The licensee has violated any provisions of this chapter or any
2 rule or regulations made by the director of community, trade, and
3 economic development, through the director of fire protection, under
4 and with the authority of this chapter;

5 (2) The licensee has created or caused a fire nuisance;

6 (3) Any licensee has failed or refused to file any required
7 reports; or

8 (4) Any fact or condition exists which, if it had existed at the
9 time of the original application for such license, reasonably would
10 have warranted the director of community, trade, and economic
11 development, through the director of fire protection, in refusing
12 originally to issue such license.

13 **Sec. 197.** RCW 70.77.415 and 1986 c 266 s 109 are each amended to
14 read as follows:

15 Every public display of fireworks shall be handled or supervised by
16 a pyrotechnic operator licensed by the director of community, trade,
17 and economic development, through the director of fire protection,
18 under RCW 70.77.255.

19 **Sec. 198.** RCW 70.77.430 and 1986 c 266 s 110 are each amended to
20 read as follows:

21 Notwithstanding RCW 70.77.255, following the revocation or
22 expiration of a license, a licensee in lawful possession of a lawfully
23 acquired stock of fireworks may sell such fireworks, but only under
24 supervision of the director of community, trade, and economic
25 development, through the director of fire protection. Any sale under
26 this section shall be solely to persons who are authorized to buy,
27 possess, sell, or use such fireworks.

28 **Sec. 199.** RCW 70.77.435 and 1986 c 266 s 111 are each amended to
29 read as follows:

30 Any fireworks which are illegally sold, offered for sale, used,
31 discharged, possessed or transported in violation of the provisions of
32 this chapter or the rules or regulations of the director of community,
33 trade, and economic development, through the director of fire
34 protection, shall be subject to seizure by the director of community,
35 trade, and economic development, through the director of fire
36 protection, or his or her deputy. Any fireworks seized under this

1 section may be disposed of by the director of community, trade, and
2 economic development, through the director of fire protection, by
3 summary destruction at any time subsequent to thirty days from such
4 seizure or ten days from the final termination of proceedings under the
5 provisions of RCW 70.77.440, whichever is later.

6 **Sec. 200.** RCW 70.77.440 and 1986 c 266 s 112 are each amended to
7 read as follows:

8 (1) Any person whose fireworks are seized under the provisions of
9 RCW 70.77.435 may within ten days after such seizure petition the
10 director of community, trade, and economic development, through the
11 director of fire protection, to return the fireworks seized upon the
12 ground that such fireworks were illegally or erroneously seized. Any
13 petition filed hereunder shall be considered by the director of
14 community, trade, and economic development, through the director of
15 fire protection, within fifteen days after filing and an oral hearing
16 granted the petitioner, if requested. Notice of the decision of the
17 director of community, trade, and economic development, through the
18 director of fire protection, shall be served upon the petitioner. The
19 director of community, trade, and economic development, through the
20 director of fire protection, may order the fireworks seized under this
21 chapter disposed of or returned to the petitioner if illegally or
22 erroneously seized. The determination of the director of community,
23 trade, and economic development, through the director of fire
24 protection, is final unless within sixty days an action is commenced in
25 a court of competent jurisdiction in the state of Washington for the
26 recovery of the fireworks seized by the director of community, trade,
27 and economic development, through the director of fire protection.

28 (2) If the fireworks are not returned to the petitioner or
29 destroyed pursuant to RCW 70.77.435, the director of community, trade,
30 and economic development, through the director of fire protection, may
31 sell confiscated common fireworks and special fireworks that are legal
32 for use and possession under this chapter to wholesalers licensed by
33 the director of community, trade, and economic development, through the
34 director of fire protection. Sale shall be by public auction after
35 publishing a notice of the date, place, and time of the auction in a
36 newspaper of general circulation in the county in which the auction is
37 to be held, at least three days before the date of the auction. The
38 proceeds of the sale of the seized fireworks under this section shall

1 be deposited in the general fund. Fireworks that are not legal for use
2 and possession in this state shall be destroyed by the director of
3 community, trade, and economic development, through the director of
4 fire protection.

5 **Sec. 201.** RCW 70.77.450 and 1986 c 266 s 113 are each amended to
6 read as follows:

7 The director of community, trade, and economic development, through
8 the director of fire protection, may make an examination of the books
9 and records of any licensee, or other person relative to fireworks, and
10 may visit and inspect the premises of any licensee he or she may deem
11 at any time necessary for the purpose of enforcing the provisions of
12 this chapter. The licensee, owner, lessee, manager, or operator of any
13 such building or premises shall permit the director of community,
14 trade, and economic development, through the director of fire
15 protection, his or her deputies, his or her salaried assistants and the
16 chief of any city or county fire department or fire protection district
17 and their authorized representatives to enter and inspect the premises
18 at the time and for the purpose stated in this section.

19 **Sec. 202.** RCW 70.77.455 and 1986 c 266 s 114 are each amended to
20 read as follows:

21 All licensees shall maintain and make available to the director of
22 community, trade, and economic development, through the director of
23 fire protection, full and complete records showing all production,
24 imports, exports, purchases, sales, and consumption of fireworks items
25 by kind and class.

26 **Sec. 203.** RCW 70.77.460 and 1986 c 266 s 115 are each amended to
27 read as follows:

28 When reports on fireworks transactions or the payments of license
29 fees or penalties are required to be made on or by specified dates,
30 they shall be deemed to have been made at the time they are filed with
31 or paid to the director of community, trade, and economic development,
32 through the director of fire protection, or, if sent by mail, on the
33 date shown by the United States postmark on the envelope containing the
34 report or payment.

1 **Sec. 204.** RCW 70.77.465 and 1986 c 266 s 116 are each amended to
2 read as follows:

3 In addition to any other reports required under this chapter, the
4 director of community, trade, and economic development, through the
5 director of fire protection, may, by rule or otherwise, require
6 additional, other, or supplemental reports from licensees and other
7 persons and prescribe the form, including verification, of the
8 information to be given when filing such additional, other or
9 supplemental reports.

10 **Sec. 205.** RCW 70.77.575 and 1986 c 266 s 117 are each amended to
11 read as follows:

12 (1) The director of community, trade, and economic development,
13 through the director of fire protection, shall adopt by rule a list of
14 the fireworks that may be sold to the public in this state pursuant to
15 this chapter. The director of community, trade, and economic
16 development, through the director of fire protection, shall file the
17 list by October 1st of each year with the code reviser for publication,
18 unless the previously published list has remained current.

19 (2) The director of community, trade, and economic development,
20 through the director of fire protection, shall provide the list adopted
21 under subsection (1) of this section by November 1st of each year to
22 all manufacturers, wholesalers, and importers licensed under this
23 chapter, unless the previously distributed list has remained current.

24 **Sec. 206.** RCW 70.77.580 and 1986 c 266 s 118 are each amended to
25 read as follows:

26 Retailers required to be licensed under this chapter shall post
27 prominently at each retail outlet a list of the fireworks that may be
28 sold to the public in this state pursuant to this chapter. The posted
29 list shall be in a form approved by the director of community, trade,
30 and economic development, through the director of fire protection. The
31 director of community, trade, and economic development, through the
32 director of fire protection, shall make available the list.

33 **Sec. 207.** RCW 70.94.537 and 1991 c 202 s 15 are each amended to
34 read as follows:

35 (1) A twenty-three member state commute trip reduction task force
36 shall be established as follows:

1 (a) The director of the state energy office or the director's
2 designee who shall serve as chair;

3 (b) The secretary of the department of transportation or the
4 secretary's designee;

5 (c) The director of the department of ecology or the director's
6 designee;

7 (d) The director of the department of community, trade, and
8 economic development or the director's designee;

9 (e) The director of the department of general administration or the
10 director's designee;

11 (f) Three representatives from counties appointed by the governor
12 from a list of at least six recommended by the Washington state
13 association of counties;

14 (g) Three representatives from cities and towns appointed by the
15 governor from a list of at least six recommended by the association of
16 Washington cities;

17 (h) Three representatives from transit agencies appointed by the
18 governor from a list of at least six recommended by the Washington
19 state transit association;

20 (i) Six representatives of employers at or owners of major
21 worksites in Washington appointed by the governor from a list of at
22 least twelve recommended by the association of Washington business; and

23 (j) Three citizens appointed by the governor.

24 Members of the commute trip reduction task force shall serve
25 without compensation but shall be reimbursed for travel expenses as
26 provided in RCW 43.03.050 and 43.03.060. Members appointed by the
27 governor shall be compensated in accordance with RCW 43.03.220. The
28 task force has all powers necessary to carry out its duties as
29 prescribed by this chapter. The task force shall be dissolved on July
30 1, 2000.

31 (2) By March 1, 1992, the commute trip reduction task force shall
32 establish guidelines for commute trip reduction plans. The guidelines
33 are intended to ensure consistency in commute trip reduction plans and
34 goals among jurisdictions while fairly taking into account differences
35 in employment and housing density, employer size, existing and
36 anticipated levels of transit service, special employer circumstances,
37 and other factors the task force determines to be relevant. The
38 guidelines shall include:

39 (a) Criteria for establishing commute trip reduction zones;

1 (b) Methods and information requirements for determining base year
2 values of the proportion of single-occupant vehicle commute trips and
3 the commute trip vehicle miles traveled per employee and progress
4 toward meeting commute trip reduction plan goals;

5 (c) Model commute trip reduction ordinances;

6 (d) Methods for assuring consistency in the treatment of employers
7 who have worksites subject to the requirements of this chapter in more
8 than one jurisdiction;

9 (e) An appeals process by which major employers, who as a result of
10 special characteristics of their business or its locations would be
11 unable to meet the requirements of a commute trip reduction plan, may
12 obtain a waiver or modification of those requirements and criteria for
13 determining eligibility for waiver or modification;

14 (f) Methods to ensure that employers shall receive full credit for
15 the results of transportation demand management efforts and commute
16 trip reduction programs which have been implemented by major employers
17 prior to the base year;

18 (g) Alternative commute trip reduction goals for major employers
19 which cannot meet the goals of this chapter because of the unique
20 nature of their business; and

21 (h) Alternative commute trip reduction goals for major employers
22 whose worksites change and who contribute substantially to traffic
23 congestion in a trip reduction zone.

24 (3) The task force shall assess the commute trip reduction options
25 available to employers other than major employers and make
26 recommendations to the legislature by October 1, 1992. The
27 recommendations shall include the minimum size of employer who shall be
28 required to implement trip reduction programs and the appropriate
29 methods those employers can use to accomplish trip reduction goals.

30 (4) The task force shall review progress toward implementing
31 commute trip reduction plans and programs and the costs and benefits of
32 commute trip reduction plans and programs and shall make
33 recommendations to the legislature by December 1, 1995, and December 1,
34 1999. In assessing the costs and benefits, the task force shall
35 consider the costs of not having implemented commute trip reduction
36 plans and programs. The task force shall examine other transportation
37 demand management programs nationally and incorporate its findings into
38 its recommendations to the legislature. The recommendations shall
39 address the need for continuation, modification, or termination or any

1 or all requirements of this chapter. The recommendations made December
2 1, 1995, shall include recommendations regarding extension of the
3 requirements of this chapter to employers with fifty or more full-time
4 employees at a single worksite who begin their regular work day between
5 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous
6 months.

7 **Sec. 208.** RCW 70.95.260 and 1989 c 431 s 9 are each amended to
8 read as follows:

9 The department shall in addition to its other powers and duties:

10 (1) Cooperate with the appropriate federal, state, interstate and
11 local units of government and with appropriate private organizations in
12 carrying out the provisions of this chapter.

13 (2) Coordinate the development of a solid waste management plan for
14 all areas of the state in cooperation with local government, the
15 department of community, trade, and economic development, and other
16 appropriate state and regional agencies. The plan shall relate to
17 solid waste management for twenty years in the future and shall be
18 reviewed biennially, revised as necessary, and extended so that
19 perpetually the plan shall look to the future for twenty years as a
20 guide in carrying out a state coordinated solid waste management
21 program. The plan shall be developed into a single integrated document
22 and shall be adopted no later than October 1990. The plan shall be
23 revised regularly after its initial completion so that local
24 governments revising local comprehensive solid waste management plans
25 can take advantage of the data and analysis in the state plan.

26 (3) Provide technical assistance to any person as well as to
27 cities, counties, and industries.

28 (4) Initiate, conduct, and support research, demonstration
29 projects, and investigations, and coordinate research programs
30 pertaining to solid waste management systems.

31 (5) Develop state-wide programs to increase public awareness of and
32 participation in tire recycling, and to stimulate and encourage local
33 private tire recycling centers and public participation in tire
34 recycling.

35 (6) May, under the provisions of the Administrative Procedure Act,
36 chapter 34.05 RCW, as now or hereafter amended, from time to time
37 promulgate such rules and regulations as are necessary to carry out the
38 purposes of this chapter.

1 **Sec. 209.** RCW 70.95.265 and 1985 c 466 s 69 are each amended to
2 read as follows:

3 The department shall work closely with the department of community,
4 trade, and economic development, the department of general
5 administration, and with other state departments and agencies, the
6 Washington state association of counties, the association of Washington
7 cities, and business associations, to carry out the objectives and
8 purposes of this 1976 amendatory act.

9 **Sec. 210.** RCW 70.95.810 and 1989 c 431 s 97 are each amended to
10 read as follows:

11 (1) In order to establish the feasibility of composting food and
12 yard wastes, the department shall provide funds, as available, to local
13 governments submitting a proposal to compost such wastes.

14 (2) The department, in cooperation with the department of
15 community, trade, and economic development, may approve an application
16 if the project can demonstrate the essential parameters for successful
17 composting, including, but not limited to, cost-effectiveness, handling
18 and safety requirements, and current and potential markets.

19 (3) The department shall periodically report to the appropriate
20 standing committees of the legislature on the need for, and feasibility
21 of, composting systems for food and yard wastes.

22 **Sec. 211.** RCW 70.95H.007 and 1991 c 319 s 202 are each amended to
23 read as follows:

24 There is created the clean Washington center within the department
25 of community, trade, and economic development. As used in this
26 chapter, "center" means the clean Washington center.

27 **Sec. 212.** RCW 70.95H.020 and 1991 c 319 s 204 are each amended to
28 read as follows:

29 (1) The center's activities shall be conducted with the assistance
30 of a policy board. Except as otherwise provided, policy board members
31 shall be appointed by the directors of the department of community,
32 trade, and economic development and department of ecology as follows:

33 (a) Two representatives of the legislature, one appointed by the
34 speaker of the house of representatives and one appointed by the
35 president of the senate;

36 (b) One member to represent cities;

1 (c) One member to represent counties;

2 (d) Five private sector members to represent the end users and
3 marketers of postconsumer recovered materials, including one member to
4 represent recycling businesses;

5 (e) The directors of the departments of community, trade, and
6 economic development and ecology shall represent the executive branch
7 as nonvoting members; and

8 (f) Nonvoting, temporary appointments to the board can be made by
9 the chair where specific expertise is needed.

10 (2) The initial appointments of the five private sector members
11 will be two members with three-year terms and three members with two-
12 year terms. Thereafter, members shall serve two-year renewable terms.
13 Vacancies shall be filled by the chair with majority consent from the
14 members.

15 (3) Members of the board, exclusive of those representing the
16 legislative or executive branches, shall be reimbursed for travel
17 expenses as provided in RCW 43.03.050 and 43.03.060.

18 (4) The board shall meet at least quarterly.

19 (5) The chair shall be elected from among the members by a simple
20 majority vote.

21 (6) The board may adopt and exercise bylaws for the regulation of
22 its business for the purposes of this chapter.

23 **Sec. 213.** RCW 70.95H.050 and 1991 c 319 s 207 are each amended to
24 read as follows:

25 The center shall solicit financial contributions and support from
26 manufacturing industries and other private sector sources, foundations,
27 and grants from governmental sources to assist in conducting its
28 activities. It may also use separately appropriated funds of the
29 department of community, trade, and economic development for the
30 center's activities.

31 **Sec. 214.** RCW 70.105.020 and 1988 c 36 s 28 are each amended to
32 read as follows:

33 The department after notice and public hearing shall:

34 (1) Adopt regulations designating as extremely hazardous wastes
35 subject to the provisions of this chapter those substances which
36 exhibit characteristics consistent with the definition provided in RCW
37 70.105.010(6);

1 (2) Adopt and may revise when appropriate, minimum standards and
2 regulations for disposal of extremely hazardous wastes to protect
3 against hazards to the public, and to the environment. Before adoption
4 of such standards and regulations, the department shall consult with
5 appropriate agencies of interested local governments and secure
6 technical assistance from the department of agriculture, the department
7 of social and health services, the department of fish and wildlife, the
8 department of natural resources, (~~the department of fisheries,~~) the
9 department of labor and industries, and the department of community,
10 trade, and economic development, through the director of fire
11 protection.

12 **Sec. 215.** RCW 70.108.040 and 1986 c 266 s 120 are each amended to
13 read as follows:

14 Application for an outdoor music festival permit shall be in
15 writing and filed with the clerk of the issuing authority wherein the
16 festival is to be held. Said application shall be filed not less than
17 ninety days prior to the first scheduled day of the festival and shall
18 be accompanied with a permit fee in the amount of two thousand five
19 hundred dollars. Said application shall include:

20 (1) The name of the person or other legal entity on behalf of whom
21 said application is made: PROVIDED, That a natural person applying for
22 such permit shall be eighteen years of age or older;

23 (2) A financial statement of the applicant;

24 (3) The nature of the business organization of the applicant;

25 (4) Names and addresses of all individuals or other entities having
26 a ten percent or more proprietary interest in the festival;

27 (5) The principal place of business of applicant;

28 (6) A legal description of the land to be occupied, the name and
29 address of the owner thereof, together with a document showing the
30 consent of said owner to the issuance of a permit, if the land be owned
31 by a person other than the applicant;

32 (7) The scheduled performances and program;

33 (8) Written confirmation from the local health officer that he or
34 she has reviewed and approved plans for site and development in
35 accordance with rules, regulations and standards adopted by the state
36 board of health. Such rules and regulations shall include criteria as
37 to the following and such other matters as the state board of health
38 deems necessary to protect the public's health:

- 1 (a) Submission of plans
- 2 (b) Site
- 3 (c) Water supply
- 4 (d) Sewage disposal
- 5 (e) Food preparation facilities
- 6 (f) Toilet facilities
- 7 (g) Solid waste
- 8 (h) Insect and rodent control
- 9 (i) Shelter
- 10 (j) Dust control
- 11 (k) Lighting
- 12 (l) Emergency medical facilities
- 13 (m) Emergency air evacuation
- 14 (n) Attendant physicians
- 15 (o) Communication systems

16 (9) A written confirmation from the appropriate law enforcement
17 agency from the area where the outdoor music festival is to take place,
18 showing that traffic control and crowd protection policing have been
19 contracted for or otherwise provided by the applicant meeting the
20 following conditions:

21 (a) One person for each two hundred persons reasonably expected to
22 be in attendance at any time during the event for purposes of traffic
23 and crowd control.

24 (b) The names and addresses of all traffic and crowd control
25 personnel shall be provided to the appropriate law enforcement
26 authority: PROVIDED, That not less than twenty percent of the traffic
27 and crowd control personnel shall be commissioned police officers or
28 deputy sheriffs: PROVIDED FURTHER, That on and after February 25, 1972
29 any commissioned police officer or deputy sheriff who is employed and
30 compensated by the promoter of an outdoor music festival shall not be
31 eligible and shall not receive any benefits whatsoever from any public
32 pension or disability plan of which he or she is a member for the time
33 he or she is so employed or for any injuries received during the course
34 of such employment.

35 (c) During the hours that the festival site shall be open to the
36 public there shall be at least one regularly commissioned police
37 officer employed by the jurisdiction wherein the festival site is
38 located for every one thousand persons in attendance and said officer

1 shall be on duty within the confines of the actual outdoor music
2 festival site.

3 (d) All law enforcement personnel shall be charged with enforcing
4 the provisions of this chapter and all existing statutes, ordinances
5 and regulations.

6 (10) A written confirmation from the appropriate law enforcement
7 authority that sufficient access roads are available for ingress and
8 egress to the parking areas of the outdoor music festival site and that
9 parking areas are available on the actual site of the festival or
10 immediately adjacent thereto which are capable of accommodating one
11 auto for every four persons in estimated attendance at the outdoor
12 music festival site.

13 (11) A written confirmation from the department of natural
14 resources, where applicable, and the director of community, trade, and
15 economic development, through the director of fire protection, that all
16 fire prevention requirements have been complied with.

17 (12) A written statement of the applicant that all state and local
18 law enforcement officers, fire control officers and other necessary
19 governmental personnel shall have free access to the site of the
20 outdoor music festival.

21 (13) A statement that the applicant will abide by the provisions of
22 this chapter.

23 (14) The verification of the applicant warranting the truth of the
24 matters set forth in the application to the best of the applicant's
25 knowledge, under the penalty of perjury.

26 **Sec. 216.** RCW 70.128.180 and 1989 c 427 s 41 are each amended to
27 read as follows:

28 The department of community, trade, and economic development shall:

29 (1) Report to the appropriate committees of the legislature the
30 results of the local reviews provided for in RCW 35.63.140, 35A.63.149,
31 36.70.755, 35.22.680, and 36.32.560 by December 31, 1990.

32 (2) In consultation with the association of Washington cities, the
33 Washington association of counties, and the long-term care commission,
34 develop a model ordinance for the siting of residential care
35 facilities. The model ordinance shall be developed by December 31,
36 1990.

1 **Sec. 217.** RCW 70.136.030 and 1987 c 238 s 2 are each amended to
2 read as follows:

3 The governing body of each applicable political subdivision of this
4 state shall designate a hazardous materials incident command agency
5 within its respective boundaries, and file this designation with the
6 director of community, trade, and economic development. In designating
7 an incident command agency, the political subdivision shall consider
8 the training, manpower, expertise, and equipment of various available
9 agencies as well as the Uniform Fire Code and other existing codes and
10 regulations. Along state and interstate highway corridors, the
11 Washington state patrol shall be the designated incident command agency
12 unless by mutual agreement that role has been assumed by another
13 designated incident command agency. If a political subdivision has not
14 designated an incident command agency within six months after July 26,
15 1987, the Washington state patrol shall then assume the role of
16 incident command agency by action of the chief until a designation has
17 been made.

18 **Sec. 218.** RCW 70.160.060 and 1986 c 266 s 121 are each amended to
19 read as follows:

20 This chapter is not intended to regulate smoking in a private
21 enclosed workplace, within a public place, even though such workplace
22 may be visited by nonsmokers, excepting places in which smoking is
23 prohibited by the director of community, trade, and economic
24 development, through the director of fire protection, or by other law,
25 ordinance, or regulation.

26 **Sec. 219.** RCW 70.164.020 and 1987 c 36 s 2 are each amended to
27 read as follows:

28 Unless the context clearly requires otherwise, the definitions in
29 this section apply throughout this chapter.

30 (1) "Department" means the department of community, trade, and
31 economic development.

32 (2) "Energy assessment" means an analysis of a dwelling unit to
33 determine the need for cost-effective energy conservation measures as
34 determined by the department.

35 (3) "Household" means an individual or group of individuals living
36 in a dwelling unit as defined by the department.

1 (4) "Low income" means household income that is at or below one
2 hundred twenty-five percent of the federally established poverty level.

3 (5) "Nonutility sponsor" means any sponsor other than a public
4 service company, municipality, public utility district, mutual or
5 cooperative, furnishing gas or electricity used to heat low-income
6 residences.

7 (6) "Residence" means a dwelling unit as defined by the department.

8 (7) "Sponsor" means any entity that submits a proposal under RCW
9 70.164.040, including but not limited to any local community action
10 agency, community service agency, or any other participating agency or
11 any public service company, municipality, public utility district,
12 mutual or cooperative, or any combination of such entities that jointly
13 submits a proposal.

14 (8) "Sponsor match" means the share, if any, of the cost of
15 weatherization to be paid by the sponsor.

16 (9) "Weatherization" means materials or measures, and their
17 installation, that are used to improve the thermal efficiency of a
18 residence.

19 (10) "Weatherizing agency" means any approved department grantee or
20 any public service company, municipality, public utility district,
21 mutual or cooperative, or other entity that bears the responsibility
22 for ensuring the performance of weatherization of residences under this
23 chapter and has been approved by the department.

24 **Sec. 220.** RCW 70.190.010 and 1992 c 198 s 3 are each amended to
25 read as follows:

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter.

28 (1) "Comprehensive plan" means a two-year plan that examines
29 available resources and unmet needs for a county or multicounty area,
30 barriers that limit the effective use of resources, and a plan to
31 address these issues that is broadly supported.

32 (2) "Participating state agencies" means the office of the
33 superintendent of public instruction, the department of social and
34 health services, the department of health, the employment security
35 department, the department of community, trade, and economic
36 development, and such other departments as may be specifically
37 designated by the governor.

1 (3) "Family policy council" or "council" means the superintendent
2 of public instruction, the secretary of social and health services, the
3 secretary of health, the commissioner of the employment security
4 department, and the director of the department of community, trade, and
5 economic development or their designees, one legislator from each
6 caucus of the senate and house of representatives, and one
7 representative of the governor.

8 (4) "Outcome based" means defined and measurable outcomes and
9 indicators that make it possible for communities to evaluate progress
10 in meeting their goals and whether systems are fulfilling their
11 responsibilities.

12 (5) "Matching funds" means an amount no less than twenty-five
13 percent of the amount budgeted for a consortium's project. Up to half
14 of the consortium's matching funds may be in-kind goods and services.
15 Funding sources allowable for match include appropriate federal or
16 local levy funds, private charitable funding, and other charitable
17 giving. Basic education funds shall not be used as a match.

18 (6) "Consortium" means a diverse group of individuals that includes
19 at least representatives of local service providers, service
20 recipients, local government administering or funding children or
21 family service programs, participating state agencies, school
22 districts, existing children's commissions, ethnic and racial minority
23 populations, and other interested persons organized for the purpose of
24 designing and providing collaborative and coordinated services under
25 this chapter. Consortiums shall represent a county, multicounty, or
26 municipal service area. In addition, consortiums may represent Indian
27 tribes applying either individually or collectively.

28 **Sec. 221.** RCW 71.12.485 and 1989 1st ex.s. c 9 s 228 are each
29 amended to read as follows:

30 Standards for fire protection and the enforcement thereof, with
31 respect to all establishments to be licensed hereunder, shall be the
32 responsibility of the director of community, trade, and economic
33 development, through the director of fire protection, who shall adopt
34 such recognized standards as may be applicable to such establishments
35 for the protection of life against the cause and spread of fire and
36 fire hazards. The department of health, upon receipt of an application
37 for a license, or renewal of a license, shall submit to the director of
38 community, trade, and economic development, through the director of

1 fire protection, in writing, a request for an inspection, giving the
2 applicant's name and the location of the premises to be licensed. Upon
3 receipt of such a request, the director of community, trade, and
4 economic development, through the director of fire protection, or his
5 or her deputy shall make an inspection of the establishment to be
6 licensed, and if it is found that the premises do not comply with the
7 required safety standards and fire regulations as promulgated by the
8 director of community, trade, and economic development, through the
9 director of fire protection, he or she shall promptly make a written
10 report to the establishment and the department of health as to the
11 manner and time allowed in which the premises must qualify for a
12 license and set forth the conditions to be remedied with respect to
13 fire regulations. The department of health, applicant or licensee
14 shall notify the director of community, trade, and economic
15 development, through the director of fire protection, upon completion
16 of any requirements made by him or her, and the ((~~state fire marshal~~))
17 director of fire protection or his or her deputy shall make a
18 reinspection of such premises. Whenever the establishment to be
19 licensed meets with the approval of the director of community, trade,
20 and economic development, through the director of fire protection, he
21 or she shall submit to the department of health a written report
22 approving same with respect to fire protection before a full license
23 can be issued. The director of community, trade, and economic
24 development, through the director of fire protection, shall make or
25 cause to be made inspections of such establishments at least annually.
26 The department of health shall not license or continue the license of
27 any establishment unless and until it shall be approved by the director
28 of community, trade, and economic development, through the director of
29 fire protection, as herein provided.

30 In cities which have in force a comprehensive building code, the
31 provisions of which are determined by the director of community, trade,
32 and economic development, through the director of fire protection, to
33 be equal to the minimum standards of the director of community, trade,
34 and economic development, through the director of fire protection, for
35 such establishments, the chief of the fire department, provided the
36 latter is a paid chief of a paid fire department, shall make the
37 inspection with the director of community, trade, and economic
38 development, through the director of fire protection, or his or her

1 deputy, and they shall jointly approve the premises before a full
2 license can be issued.

3 **Sec. 222.** RCW 72.09.055 and 1993 c 461 s 12 are each amended to
4 read as follows:

5 (1) The department shall identify and catalog real property that is
6 no longer required for department purposes and is suitable for the
7 development of affordable housing for very low-income, low-income, and
8 moderate-income households as defined (~~{in}~~) in RCW 43.63A.510. The
9 inventory shall include the location, approximate size, and current
10 zoning classification of the property. The department shall provide a
11 copy of the inventory to the department of community, trade, and
12 economic development by November 1, 1993, and every November 1
13 thereafter.

14 (2) By November 1 of each year, beginning in 1994, the department
15 shall purge the inventory of real property of sites that are no longer
16 available for the development of affordable housing. The department
17 shall include an updated listing of real property that has become
18 available since the (~~least~~~~{last}~~) last update. As used in this
19 section, "real property" means buildings, land, or buildings and land.

20 **Sec. 223.** RCW 72.65.210 and 1989 c 89 s 1 are each amended to read
21 as follows:

22 (1) The department shall establish, by rule, inmate eligibility
23 standards for participation in the work release program.

24 (2) The department shall:

25 (a) Conduct an annual examination of each work release facility and
26 its security procedures;

27 (b) Investigate and set standards for the inmate supervision
28 policies of each work release facility;

29 (c) Establish physical standards for future work release structures
30 to ensure the safety of inmates, employees, and the surrounding
31 communities;

32 (d) Evaluate its recordkeeping of serious infractions to determine
33 if infractions are properly and consistently assessed against inmates
34 eligible for work release;

35 (e) Report to the legislature on a case management procedure to
36 evaluate and determine those inmates on work release who are in need of
37 treatment. The department shall establish in the report a written

1 treatment plan best suited to the inmate's needs, cost, and the
2 relationship of community placement and community corrections officers
3 to a system of case management;

4 (f) Adopt a policy to encourage businesses employing work release
5 inmates to contact the appropriate work release facility whenever an
6 inmate is absent from his or her work schedule. The department of
7 corrections shall provide each employer with written information and
8 instructions on who should be called if a work release employee is
9 absent from work or leaves the job site without authorization; and

10 (g) Develop a siting policy, in conjunction with cities, counties,
11 community groups, and the department of community, trade, and economic
12 development for the establishment of additional work release
13 facilities. Such policy shall include at least the following elements:
14 (i) Guidelines for appropriate site selection of work-release
15 facilities; (ii) notification requirements to local government and
16 community groups of intent to site a work release facility; and (iii)
17 guidelines for effective community relations by the work release
18 program operator.

19 The department shall comply with the requirements of this section
20 by July 1, 1990.

21 **Sec. 224.** RCW 74.13.090 and 1993 c 194 s 7 are each amended to
22 read as follows:

23 (1) There is established a child care coordinating committee to
24 provide coordination and communication between state agencies
25 responsible for child care and early childhood education services. The
26 child care coordinating committee shall be composed of not less than
27 seventeen nor more than thirty-three members who shall include:

28 (a) One representative each from the department of social and
29 health services, the department of community, trade, and economic
30 development, the office of the superintendent of public instruction,
31 and any other agency having responsibility for regulation, provision,
32 or funding of child care services in the state;

33 (b) One representative from the department of labor and industries;

34 ~~(c) ((One representative from the department of trade and economic~~
35 ~~development;~~

36 ~~(d))~~ One representative from the department of revenue;

37 ~~((e))~~ (d) One representative from the employment security
38 department;

1 (~~(f)~~) (e) One representative from the department of personnel;
2 (~~(g)~~) (f) One representative from the department of health;
3 (~~(h)~~) (g) At least one representative of family home child care
4 providers and one representative of center care providers;
5 (~~(i)~~) (h) At least one representative of early childhood
6 development experts;
7 (~~(j)~~) (i) At least one representative of school districts and
8 teachers involved in the provision of child care and preschool
9 programs;
10 (~~(k)~~) (j) At least one parent education specialist;
11 (~~(l)~~) (k) At least one representative of resource and referral
12 programs;
13 (~~(m)~~) (l) One pediatric or other health professional;
14 (~~(n)~~) (m) At least one representative of college or university
15 child care providers;
16 (~~(o)~~) (n) At least one representative of a citizen group
17 concerned with child care;
18 (~~(p)~~) (o) At least one representative of a labor organization;
19 (~~(q)~~) (p) At least one representative of a head start - early
20 childhood education assistance program agency;
21 (~~(r)~~) (q) At least one employer who provides child care
22 assistance to employees;
23 (~~(s)~~) (r) Parents of children receiving, or in need of, child
24 care, half of whom shall be parents needing or receiving subsidized
25 child care and half of whom shall be parents who are able to pay for
26 child care.

27 The named state agencies shall select their representative to the
28 child care coordinating committee. The department of social and health
29 services shall select the remaining members, considering
30 recommendations from lists submitted by professional associations and
31 other interest groups until such time as the committee adopts a member
32 selection process. The department shall use any federal funds which
33 may become available to accomplish the purposes of RCW 74.13.085
34 through 74.13.095.

35 The committee shall elect officers from among its membership and
36 shall adopt policies and procedures specifying the lengths of terms,
37 methods for filling vacancies, and other matters necessary to the
38 ongoing functioning of the committee. The secretary of social and
39 health services shall appoint a temporary chair until the committee has

1 adopted policies and elected a chair accordingly. Child care
2 coordinating committee members shall be reimbursed for travel expenses
3 as provided in RCW 43.03.050 and 43.03.060.

4 (2) To the extent possible within available funds, the child care
5 coordinating committee shall:

6 (a) Serve as an advisory coordinator for all state agencies
7 responsible for early childhood or child care programs for the purpose
8 of improving communication and interagency coordination;

9 (b) Annually review state programs and make recommendations to the
10 agencies and the legislature which will maximize funding and promote
11 furtherance of the policies set forth in RCW 74.13.085. Reports shall
12 be provided to all appropriate committees of the legislature by
13 December 1 of each year. At a minimum the committee shall:

14 (i) Review and propose changes to the child care subsidy system in
15 its December 1989 report;

16 (ii) Review alternative models for child care service systems, in
17 the context of the policies set forth in RCW 74.13.085, and recommend
18 to the legislature a new child care service structure; and

19 (iii) Review options and make recommendations on the feasibility of
20 establishing an allocation for day care facilities when constructing
21 state buildings;

22 (c) Review department of social and health services administration
23 of the child care expansion grant program described in RCW 74.13.095;

24 (d) Review rules regarding child care facilities and services for
25 the purpose of identifying those which unnecessarily obstruct the
26 availability and affordability of child care in the state;

27 (e) Advise and assist the office of child care (~~resource~~
28 ~~coordinator~~) policy in implementing his or her duties under RCW
29 74.13.0903;

30 (f) Perform other functions to improve the quantity and quality of
31 child care in the state, including compliance with existing and future
32 prerequisites for federal funding; and

33 (g) Advise and assist the department of personnel in its
34 responsibility for establishing policies and procedures that provide
35 for the development of quality child care programs for state employees.

36 **Sec. 225.** RCW 74.15.050 and 1986 c 266 s 123 are each amended to
37 read as follows:

1 The director of community, trade, and economic development, through
2 the director of fire protection, shall have the power and it shall be
3 his or her duty:

4 (1) In consultation with the children's services advisory committee
5 and with the advice and assistance of persons representative of the
6 various type agencies to be licensed, to adopt recognized minimum
7 standard requirements pertaining to each category of agency established
8 pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family
9 homes and child-placing agencies, necessary to protect all persons
10 residing therein from fire hazards;

11 (2) To make or cause to be made such inspections and investigations
12 of agencies, other than foster-family homes or child-placing agencies,
13 as he or she deems necessary;

14 (3) To make a periodic review of requirements under RCW
15 (~~(74.15.030(6))~~) 74.15.030(7) and to adopt necessary changes after
16 consultation as required in subsection (1) of this section;

17 (4) To issue to applicants for licenses hereunder, other than
18 foster-family homes or child-placing agencies, who comply with the
19 requirements, a certificate of compliance, a copy of which shall be
20 presented to the department of social and health services before a
21 license shall be issued, except that a provisional license may be
22 issued as provided in RCW 74.15.120.

23 **Sec. 226.** RCW 74.15.080 and 1989 1st ex.s. c 9 s 266 are each
24 amended to read as follows:

25 All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall
26 accord the department of social and health services, the secretary of
27 health, the director of community, trade, and economic development, and
28 the director of fire protection, or their designees, the right of
29 entrance and the privilege of access to and inspection of records for
30 the purpose of determining whether or not there is compliance with the
31 provisions of chapter 74.15 RCW and RCW 74.13.031 and the requirements
32 adopted thereunder.

33 **Sec. 227.** RCW 76.09.030 and 1993 c 257 s 1 are each amended to
34 read as follows:

35 (1) There is hereby created the forest practices board of the state
36 of Washington as an agency of state government consisting of members as
37 follows:

1 (a) The commissioner of public lands or (~~his~~) the commissioner's
2 designee;

3 (b) The director of the department of community, trade, and
4 economic development or (~~his~~) the director's designee;

5 (c) The director of the department of agriculture or (~~his~~) the
6 director's designee;

7 (d) The director of the department of ecology or (~~his~~) the
8 director's designee;

9 (e) An elected member of a county legislative authority appointed
10 by the governor: PROVIDED, That such member's service on the board
11 shall be conditioned on (~~his~~) the member's continued service as an
12 elected county official; and

13 (f) Six members of the general public appointed by the governor,
14 one of whom shall be an owner of not more than five hundred acres of
15 forest land, and one of whom shall be an independent logging
16 contractor.

17 (2) The members of the initial board appointed by the governor
18 shall be appointed so that the term of one member shall expire December
19 31, 1975, the term of one member shall expire December 31, 1976, the
20 term of one member shall expire December 31, 1977, the terms of two
21 members shall expire December 31, 1978, and the terms of two members
22 shall expire December 31, 1979. Thereafter, each member shall be
23 appointed for a term of four years. Vacancies on the board shall be
24 filled in the same manner as the original appointments. Each member of
25 the board shall continue in office until his or her successor is
26 appointed and qualified. The commissioner of public lands or (~~his~~)
27 the commissioner's designee shall be the chairman of the board.

28 (3) The board shall meet at such times and places as shall be
29 designated by the chairman or upon the written request of the majority
30 of the board. The principal office of the board shall be at the state
31 capital.

32 (4) Members of the board, except public employees and elected
33 officials, shall be compensated in accordance with RCW 43.03.250. Each
34 member shall be entitled to reimbursement for travel expenses incurred
35 in the performance of their duties as provided in RCW 43.03.050 and
36 43.03.060.

37 (5) The board may employ such clerical help and staff pursuant to
38 chapter 41.06 RCW as is necessary to carry out its duties.

1 **Sec. 228.** RCW 76.56.020 and 1992 c 121 s 1 are each amended to
2 read as follows:

3 The center shall:

4 (1) Coordinate the University of Washington's college of forest
5 resources' faculty and staff expertise to assist in:

6 (a) The development of research and analysis for developing
7 policies and strategies which will expand forest-based international
8 trade, including a major focus on secondary manufacturing;

9 (b) The development of technology for manufactured products that
10 will meet the evolving needs of international customers; and

11 (c) The coordination, development, and dissemination of market and
12 technical information relevant to international trade in forest
13 products, especially secondary manufacturing;

14 (2) Further develop and maintain computer data bases on world-wide
15 forest products production and trade in order to monitor and report on
16 trends significant to the Northwest forest products industry and
17 support the center's research functions; and coordinate this system
18 with state, federal, and private sector efforts to insure a cost-
19 effective information resource that will avoid unnecessary duplication;

20 (3) Monitor international forest products markets and assess the
21 status of the state's forest products industry, including the
22 competitiveness of small and medium-sized secondary manufacturing firms
23 in the forest products industry, which for the purposes of this chapter
24 shall be firms with annual revenues of twenty-five million or less, and
25 including the increased exports of Washington-produced products of
26 small and medium-sized secondary manufacturing firms;

27 (4) Provide high-quality research and graduate education and
28 professional nondegree training in international trade in forest
29 products in cooperation with the University of Washington's graduate
30 school of business administration, the school of law, the Jackson
31 school of international studies, the Northwest policy center of the
32 graduate school of public administration, and other supporting academic
33 units;

34 (5) Develop cooperative linkages with the international marketing
35 program for agricultural commodities and trade at Washington State
36 University, the international trade project of the United States forest
37 service, the department of natural resources, the department of
38 community, trade, and economic development, the small business export

1 finance assistance center, and other state and federal agencies to
2 avoid duplication of effort and programs;

3 (6) Provide for public dissemination of research, analysis, and
4 results of the center's programs through technical workshops, short
5 courses, international and national symposia, or other means, including
6 appropriate publications;

7 (7) Establish an executive policy board, including representatives
8 of small and medium-sized businesses, to provide advice on: Overall
9 policy direction and program priorities, state and federal budget
10 requests, securing additional research funds, identifying priority
11 areas of focus for research efforts, selection of projects for
12 research, and dissemination of results of research efforts; and

13 (8) Establish advisory or technical committees for each research
14 program area, to advise on research program area priorities, consistent
15 with the international trade opportunities achievable by the forest
16 products sector of the state and region, to help ensure projects are
17 relevant to industry needs, and to advise on and support effective
18 dissemination of research results. Each advisory or technical
19 committee shall include representatives of forest products industries
20 that might benefit from this research.

21 Service on the committees and the executive policy board
22 established in subsections (7) and (8) of this section shall be without
23 compensation but actual travel expenses incurred in connection with
24 service to the center may be reimbursed from appropriated funds in
25 accordance with RCW 43.03.050 and 43.03.060.

26 **Sec. 229.** RCW 77.12.710 and 1993 1st sp.s. c 2 s 70 are each
27 amended to read as follows:

28 The legislature hereby directs the department to determine the
29 feasibility and cost of doubling the state-wide game fish production by
30 the year 2000. The department shall seek to equalize the effort and
31 investment expended on anadromous and resident game fish programs. The
32 department shall provide the legislature with a specific plan for
33 legislative approval that will outline the feasibility of increasing
34 game fish production by one hundred percent over current levels by the
35 year 2000. The plan shall contain specific provisions to increase both
36 hatchery and naturally spawning game fish to a level that will support
37 the production goal established in this section consistent with de-
38 partment policies. Steelhead trout, searun cutthroat trout, resident

1 trout, and warmwater fish producing areas of the state shall be
2 included in the plan. The department shall provide the plan to the
3 house of representatives and senate ways and means, environment and
4 natural resources, environmental affairs, fisheries and wildlife, and
5 natural resources committees by December 31, 1990.

6 The plan shall include the following critical elements:

7 (1) Methods of determining current catch and production, and catch
8 and production in the year 2000;

9 (2) Methods of involving fishing groups, including Indian tribes,
10 in a cooperative manner;

11 (3) Methods for using low capital cost projects to produce game
12 fish as inexpensively as possible;

13 (4) Methods for renovating and modernizing all existing hatcheries
14 and rearing ponds to maximize production capability;

15 (5) Methods for increasing the productivity of natural spawning
16 game fish;

17 (6) Application of new technology to increase hatchery and natural
18 productivity;

19 (7) Analysis of the potential for private contractors to produce
20 game fish for public fisheries;

21 (8) Methods to optimize public volunteer efforts and cooperative
22 projects for maximum efficiency;

23 (9) Methods for development of trophy game fish fisheries;

24 (10) Elements of coordination with the Pacific Northwest Power
25 Council programs to ensure maximum Columbia river benefits;

26 (11) The role that should be played by private consulting companies
27 in developing and implementing the plan;

28 (12) Coordination with federal fish and wildlife agencies, Indian
29 tribes, and department fish production programs;

30 (13) Future needs for game fish predator control measures;

31 (14) Development of disease control measures;

32 (15) Methods for obtaining access to waters currently not available
33 to anglers; and

34 (16) Development of research programs to support game fish
35 management and enhancement programs.

36 The department, in cooperation with the department of revenue,
37 shall assess various funding mechanisms and make recommendations to the
38 legislature in the plan. The department, in cooperation with the
39 department of community, trade, and economic development, shall prepare

1 an analysis of the economic benefits to the state that will occur when
2 the game fish production is increased by one hundred percent in the
3 year 2000.

4 **Sec. 230.** RCW 79.08.1078 and 1985 c 6 s 24 are each amended to
5 read as follows:

6 (1) A public hearing may be held prior to any withdrawal of state
7 trust lands and shall be held prior to any revocation of withdrawal or
8 modification of withdrawal of state trust lands used for recreational
9 purposes by the department of natural resources or by other state
10 agencies.

11 (2) The department shall cause notice of the withdrawal, revocation
12 of withdrawal or modification of withdrawal of state trust lands as
13 described in subsection (1) of this section to be published by
14 advertisement once a week for four weeks prior to the public hearing in
15 at least one newspaper published and of general circulation in the
16 county or counties in which the state trust lands are situated, and by
17 causing a copy of said notice to be posted in a conspicuous place in
18 the department's Olympia office, in the district office in which the
19 land is situated, and in the office of the county auditor in the county
20 where the land is situated thirty days prior to the public hearing.
21 The notice shall specify the time and place of the public hearing and
22 shall describe with particularity each parcel of state trust lands
23 involved in said hearing.

24 (3) The board of natural resources shall administer the hearing
25 according to its prescribed rules and regulations.

26 (4) The board of natural resources shall determine the most
27 beneficial use or combination of uses of the state trust lands. Its
28 decision will be conclusive as to the matter: PROVIDED, HOWEVER, That
29 said decisions as to uses shall conform to applicable state plans and
30 policy guidelines adopted by the department of community, trade, and
31 economic development.

32 **Sec. 231.** RCW 79.90.565 and 1988 c 124 s 9 are each amended to
33 read as follows:

34 After consultation with the director of community, trade, and
35 economic development, the department of natural resources may enter
36 into agreements, leases, or other conveyances for archaeological
37 activities on state-owned aquatic lands. Such agreements, leases, or

1 other conveyances may contain such conditions as are required for the
2 department of natural resources to comply with its legal rights and
3 duties. All such agreements, leases, or other conveyances, shall be
4 issued in accordance with the terms of chapters 79.90 through 79.96
5 RCW.

6 **Sec. 232.** RCW 80.28.010 and 1991 c 347 s 22 and 1991 c 165 s 4 are
7 each reenacted and amended to read as follows:

8 (1) All charges made, demanded or received by any gas company,
9 electrical company or water company for gas, electricity or water, or
10 for any service rendered or to be rendered in connection therewith,
11 shall be just, fair, reasonable and sufficient.

12 (2) Every gas company, electrical company and water company shall
13 furnish and supply such service, instrumentalities and facilities as
14 shall be safe, adequate and efficient, and in all respects just and
15 reasonable.

16 (3) All rules and regulations issued by any gas company, electrical
17 company or water company, affecting or pertaining to the sale or
18 distribution of its product, shall be just and reasonable.

19 (4) Utility service for residential space heating shall not be
20 terminated between November 15 through March 15 if the customer:

21 (a) Notifies the utility of the inability to pay the bill,
22 including a security deposit. This notice should be provided within
23 five business days of receiving a payment overdue notice unless there
24 are extenuating circumstances. If the customer fails to notify the
25 utility within five business days and service is terminated, the
26 customer can, by paying reconnection charges, if any, and fulfilling
27 the requirements of this section, receive the protections of this
28 chapter;

29 (b) Provides self-certification of household income for the prior
30 twelve months to a grantee of the department of community, trade, and
31 economic development which administers federally funded energy
32 assistance programs. The grantee shall determine that the household
33 income does not exceed the maximum allowed for eligibility under the
34 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
35 shall provide a dollar figure that is seven percent of household
36 income. The grantee may verify information provided in the self-
37 certification;

1 (c) Has applied for home heating assistance from applicable
2 government and private sector organizations and certifies that any
3 assistance received will be applied to the current bill and future
4 utility bills;

5 (d) Has applied for low-income weatherization assistance to the
6 utility or other appropriate agency if such assistance is available for
7 the dwelling;

8 (e) Agrees to a payment plan and agrees to maintain the payment
9 plan. The plan will be designed both to pay the past due bill by the
10 following October 15 and to pay for continued utility service. If the
11 past due bill is not paid by the following October 15, the customer
12 shall not be eligible for protections under this chapter until the past
13 due bill is paid. The plan shall not require monthly payments in
14 excess of seven percent of the customer's monthly income plus one-
15 twelfth of any arrearage accrued from the date application is made and
16 thereafter during November 15 through March 15. A customer may agree
17 to pay a higher percentage during this period, but shall not be in
18 default unless payment during this period is less than seven percent of
19 monthly income plus one-twelfth of any arrearage accrued from the date
20 application is made and thereafter. If assistance payments are
21 received by the customer subsequent to implementation of the plan, the
22 customer shall contact the utility to reformulate the plan; and

23 (f) Agrees to pay the moneys owed even if he or she moves.

24 (5) The utility shall:

25 (a) Include in any notice that an account is delinquent and that
26 service may be subject to termination, a description of the customer's
27 duties in this section;

28 (b) Assist the customer in fulfilling the requirements under this
29 section;

30 (c) Be authorized to transfer an account to a new residence when a
31 customer who has established a plan under this section moves from one
32 residence to another within the same utility service area;

33 (d) Be permitted to disconnect service if the customer fails to
34 honor the payment program. Utilities may continue to disconnect
35 service for those practices authorized by law other than for nonpayment
36 as provided for in this subsection. Customers who qualify for payment
37 plans under this section who default on their payment plans and are
38 disconnected can be reconnected and maintain the protections afforded
39 under this chapter by paying reconnection charges, if any, and by

1 paying all amounts that would have been due and owing under the terms
2 of the applicable payment plan, absent default, on the date on which
3 service is reconnected; and

4 (e) Advise the customer in writing at the time it disconnects
5 service that it will restore service if the customer contacts the
6 utility and fulfills the other requirements of this section.

7 (6) A payment plan implemented under this section is consistent
8 with RCW 80.28.080.

9 (7) Every gas company and electrical company shall offer
10 residential customers the option of a budget billing or equal payment
11 plan. The budget billing or equal payment plan shall be offered low-
12 income customers eligible under the state's plan for low-income energy
13 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without
14 limiting availability to certain months of the year, without regard to
15 the length of time the customer has occupied the premises, and without
16 regard to whether the customer is the tenant or owner of the premises
17 occupied.

18 (8) Every gas company, electrical company and water company shall
19 construct and maintain such facilities in connection with the
20 manufacture and distribution of its product as will be efficient and
21 safe to its employees and the public.

22 (9) An agreement between the customer and the utility, whether oral
23 or written, shall not waive the protections afforded under this
24 chapter.

25 (10) In establishing rates or charges for water service, water
26 companies as defined in RCW 80.04.010 may consider the achievement of
27 water conservation goals and the discouragement of wasteful water use
28 practices.

29 **Sec. 233.** RCW 80.50.030 and 1990 c 12 s 3 are each amended to read
30 as follows:

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

33 (2)(a) The chairman of the council shall be appointed by the
34 governor with the advice and consent of the senate, shall have a vote
35 on matters before the council, shall serve for a term coextensive with
36 the term of the governor, and is removable for cause. The chairman may
37 designate a member of the council to serve as acting chairman in the
38 event of the chairman's absence. The chairman is a "state employee"

1 for the purposes of chapter 42.18 RCW. As applicable, when attending
2 meetings of the council(~~(+,)~~), members may receive reimbursement for
3 travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are
4 eligible for compensation under RCW 43.03.240.

5 (b) The chairman or a designee shall execute all official
6 documents, contracts, and other materials on behalf of the council.
7 The Washington state energy office shall provide all administrative and
8 staff support for the council. The director of the energy office has
9 supervisory authority over the staff of the council and shall employ
10 such personnel as are necessary to implement this chapter. Not more
11 than three such employees may be exempt from chapter 41.06 RCW.

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

15 (a) Department of ecology;

16 (b) Department of ~~((fisheries;~~

17 ~~(c) Department of)) fish and wildlife;~~

18 ~~((d))~~ (c) Parks and recreation commission;

19 ~~((e))~~ (d) Department of health;

20 ~~((f))~~ (e) State energy office;

21 ~~((g))~~ (f) Department of community, trade, and economic
22 development;

23 ~~((h))~~ (g) Utilities and transportation commission;

24 ~~((i))~~ (h) Office of financial management;

25 ~~((j))~~ (i) Department of natural resources;

26 ~~((k) Department of community development;~~

27 ~~(l))~~ (j) Department of agriculture;

28 ~~((m))~~ (k) Department of transportation.

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

36 (5) The city legislative authority of every city within whose
37 corporate limits an energy plant is proposed to be located shall
38 appoint a member or designee as a voting member to the council. The
39 member or designee so appointed shall sit with the council only at such

1 times as the council considers the proposed site for the city which he
2 or she represents, and such member or designee shall serve until there
3 has been a final acceptance or rejection of the proposed site.

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

14 **Sec. 234.** RCW 81.80.450 and 1990 c 123 s 2 are each amended to
15 read as follows:

16 (1) The department of community, trade, and economic development,
17 in conjunction with the utilities and transportation commission and the
18 department of ecology, shall evaluate the effect of exempting motor
19 vehicles transporting recovered materials from rate regulation as
20 provided under RCW 81.80.440. The evaluation shall, at a minimum,
21 describe the effect of such exemption on:

22 (a) The cost and timeliness of transporting recovered materials
23 within the state;

24 (b) The volume of recovered materials transported within the state;

25 (c) The number of safety violations and traffic accidents related
26 to transporting recovered materials within the state; and

27 (d) The availability of service related to transporting recovered
28 materials from rural areas of the state.

29 (2) The department shall report the results of its evaluation to
30 the appropriate standing committees of the legislature by October 1,
31 1993.

32 (3) The commission shall adopt rules requiring persons transporting
33 recovered materials to submit information required under RCW 70.95.280.
34 In adopting such rules, the commission shall include procedures to
35 ensure the confidentiality of proprietary information.

36 **Sec. 235.** RCW 82.14.330 and 1993 1st sp.s. c 21 s 3 are each
37 amended to read as follows:

1 (1) The moneys deposited in the municipal criminal justice
2 assistance account for distribution under this section shall be
3 distributed to the cities of the state as follows:

4 (a) Twenty percent appropriated for distribution shall be
5 distributed to cities with a three-year average violent crime rate for
6 each one thousand in population in excess of one hundred fifty percent
7 of the state-wide three-year average violent crime rate for each one
8 thousand in population. The three-year average violent crime rate
9 shall be calculated using the violent crime rates for each of the
10 preceding three years from the annual reports on crime in Washington
11 state as published by the Washington association of sheriffs and police
12 chiefs. Moneys shall be distributed under this subsection (1)(a)
13 ratably based on population as last determined by the office of
14 financial management, but no city may receive more than one dollar per
15 capita.

16 (b) Sixteen percent shall be distributed to cities ratably based on
17 population as last determined by the office of financial management,
18 but no city may receive less than one thousand dollars.

19 The moneys deposited in the municipal criminal justice assistance
20 account for distribution under this subsection shall be distributed at
21 such times as distributions are made under RCW 82.44.150.

22 Moneys distributed under this subsection shall be expended
23 exclusively for criminal justice purposes and shall not be used to
24 replace or supplant existing funding. Criminal justice purposes are
25 defined as activities that substantially assist the criminal justice
26 system, which may include circumstances where ancillary benefit to the
27 civil justice system occurs, and which includes domestic violence
28 services such as those provided by domestic violence programs,
29 community advocates, and legal advocates, as defined in RCW 70.123.020.
30 Existing funding for purposes of this subsection is defined as calendar
31 year 1989 actual operating expenditures for criminal justice purposes.
32 Calendar year 1989 actual operating expenditures for criminal justice
33 purposes exclude the following: Expenditures for extraordinary events
34 not likely to reoccur, changes in contract provisions for criminal
35 justice services, beyond the control of the local jurisdiction
36 receiving the services, and major nonrecurring capital expenditures.

37 (2) In addition to the distributions under subsection (1) of this
38 section:

1 (a) Fourteen percent shall be distributed to cities that have
2 initiated innovative law enforcement strategies, including alternative
3 sentencing and crime prevention programs. No city may receive more
4 than one dollar per capita under this subsection (2)(a).

5 (b) Twenty percent shall be distributed to cities that have
6 initiated programs to help at-risk children or child abuse victim
7 response programs. No city may receive more than fifty cents per
8 capita under this subsection (2)(b).

9 (c) Twenty percent shall be distributed to cities that have
10 initiated programs designed to reduce the level of domestic violence
11 within their jurisdictions or to provide counseling for domestic
12 violence victims. No city may receive more than fifty cents per capita
13 under this subsection (2)(c).

14 (d) Ten percent shall be distributed to cities that contract with
15 another governmental agency for a majority of the city's law
16 enforcement services.

17 Moneys distributed under this subsection shall be distributed to
18 those cities that submit funding requests under this subsection to the
19 department of community, trade, and economic development based on
20 criteria developed under RCW 82.14.335. Allocation of funds shall be
21 in proportion to the population of qualified jurisdictions, but the
22 distribution to a city shall not exceed the amount of funds requested.
23 Cities shall submit requests for program funding to the department of
24 community, trade, and economic development by November 1 of each year
25 for funding the following year. The department shall certify to the
26 state treasurer the cities eligible for funding under this subsection
27 and the amount of each allocation.

28 One-half of the moneys distributed under (a) through (d) of this
29 subsection shall be distributed on March 1st and the remaining one-half
30 of the moneys shall be distributed on September 1st. Moneys remaining
31 undistributed under this subsection at the end of each calendar year
32 shall be distributed to the criminal justice training commission to
33 reimburse participating city law enforcement agencies with ten or fewer
34 full-time commissioned patrol officers the cost of temporary
35 replacement of each officer who is enrolled in basic law enforcement
36 training, as provided in RCW 43.101.200.

37 If a city is found by the state auditor to have expended funds
38 received under this subsection in a manner that does not comply with
39 the criteria under which the moneys were received, the city shall be

1 ineligible to receive future distributions under this subsection until
2 the use of the moneys are justified to the satisfaction of the director
3 or are repaid to the state general fund. The director may allow
4 noncomplying use of moneys received under this subsection upon a
5 showing of hardship or other emergent need.

6 (3) Notwithstanding other provisions of this section, the
7 distributions to any city that substantially decriminalizes or repeals
8 its criminal code after July 1, 1990, and that does not reimburse the
9 county for costs associated with criminal cases under RCW 3.50.800 or
10 3.50.805(2), shall be made to the county in which the city is located.

11 **Sec. 236.** RCW 82.14.335 and 1993 1st sp.s. c 21 s 4 are each
12 amended to read as follows:

13 The department of community, trade, and economic development shall
14 adopt criteria to be used in making grants to cities under RCW
15 82.14.330(2). In developing the criteria, the department shall create
16 a temporary advisory committee consisting of the director of community,
17 trade, and economic development, two representatives nominated by the
18 association of Washington cities, and two representatives nominated by
19 the Washington association of sheriffs and police chiefs.

20 **Sec. 237.** RCW 82.23B.020 and 1992 c 73 s 7 are each amended to
21 read as follows:

22 (1) An oil spill response tax is imposed on the privilege of
23 receiving crude oil or petroleum products at a marine terminal within
24 this state from a waterborne vessel or barge operating on the navigable
25 waters of this state. The tax imposed in this section is levied upon
26 the owner of the crude oil or petroleum products immediately after
27 receipt of the same into the storage tanks of a marine terminal from a
28 waterborne vessel or barge at the rate of two cents per barrel of crude
29 oil or petroleum product received.

30 (2) In addition to the tax imposed in subsection (1) of this
31 section, an oil spill administration tax is imposed on the privilege of
32 receiving crude oil or petroleum products at a marine terminal within
33 this state from a waterborne vessel or barge operating on the navigable
34 waters of this state. The tax imposed in this section is levied upon
35 the owner of the crude oil or petroleum products immediately after
36 receipt of the same into the storage tanks of a marine terminal from a

1 waterborne vessel or barge at the rate of three cents per barrel of
2 crude oil or petroleum product.

3 (3) The taxes imposed by this chapter shall be collected by the
4 marine terminal operator from the taxpayer. If any person charged with
5 collecting the taxes fails to bill the taxpayer for the taxes, or in
6 the alternative has not notified the taxpayer in writing of the
7 imposition of the taxes, or having collected the taxes, fails to pay
8 them to the department in the manner prescribed by this chapter,
9 whether such failure is the result of the person's own acts or the
10 result of acts or conditions beyond the person's control, he or she
11 shall, nevertheless, be personally liable to the state for the amount
12 of the taxes. Payment of the taxes by the owner to a marine terminal
13 operator shall relieve the owner from further liability for the taxes.

14 (4) Taxes collected under this chapter shall be held in trust until
15 paid to the department. Any person collecting the taxes who
16 appropriates or converts the taxes collected shall be guilty of a gross
17 misdemeanor if the money required to be collected is not available for
18 payment on the date payment is due. The taxes required by this chapter
19 to be collected shall be stated separately from other charges made by
20 the marine terminal operator in any invoice or other statement of
21 account provided to the taxpayer.

22 (5) If a taxpayer fails to pay the taxes imposed by this chapter to
23 the person charged with collection of the taxes and the person charged
24 with collection fails to pay the taxes to the department, the
25 department may, in its discretion, proceed directly against the
26 taxpayer for collection of the taxes.

27 (6) The taxes shall be due from the marine terminal operator, along
28 with reports and returns on forms prescribed by the department, within
29 twenty-five days after the end of the month in which the taxable
30 activity occurs.

31 (7) The amount of taxes, until paid by the taxpayer to the marine
32 terminal operator or to the department, shall constitute a debt from
33 the taxpayer to the marine terminal operator. Any person required to
34 collect the taxes under this chapter who, with intent to violate the
35 provisions of this chapter, fails or refuses to do so as required and
36 any taxpayer who refuses to pay any taxes due under this chapter, shall
37 be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

38 (8) Upon prior approval of the department, the taxpayer may pay the
39 taxes imposed by this chapter directly to the department. The

1 department shall give its approval for direct payment under this
2 section whenever it appears, in the department's judgment, that direct
3 payment will enhance the administration of the taxes imposed under this
4 chapter. The department shall provide by rule for the issuance of a
5 direct payment certificate to any taxpayer qualifying for direct
6 payment of the taxes. Good faith acceptance of a direct payment
7 certificate by a terminal operator shall relieve the marine terminal
8 operator from any liability for the collection or payment of the taxes
9 imposed under this chapter.

10 (9) All receipts from the tax imposed in subsection (1) of this
11 section shall be deposited into the state oil spill response account.
12 All receipts from the tax imposed in subsection (2) of this section
13 shall be deposited into the ((state)) oil spill administration account.

14 (10) Within forty-five days after the end of each calendar quarter,
15 the office of financial management shall determine the balance of the
16 oil spill response account as of the last day of that calendar quarter.
17 Balance determinations by the office of financial management under this
18 section are final and shall not be used to challenge the validity of
19 any tax imposed under this chapter. The office of financial management
20 shall promptly notify the departments of revenue and ecology of the
21 account balance once a determination is made. For each subsequent
22 calendar quarter, the tax imposed by subsection (1) of this section
23 shall be imposed during the entire calendar quarter unless:

24 (a) Tax was imposed under subsection (1) of this section during the
25 immediately preceding calendar quarter, and the most recent quarterly
26 balance is more than twenty-five million dollars; or

27 (b) Tax was not imposed under subsection (1) of this section during
28 the immediately preceding calendar quarter, and the most recent
29 quarterly balance is more than fifteen million dollars.

30 (11) The office of marine safety, the department of revenue, and
31 the department of community, trade, and economic development shall
32 study tax credits for taxpayers employing vessels with the best
33 achievable technology and the best available protection to reduce the
34 risk of oil spills to the navigable waters of the state and submit the
35 study to the appropriate standing committees of the legislature by
36 December 1, 1992.

37 **Sec. 238.** RCW 82.61.070 and 1993 1st sp.s. c 25 s 409 are each
38 amended to read as follows:

1 The department and the department of community, trade, and economic
2 development shall jointly report to the legislature about the effects
3 of this chapter on new manufacturing and research and development
4 activities in this state. The report shall contain information
5 concerning the number of deferral certificates granted, the amount of
6 sales tax deferred, the number of jobs created and other information
7 useful in measuring such effects. Reports shall be submitted by
8 January 1, 1986, and by January 1 of each year through 1999.

9 **Sec. 239.** RCW 88.12.275 and 1986 c 217 s 11 are each amended to
10 read as follows:

11 (1) Any person carrying passengers for hire on whitewater river
12 sections in this state may register with the department of licensing.
13 Each registration application shall be submitted annually on a form
14 provided by the department of licensing and shall include the following
15 information:

16 (a) The name, residence address, and residence telephone number,
17 and the business name, address, and telephone number of the registrant;

18 (b) Proof that the registrant has liability insurance for a minimum
19 of three hundred thousand dollars per claim for occurrences by the
20 registrant and the registrant's employees that result in bodily injury
21 or property damage; and

22 (c) Certification that the registrant will maintain the insurance
23 for a period of not less than one year from the date of registration.

24 (2) The department of licensing shall charge a fee for each
25 application, to be set in accordance with RCW 43.24.086.

26 (3) Any person advertising or representing themselves as having
27 registered under this section who is not currently registered is guilty
28 of a gross misdemeanor.

29 (4) The department of licensing shall submit annually a list of
30 registered persons and companies to the department of community, trade,
31 and economic development, tourism promotion division.

32 (5) If an insurance company cancels or refuses to renew insurance
33 for a registrant during the period of registration, the insurance
34 company shall notify the department of licensing in writing of the
35 termination of coverage and its effective date not less than thirty
36 days before the effective date of termination.

37 (a) Upon receipt of an insurance company termination notice, the
38 department of licensing shall send written notice to the registrant

1 that on the effective date of termination the department of licensing
2 will suspend the registration unless proof of insurance as required by
3 this section is filed with the department of licensing before the
4 effective date of the termination.

5 (b) If an insurance company fails to give notice of coverage
6 termination, this failure shall not have the effect of continuing the
7 coverage.

8 (c) The department of licensing may suspend or revoke registration
9 under this section if the registrant fails to maintain in full force
10 and effect the insurance required by this section.

11 (6) The state of Washington shall be immune from any civil action
12 arising from a registration under this section.

13 **Sec. 240.** RCW 88.46.100 and 1991 c 200 s 423 are each amended to
14 read as follows:

15 (1) In order to assist the state in identifying areas of the
16 navigable waters of the state needing special attention, the owner or
17 operator of a covered vessel shall notify the coast guard within one
18 hour:

19 (a) Of the disability of the covered vessel if the disabled vessel
20 is within twelve miles of the shore of the state; and

21 (b) Of a collision or a near miss incident within twelve miles of
22 the shore of the state.

23 (2) The division of emergency management of the department of
24 community, trade, and economic development and the office shall request
25 the coast guard to notify the division of emergency management as soon
26 as possible after the coast guard receives notice of a disabled covered
27 vessel or of a collision or near miss incident within twelve miles of
28 the shore of the state. The office shall negotiate an agreement with
29 the coast guard governing procedures for coast guard notification to
30 the state regarding disabled covered vessels and collisions and near
31 miss incidents.

32 (3) The office shall prepare a summary of the information collected
33 under this section and provide the summary to the regional marine
34 safety committees, the coast guard, and others in order to identify
35 problems with the marine transportation system.

36 (4) For the purposes of this section:

37 (a) A tank vessel or cargo vessel is considered disabled if any of
38 the following occur:

- 1 (i) Any accidental or intentional grounding;
- 2 (ii) The total or partial failure of the main propulsion or primary
3 steering or any component or control system that causes a reduction in
4 the maneuvering capabilities of the vessel;
- 5 (iii) An occurrence materially and adversely affecting the vessel's
6 seaworthiness or fitness for service, including but not limited to,
7 fire, flooding, or collision with another vessel;
- 8 (iv) Any other occurrence that creates the serious possibility of
9 an oil spill or an occurrence that may result in such a spill.
- 10 (b) A barge is considered disabled if any of the following occur:
- 11 (i) The towing mechanism becomes disabled;
- 12 (ii) The towboat towing the barge becomes disabled through
13 occurrences defined in (a) of this subsection.
- 14 (c) A near miss incident is an incident that requires the pilot or
15 master of a covered vessel to take evasive actions or make significant
16 course corrections in order to avoid a collision with another ship or
17 to avoid a grounding as required by the international rules of the
18 road.
- 19 (5) Failure of any person to make a report under this section shall
20 not be used as the basis for the imposition of any fine or penalty.

21 **Sec. 241.** RCW 90.56.100 and 1992 c 73 s 32 are each amended to
22 read as follows:

23 (1) The Washington wildlife rescue coalition shall be established
24 for the purpose of coordinating the rescue and rehabilitation of
25 wildlife injured or endangered by oil spills or the release of other
26 hazardous substances into the environment.

27 (2) The Washington wildlife rescue coalition shall be composed of:

28 (a) A representative of the department of fish and wildlife
29 designated by the director of fish and wildlife. The department of
30 fish and wildlife shall be designated as lead agency in the operations
31 of the coalition. The coalition shall be chaired by the representative
32 from the department of fish and wildlife;

33 (b) A representative of the department of ecology designated by the
34 director;

35 (c) A representative of the department of community, trade, and
36 economic development emergency management program designated by the
37 director of community, trade, and economic development;

1 (d) A licensed veterinarian, with experience and training in
2 wildlife rehabilitation, appointed by the veterinary board of
3 governors;

4 (e) The director of the Washington conservation corps;

5 (f) A lay person, with training and experience in the rescue and
6 rehabilitation of wildlife appointed by the department; and

7 (g) A person designated by the legislative authority of the county
8 where oil spills or spills of other hazardous substances may occur.
9 This member of the coalition shall serve on the coalition until
10 wildlife rescue and rehabilitation is completed in that county. The
11 completion of any rescue or rehabilitation project shall be determined
12 by the director of fish and wildlife.

13 (3) The duties of the Washington wildlife rescue coalition shall be
14 to:

15 (a) Develop an emergency mobilization plan to rescue and
16 rehabilitate waterfowl and other wildlife that are injured or
17 endangered by an oil spill or the release of other hazardous substances
18 into the environment;

19 (b) Develop and maintain a resource directory of persons,
20 governmental agencies, and private organizations that may provide
21 assistance in an emergency rescue effort;

22 (c) Provide advance training and instruction to volunteers in
23 rescuing and rehabilitating waterfowl and wildlife injured or
24 endangered by oil spills or the release of other hazardous substances
25 into the environment. The training may be provided through grants to
26 community colleges or to groups that conduct programs for training
27 volunteers. The coalition representatives from the agencies described
28 in subsection (2) of this section shall coordinate training efforts
29 with the director of the Washington conservation corps and work to
30 provide training opportunities for young citizens;

31 (d) Obtain and maintain equipment and supplies used in emergency
32 rescue efforts;

33 (e) Report to the appropriate standing committees of the
34 legislature on the progress of the coalition's efforts and detail
35 future funding options necessary for the implementation of this section
36 and RCW 90.56.110. The coalition shall report by January 30, 1991.

37 (4)(a) Expenses for the coalition may be provided by the coastal
38 protection fund administered according to RCW 90.48.400.

1 (b) The coalition is encouraged to seek grants, gifts, or donations
2 from private sources in order to carry out the provisions of this
3 section and RCW 90.56.110. Any private funds donated to the commission
4 shall be deposited into the wildlife rescue account hereby created
5 within the wildlife fund as authorized under Title 77 RCW.

6 **Sec. 242.** RCW 90.56.280 and 1990 c 116 s 24 are each amended to
7 read as follows:

8 It shall be the duty of any person discharging oil or hazardous
9 substances or otherwise causing, permitting, or allowing the same to
10 enter the waters of the state, unless the discharge or entry was
11 expressly authorized by the department prior thereto or authorized by
12 operation of law under RCW 90.48.200, to immediately notify the coast
13 guard and the division of emergency management. The notice to the
14 division of emergency management within the department of community,
15 trade, and economic development shall be made to the division's twenty-
16 four hour state-wide toll-free number established for reporting
17 emergencies.

18 NEW SECTION. **Sec. 243.** The 1994 amendments to RCW 43.63A.465
19 (section 84 of this act) shall expire and be of no force and effect on
20 January 1 in any year following the failure of the United States
21 department of housing and urban development to reimburse the state for
22 the duties described in chapter 124, Laws of 1993.

23 NEW SECTION. **Sec. 244.** Section 36 of this act shall expire June
24 30, 1995.

25 NEW SECTION. **Sec. 245.** RCW 41.06.089 is decodified.

26 NEW SECTION. **Sec. 246.** This act shall take effect July 1, 1994.

--- END ---