
SENATE BILL 5915

State of Washington

56th Legislature

1999 Regular Session

By Senators Patterson and McDonald; by request of Office of Financial Management

Read first time 02/16/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to reports to the legislature; amending RCW
2 4.24.5502, 13.40.460, 18.20.230, 28B.10.782, 34.05.328, 41.05.021,
3 43.06.400, 43.20A.375, 43.20A.870, 43.20B.030, 43.41.195, 43.59.150,
4 43.88.067, 43.180.070, 43.200.080, 47.06B.030, 70.24.107, 75.08.510,
5 and 80.36.600; and repealing RCW 48.85.050 and 75.46.020.

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

7 **Sec. 1.** RCW 4.24.5502 and 1997 c 364 s 7 are each amended to read
8 as follows:

9 ((1)) The department of corrections, the department of social and
10 health services, and the indeterminate sentence review board shall
11 jointly develop, by September 1, 1997, a consistent approach to risk
12 assessment for the purposes of implementing chapter 364, Laws of 1997,
13 including consistent standards for classifying sex offenders into risk
14 levels I, II, and III.

15 ~~((2) The department of social and health services, the department~~
16 ~~of corrections, and the indeterminate sentence review board shall each~~
17 ~~prepare and deliver to the legislature, by December 1, 1998, a report~~
18 ~~indicating the number of sex offenders released after July 27, 1997,~~
19 ~~and classified in each level of risk category. The reports shall also~~

1 ~~include information on the number, jurisdictions, and circumstances~~
2 ~~where the risk level classification made by a local law enforcement~~
3 ~~agency or official for specific sex offenders differed from the risk~~
4 ~~level classification made by the department or the indeterminate~~
5 ~~sentence review board for the same offender.))~~

6 **Sec. 2.** RCW 13.40.460 and 1997 c 386 s 54 are each amended to read
7 as follows:

8 The secretary, assistant secretary, or the secretary's designee
9 shall manage and administer the department's juvenile rehabilitation
10 responsibilities, including but not limited to the operation of all
11 state institutions or facilities used for juvenile rehabilitation.

12 The secretary or assistant secretary shall:

13 (1) Prepare a biennial budget request sufficient to meet the
14 confinement and rehabilitative needs of the juvenile rehabilitation
15 program, as forecast by the office of financial management;

16 (2) Create by rule a formal system for inmate classification. This
17 classification system shall consider:

18 (a) Public safety;

19 (b) Internal security and staff safety;

20 (c) Rehabilitative resources both within and outside the
21 department;

22 (d) An assessment of each offender's risk of sexually aggressive
23 behavior as provided in RCW 13.40.470; and

24 (e) An assessment of each offender's vulnerability to sexually
25 aggressive behavior as provided in RCW 13.40.470;

26 (3) Develop agreements with local jurisdictions to develop regional
27 facilities with a variety of custody levels;

28 (4) Adopt rules establishing effective disciplinary policies to
29 maintain order within institutions;

30 (5) Develop a comprehensive diagnostic evaluation process to be
31 used at intake, including but not limited to evaluation for substance
32 addiction or abuse, literacy, learning disabilities, fetal alcohol
33 syndrome or effect, attention deficit disorder, and mental health;

34 (6) Develop placement criteria: and

35 (a) To avoid assigning youth who present a moderate or high risk of
36 sexually aggressive behavior to the same sleeping quarters as youth
37 assessed as vulnerable to sexual victimization under RCW
38 13.40.470(1)(c); and

1 (b) To avoid placing a juvenile offender on parole status who has
2 been assessed as a moderate to high risk for sexually aggressive
3 behavior in a department community residential program with another
4 child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk
5 youth or child in need of services under chapter 13.32A RCW; and (ii)
6 not also a juvenile offender on parole status; and

7 (7) Develop a plan to implement, by July 1, 1995:

8 (a) Substance abuse treatment programs for all state juvenile
9 rehabilitation facilities and institutions;

10 (b) Vocational education and instruction programs at all state
11 juvenile rehabilitation facilities and institutions; and

12 (c) An educational program to establish self-worth and
13 responsibility in juvenile offenders. This educational program shall
14 emphasize instruction in character-building principles such as:
15 Respect for self, others, and authority; victim awareness;
16 accountability; work ethics; good citizenship; and life skills(~~(; and~~

17 ~~(8) Study, in conjunction with the superintendent of public~~
18 ~~instruction, educators, and superintendents of state facilities for~~
19 ~~juvenile offenders, the feasibility and value of consolidating within~~
20 ~~a single entity the provision of educational services to juvenile~~
21 ~~offenders committed to state facilities. The assistant secretary shall~~
22 ~~report his or her findings to the legislature by December 1, 1995)).~~

23 **Sec. 3.** RCW 18.20.230 and 1998 c 272 s 2 are each amended to read
24 as follows:

25 (1) The department of social and health services shall review, in
26 coordination with the department of health, the nursing care quality
27 assurance commission, adult family home providers, boarding home
28 providers, in-home personal care providers, and long-term care
29 consumers and advocates, training standards for administrators and
30 resident caregiving staff. (~~The departments and the commission shall~~
31 ~~submit to the appropriate committees of the house of representatives~~
32 ~~and the senate by December 1, 1998, specific recommendations on~~
33 ~~training standards and the delivery system, including necessary~~
34 ~~statutory changes and funding requirements.)) Any proposed
35 enhancements shall be consistent with this section, shall take into
36 account and not duplicate other training requirements applicable to
37 boarding homes and staff, and shall be developed with the input of
38 boarding home and resident representatives, health care professionals,~~

1 and other vested interest groups. Training standards and the delivery
2 system shall be relevant to the needs of residents served by the
3 boarding home and recipients of long-term in-home personal care
4 services and shall be sufficient to ensure that administrators and
5 caregiving staff have the skills and knowledge necessary to provide
6 high quality, appropriate care.

7 (2) The recommendations on training standards and the delivery
8 system developed under subsection (1) of this section shall be based on
9 a review and consideration of the following: Quality of care;
10 availability of training; affordability, including the training costs
11 incurred by the department of social and health services and private
12 providers; portability of existing training requirements; competency
13 testing; practical and clinical course work; methods of delivery of
14 training; standards for management and caregiving staff training; and
15 necessary enhancements for special needs populations and resident
16 rights training. Residents with special needs include, but are not
17 limited to, residents with a diagnosis of mental illness, dementia, or
18 developmental disability.

19 ~~((3) The department of social and health services shall report to
20 the appropriate committees of the house of representatives and the
21 senate by December 1, 1998, on the cost of implementing the proposed
22 training standards for state-funded residents, and on the extent to
23 which that cost is covered by existing state payment rates.))~~

24 **Sec. 4.** RCW 28B.10.782 and 1993 sp.s. c 15 s 5 are each amended to
25 read as follows:

26 It is the policy of the state of Washington that higher education
27 enrollments be increased in increments each biennium in order to
28 achieve, by the year 2010, the goals, by educational sector, adopted by
29 the higher education coordinating board in its enrollment plan entitled
30 "Design for the 21st Century: Expanding Higher Education Opportunities
31 in Washington," or subsequent revisions adopted by the board.

32 Per student costs for additional students to achieve this policy
33 shall be at the same rate per student as enrollments mandated in RCW
34 28B.10.776.

35 ~~((For each public college and university, and for the community and
36 technical college system, budget documents generated by the governor
37 and the legislature in the development and consideration of the
38 biennial omnibus appropriations act shall display an enrollment target~~

1 level. The enrollment target level is the biennial state-funded
2 enrollment increase necessary to fulfill the state policy set forth in
3 this section. The budget documents shall compare the enrollment target
4 level with the state-funded enrollment increases contained in the
5 biennial budget proposals of the governor and each house of the
6 legislature. The information required by this section shall be set
7 forth in the budget documents so that enrollment and cost information
8 concerning the number of students and additional funds needed to reach
9 the enrollment goals are prominently displayed and easily understood.

10 For the governor's budget request, the information required by this
11 section shall be made available in the document entitled "Operating
12 Budget Supporting Data" or its successor document.)

13 **Sec. 5.** RCW 34.05.328 and 1997 c 430 s 1 are each amended to read
14 as follows:

15 (1) Before adopting a rule described in subsection (5) of this
16 section, an agency shall:

17 (a) Clearly state in detail the general goals and specific
18 objectives of the statute that the rule implements;

19 (b) Determine that the rule is needed to achieve the general goals
20 and specific objectives stated under (a) of this subsection, and
21 analyze alternatives to rule making and the consequences of not
22 adopting the rule;

23 (c) Determine that the probable benefits of the rule are greater
24 than its probable costs, taking into account both the qualitative and
25 quantitative benefits and costs and the specific directives of the
26 statute being implemented;

27 (d) Determine, after considering alternative versions of the rule
28 and the analysis required under (b) and (c) of this subsection, that
29 the rule being adopted is the least burdensome alternative for those
30 required to comply with it that will achieve the general goals and
31 specific objectives stated under (a) of this subsection;

32 (e) Determine that the rule does not require those to whom it
33 applies to take an action that violates requirements of another federal
34 or state law;

35 (f) Determine that the rule does not impose more stringent
36 performance requirements on private entities than on public entities
37 unless required to do so by federal or state law;

1 (g) Determine if the rule differs from any federal regulation or
2 statute applicable to the same activity or subject matter and, if so,
3 determine that the difference is justified by the following:

4 (i) A state statute that explicitly allows the agency to differ
5 from federal standards; or

6 (ii) Substantial evidence that the difference is necessary to
7 achieve the general goals and specific objectives stated under (a) of
8 this subsection; and

9 (h) Coordinate the rule, to the maximum extent practicable, with
10 other federal, state, and local laws applicable to the same activity or
11 subject matter.

12 (2) In making its determinations pursuant to subsection (1)(b)
13 through (g) of this section, the agency shall place in the rule-making
14 file documentation of sufficient quantity and quality so as to persuade
15 a reasonable person that the determinations are justified.

16 (3) Before adopting rules described in subsection (5) of this
17 section, an agency shall place in the rule-making file a rule
18 implementation plan for rules filed under each adopting order. The
19 plan shall describe how the agency intends to:

20 (a) Implement and enforce the rule, including a description of the
21 resources the agency intends to use;

22 (b) Inform and educate affected persons about the rule;

23 (c) Promote and assist voluntary compliance; and

24 (d) Evaluate whether the rule achieves the purpose for which it was
25 adopted, including, to the maximum extent practicable, the use of
26 interim milestones to assess progress and the use of objectively
27 measurable outcomes.

28 (4) After adopting a rule described in subsection (5) of this
29 section regulating the same activity or subject matter as another
30 provision of federal or state law, an agency shall do all of the
31 following:

32 (a) Provide to the business assistance center a list citing by
33 reference the other federal and state laws that regulate the same
34 activity or subject matter;

35 (b) Coordinate implementation and enforcement of the rule with the
36 other federal and state entities regulating the same activity or
37 subject matter by making every effort to do one or more of the
38 following:

39 (i) Deferring to the other entity;

1 (ii) Designating a lead agency; or
2 (iii) Entering into an agreement with the other entities specifying
3 how the agency and entities will coordinate implementation and
4 enforcement.

5 If the agency is unable to comply with this subsection (4)(b), the
6 agency shall report to the legislature pursuant to (c) of this
7 subsection;

8 (c) Report to the joint administrative rules review committee:

9 (i) The existence of any overlap or duplication of other federal or
10 state laws, any differences from federal law, and any known overlap,
11 duplication, or conflict with local laws; and

12 (ii) Make recommendations for any legislation that may be necessary
13 to eliminate or mitigate any adverse effects of such overlap,
14 duplication, or difference.

15 (5)(a) Except as provided in (b) of this subsection, this section
16 applies to:

17 (i) Significant legislative rules of the departments of ecology,
18 labor and industries, health, revenue, social and health services, and
19 natural resources, the employment security department, the forest
20 practices board, the office of the insurance commissioner, and to the
21 legislative rules of the department of fish and wildlife implementing
22 chapter 75.20 RCW; and

23 (ii) Any rule of any agency, if this section is voluntarily made
24 applicable to the rule by the agency, or is made applicable to the rule
25 by a majority vote of the joint administrative rules review committee
26 within forty-five days of receiving the notice of proposed rule making
27 under RCW 34.05.320.

28 (b) This section does not apply to:

29 (i) Emergency rules adopted under RCW 34.05.350;

30 (ii) Rules relating only to internal governmental operations that
31 are not subject to violation by a nongovernment party;

32 (iii) Rules adopting or incorporating by reference without material
33 change federal statutes or regulations, Washington state statutes,
34 rules of other Washington state agencies, shoreline master programs
35 other than those programs governing shorelines of state-wide
36 significance, or, as referenced by Washington state law, national
37 consensus codes that generally establish industry standards, if the
38 material adopted or incorporated regulates the same subject matter and
39 conduct as the adopting or incorporating rule;

1 (iv) Rules that only correct typographical errors, make address or
2 name changes, or clarify language of a rule without changing its
3 effect;

4 (v) Rules the content of which is explicitly and specifically
5 dictated by statute;

6 (vi) Rules that set or adjust fees or rates pursuant to legislative
7 standards; or

8 (vii) Rules of the department of social and health services
9 relating only to client medical or financial eligibility and rules
10 concerning liability for care of dependents.

11 (c) For purposes of this subsection:

12 (i) A "procedural rule" is a rule that adopts, amends, or repeals
13 (A) any procedure, practice, or requirement relating to any agency
14 hearings; (B) any filing or related process requirement for making
15 application to an agency for a license or permit; or (C) any policy
16 statement pertaining to the consistent internal operations of an
17 agency.

18 (ii) An "interpretive rule" is a rule, the violation of which does
19 not subject a person to a penalty or sanction, that sets forth the
20 agency's interpretation of statutory provisions it administers.

21 (iii) A "significant legislative rule" is a rule other than a
22 procedural or interpretive rule that (A) adopts substantive provisions
23 of law pursuant to delegated legislative authority, the violation of
24 which subjects a violator of such rule to a penalty or sanction; (B)
25 establishes, alters, or revokes any qualification or standard for the
26 issuance, suspension, or revocation of a license or permit; or (C)
27 adopts a new, or makes significant amendments to, a policy or
28 regulatory program.

29 (d) In the notice of proposed rule making under RCW 34.05.320, an
30 agency shall state whether this section applies to the proposed rule
31 pursuant to (a)(i) of this subsection, or if the agency will apply this
32 section voluntarily.

33 ~~((6) By January 31, 1996, and by January 31st of each even-~~
34 ~~numbered year thereafter, the office of financial management, after~~
35 ~~consulting with state agencies, counties, and cities, and business,~~
36 ~~labor, and environmental organizations, shall report to the governor~~
37 ~~and the legislature regarding the effects of this section on the~~
38 ~~regulatory system in this state. The report shall document:~~

1 ~~(a) The rules proposed to which this section applied and to the~~
2 ~~extent possible, how compliance with this section affected the~~
3 ~~substance of the rule, if any, that the agency ultimately adopted;~~

4 ~~(b) The costs incurred by state agencies in complying with this~~
5 ~~section;~~

6 ~~(c) Any legal action maintained based upon the alleged failure of~~
7 ~~any agency to comply with this section, the costs to the state of such~~
8 ~~action, and the result;~~

9 ~~(d) The extent to which this section has adversely affected the~~
10 ~~capacity of agencies to fulfill their legislatively prescribed mission;~~

11 ~~(e) The extent to which this section has improved the acceptability~~
12 ~~of state rules to those regulated; and~~

13 ~~(f) Any other information considered by the office of financial~~
14 ~~management to be useful in evaluating the effect of this section.))~~

15 **Sec. 6.** RCW 41.05.021 and 1997 c 274 s 1 are each amended to read
16 as follows:

17 (1) The Washington state health care authority is created within
18 the executive branch. The authority shall have an administrator
19 appointed by the governor, with the consent of the senate. The
20 administrator shall serve at the pleasure of the governor. The
21 administrator may employ up to seven staff members, who shall be exempt
22 from chapter 41.06 RCW, and any additional staff members as are
23 necessary to administer this chapter. The administrator may delegate
24 any power or duty vested in him or her by this chapter, including
25 authority to make final decisions and enter final orders in hearings
26 conducted under chapter 34.05 RCW. The primary duties of the authority
27 shall be to: Administer state employees' insurance benefits and
28 retired or disabled school employees' insurance benefits; administer
29 the basic health plan pursuant to chapter 70.47 RCW; study state-
30 purchased health care programs in order to maximize cost containment in
31 these programs while ensuring access to quality health care; and
32 implement state initiatives, joint purchasing strategies, and
33 techniques for efficient administration that have potential application
34 to all state-purchased health services. The authority's duties
35 include, but are not limited to, the following:

36 (a) To administer health care benefit programs for employees and
37 retired or disabled school employees as specifically authorized in RCW

1 41.05.065 and in accordance with the methods described in RCW
2 41.05.075, 41.05.140, and other provisions of this chapter;

3 (b) To analyze state-purchased health care programs and to explore
4 options for cost containment and delivery alternatives for those
5 programs that are consistent with the purposes of those programs,
6 including, but not limited to:

7 (i) Creation of economic incentives for the persons for whom the
8 state purchases health care to appropriately utilize and purchase
9 health care services, including the development of flexible benefit
10 plans to offset increases in individual financial responsibility;

11 (ii) Utilization of provider arrangements that encourage cost
12 containment, including but not limited to prepaid delivery systems,
13 utilization review, and prospective payment methods, and that ensure
14 access to quality care, including assuring reasonable access to local
15 providers, especially for employees residing in rural areas;

16 (iii) Coordination of state agency efforts to purchase drugs
17 effectively as provided in RCW 70.14.050;

18 (iv) Development of recommendations and methods for purchasing
19 medical equipment and supporting services on a volume discount basis;
20 and

21 (v) Development of data systems to obtain utilization data from
22 state-purchased health care programs in order to identify cost centers,
23 utilization patterns, provider and hospital practice patterns, and
24 procedure costs, utilizing the information obtained pursuant to RCW
25 41.05.031;

26 (c) To analyze areas of public and private health care interaction;

27 (d) To provide information and technical and administrative
28 assistance to the board;

29 (e) To review and approve or deny applications from counties,
30 municipalities, and other political subdivisions of the state to
31 provide state-sponsored insurance or self-insurance programs to their
32 employees in accordance with the provisions of RCW 41.04.205, setting
33 the premium contribution for approved groups as outlined in RCW
34 41.05.050;

35 (f) To appoint a health care policy technical advisory committee as
36 required by RCW 41.05.150;

37 (g) To establish billing procedures and collect funds from school
38 districts and educational service districts under RCW 28A.400.400 in a
39 way that minimizes the administrative burden on districts; and

1 (h) To promulgate and adopt rules consistent with this chapter as
2 described in RCW 41.05.160.

3 (2) On and after January 1, 1996, the public employees' benefits
4 board may implement strategies to promote managed competition among
5 employee health benefit plans. Strategies may include but are not
6 limited to:

7 (a) Standardizing the benefit package;

8 (b) Soliciting competitive bids for the benefit package;

9 (c) Limiting the state's contribution to a percent of the lowest
10 priced qualified plan within a geographical area;

11 (d) Monitoring the impact of the approach under this subsection
12 with regards to: Efficiencies in health service delivery, cost shifts
13 to subscribers, access to and choice of managed care plans state-wide,
14 and quality of health services. The health care authority shall also
15 advise on the value of administering a benchmark employer-managed plan
16 to promote competition among managed care plans. ~~((The health care
17 authority shall report its findings and recommendations to the
18 legislature by January 1, 1997.~~

19 ~~(3) The health care authority shall, no later than July 1, 1996,
20 submit to the appropriate committees of the legislature, proposed
21 methods whereby, through the use of a voucher type process, state
22 employees may enroll with any health carrier to receive employee
23 benefits. Such methods shall include the employee option of
24 participating in a health care savings account, as set forth in Title
25 48 RCW.))~~

26 **Sec. 7.** RCW 43.06.400 and 1987 c 472 s 16 are each amended to read
27 as follows:

28 Beginning in January~~((7))~~ 1984, and in January of every ~~((even-~~
29 ~~numbered))~~ fourth year thereafter, the department of revenue shall
30 submit to the legislature prior to the regular session a listing of the
31 amount of reduction for the current and next biennium in the revenues
32 of the state or the revenues of local government collected by the state
33 as a result of tax exemptions. The listing shall include an estimate
34 of the revenue lost from the tax exemption, the purpose of the tax
35 exemption, the persons, organizations, or parts of the population which
36 benefit from the tax exemption, and whether or not the tax exemption
37 conflicts with another state program. The listing shall include but
38 not be limited to the following revenue sources:

- 1 (1) Real and personal property tax exemptions under Title 84 RCW;
- 2 (2) Business and occupation tax exemptions, deductions, and credits
- 3 under chapter 82.04 RCW;
- 4 (3) Retail sales and use tax exemptions under chapters 82.08,
- 5 82.12, and 82.14 RCW;
- 6 (4) Public utility tax exemptions and deductions under chapter
- 7 82.16 RCW;
- 8 (5) Food fish and shellfish tax exemptions under chapter 82.27 RCW;
- 9 (6) Leasehold excise tax exemptions under chapter 82.29A RCW;
- 10 (7) Motor vehicle and special fuel tax exemptions and refunds under
- 11 chapters 82.36 and 82.38 RCW;
- 12 (8) Aircraft fuel tax exemptions under chapter 82.42 RCW;
- 13 (9) Motor vehicle excise tax exclusions under chapter 82.44 RCW;
- 14 and
- 15 (10) Insurance premiums tax exemptions under chapter 48.14 RCW.

16 The department of revenue shall prepare the listing required by
17 this section with the assistance of any other agencies or departments
18 as may be required.

19 The department of revenue shall present the listing to the ways and
20 means committees of each house in public hearings.

21 Beginning in January((7)) 1984, and every four years thereafter the
22 governor is requested to review the report from the department of
23 revenue and may submit recommendations to the legislature with respect
24 to the repeal or modification of any tax exemption. The ways and means
25 committees of each house and the appropriate standing committee of each
26 house shall hold public hearings and take appropriate action on the
27 recommendations submitted by the governor.

28 As used in this section, "tax exemption" means an exemption,
29 exclusion, or deduction from the base of a tax; a credit against a tax;
30 a deferral of a tax; or a preferential tax rate.

31 **Sec. 8.** RCW 43.20A.375 and 1988 c 49 s 2 are each amended to read
32 as follows:

33 The state advisory committee shall have the following powers and
34 duties:

- 35 (1) To serve in an advisory capacity to the secretary on all
- 36 matters pertaining to the department of social and health services.

1 (2) To acquaint themselves fully with the operations of the
2 department and periodically recommend such changes to the secretary as
3 they deem advisable.

4 (3) To review and make recommendations as to the continued
5 operation, possible consolidation, or elimination of department
6 advisory committees including those required by federal law or
7 specifically created by statute. The review shall include review of
8 the statement of purpose for each advisory committee and the time
9 frames during which the committee is accountable to achieve its stated
10 purposes. (~~The state advisory committee shall conduct the review and~~
11 ~~report to the appropriate legislative committees no later than January~~
12 ~~1, 1989.~~)

13 (4) To encourage public awareness and understanding of the
14 department of social and health services and the department's programs
15 and services.

16 (5) To develop agendas to foster periodic meetings with and
17 communication between representatives of program-specific advisory
18 committees.

19 (6) To encourage each regional advisory committee established under
20 RCW 43.20A.360 to send a representative to regular state advisory
21 committee meetings to foster communication between the regional
22 advisory committees and: (a) The state advisory committee, and (b)
23 headquarters of the department.

24 **Sec. 9.** RCW 43.20A.870 and 1997 c 386 s 47 are each amended to
25 read as follows:

26 The department shall prepare an annual quality assurance report
27 that shall include but is not limited to: (1) Performance outcomes
28 regarding health and safety of children in the children's services
29 system; (2) children's length of stay in out-of-home placement from
30 each date of referral; (3) adherence to permanency planning timelines;
31 and (4) the response time on child protective services investigations
32 differentiated by risk level determined at intake. (~~The report shall~~
33 ~~be provided to the governor and legislature not later than July 1.~~)

34 **Sec. 10.** RCW 43.20B.030 and 1997 c 130 s 5 are each amended to
35 read as follows:

36 (1) Except as otherwise provided by law, there will be no
37 collection of overpayments and other debts due the department after the

1 expiration of six years from the date of notice of such overpayment or
2 other debt unless the department has commenced recovery action in a
3 court of law or unless an administrative remedy authorized by statute
4 is in place. However, any amount due in a case thus extended shall
5 cease to be a debt due the department at the expiration of ten years
6 from the date of the notice of the overpayment or other debt unless a
7 court-ordered remedy would be in effect for a longer period.

8 (2)((+a)) The department, at any time, may accept offers of
9 compromise of disputed claims or may grant partial or total write-off
10 of any debt due the department if it is no longer cost-effective to
11 pursue. The department shall adopt rules establishing the
12 considerations to be made in the granting or denial of a partial or
13 total write-off of debts.

14 ((b) Beginning December 1, 1997, the department shall report by
15 December 1 each year to the commerce and labor committees of the senate
16 and house of representatives, the senate ways and means committee, and
17 the house appropriations committee, or successor committees, the
18 following information:

- 19 (i) The cumulative amount of debt due the department;
- 20 (ii) The cumulative amount of debt that has been written off by the
21 department as no longer cost-effective to pursue;
- 22 (iii) The amount of debt due the department that has accrued in
23 each of the previous five fiscal years; and
- 24 (iv) The amount of debt that has been written off in each of the
25 previous five fiscal years as no longer cost-effective to pursue.)

26 **Sec. 11.** RCW 43.41.195 and 1994 sp.s. c 7 s 319 are each amended
27 to read as follows:

28 (1) The office of financial management, in consultation with
29 affected parties, shall establish a fund distribution formula for
30 determining allocations to the community networks authorized under RCW
31 70.190.130. The formula shall reflect the local needs assessment for
32 at-risk children and consider:

33 (a) The number of arrests and convictions for juvenile violent
34 offenses;

35 (b) The number of arrests and convictions for crimes relating to
36 juvenile drug offenses and alcohol-related offenses;

37 (c) The number of teen pregnancies and parents;

1 (d) The number of child and teenage suicides and attempted
2 suicides; and

3 (e) The high school graduation rate.

4 (2) In developing the formula, the office of financial management
5 shall reserve five percent of the funds for the purpose of rewarding
6 community networks.

7 (3) The reserve fund shall be used by the council to reward
8 community networks that show exceptional reductions in: State-funded
9 out-of-home placements, violent criminal acts by juveniles, substance
10 abuse, teen pregnancy and male parentage, teen suicide attempts, or
11 school dropout rates.

12 ~~((4) The office of financial management shall submit the
13 distribution formula to the family policy council and to the
14 appropriate committees of the legislature by December 20, 1994.))~~

15 **Sec. 12.** RCW 43.59.150 and 1998 c 165 s 3 are each amended to read
16 as follows:

17 (1) The Washington state traffic safety commission shall establish
18 a program for improving bicycle and pedestrian safety, and shall
19 cooperate with the stakeholders and independent representatives to form
20 an advisory committee to develop programs and create public private
21 partnerships which promote bicycle and pedestrian safety. ~~((The
22 traffic safety commission shall report and make recommendations to the
23 legislative transportation committee and the fiscal committees of the
24 house of representatives and the senate by December 1, 1998, regarding
25 the conclusions of the advisory committee.))~~

26 (2) The bicycle and pedestrian safety account is created in the
27 state treasury. To the extent that private contributions are received
28 by the traffic safety commission for the purposes of bicycle and
29 pedestrian safety programs established under this section, the
30 appropriations from the highway safety account for this purpose shall
31 lapse.

32 **Sec. 13.** RCW 43.88.067 and 1995 c 403 s 905 are each amended to
33 read as follows:

34 The office of financial management shall create a report annually
35 ~~((to the legislature))~~ on the amount of fees and other expenses awarded
36 during the preceding fiscal year pursuant to RCW 4.84.340 through
37 4.84.360. The report shall describe the number, nature, and amount of

1 the awards, the claims involved in the controversy, and other relevant
2 information that may aid the legislature in evaluating the scope and
3 impact of the awards.

4 **Sec. 14.** RCW 43.180.070 and 1983 c 161 s 7 are each amended to
5 read as follows:

6 The commission shall adopt a general plan of housing finance
7 objectives to be implemented by the commission during the period of the
8 plan. The commission shall adopt a plan no later than December 15,
9 1983. The commission may exercise the powers authorized under this
10 chapter prior to the adoption of the initial plan. In developing the
11 plan, the commission shall consider and set objectives for:

- 12 (1) The use of funds for single-family and multifamily housing;
- 13 (2) The use of funds for new construction, rehabilitation,
14 including refinancing of existing debt, and home purchases;
- 15 (3) The housing needs of low-income and moderate-income persons and
16 families, and of elderly or mentally or physically handicapped persons;
- 17 (4) The use of funds in coordination with federal, state, and local
18 housing programs for low-income persons;
- 19 (5) The use of funds in urban, rural, suburban, and special areas
20 of the state;
- 21 (6) The use of financing assistance to stabilize and upgrade
22 declining urban neighborhoods;
- 23 (7) The use of financing assistance for economically depressed
24 areas, areas of minority concentration, reservations, and in mortgage-
25 deficient areas;
- 26 (8) The geographical distribution of bond proceeds so that the
27 benefits of the housing programs provided under this chapter will be
28 available to address demand on a fair basis throughout the state;
- 29 (9) The use of financing assistance for implementation of cost-
30 effective energy efficiency measures in dwellings.

31 The plan shall include an estimate of the amount of bonds the
32 commission will issue during the term of the plan and how bond proceeds
33 will be expended.

34 The plan shall be adopted by resolution of the commission following
35 at least one public hearing thereon, notice of which shall be made by
36 mailing to the clerk of the governing body of each county and by
37 publication in the Washington State Register no more than forty and no
38 less than twenty days prior to the hearing. A draft of the plan shall

1 be made available not less than thirty days prior to any such public
2 hearing. At least every two years, the commission shall report to the
3 legislature regarding implementation of the plan.

4 ~~((Prior to December 31, 1983, the commission shall submit the plan
5 to the chief clerk of the house and secretary of the senate for
6 transmittal to and review by the appropriate standing committees.))~~

7 The commission may periodically update the plan. ~~((Proposed changes of
8 the plan shall be submitted to the chief clerk of the house and
9 secretary of the senate for transmittal to and review by the
10 appropriate standing committees. This submittal of proposed changes
11 shall occur at least fourteen days before final adoption of the changes
12 by the commission.))~~

13 The commission shall adopt rules designed to result in the use of
14 bond proceeds in a manner consistent with the plan. These rules shall
15 be adopted and in full force and effect by February 1, 1984. The
16 commission may periodically update its rules.

17 The commission is not required to adopt a plan or rules for the use
18 of the proceeds of bonds issued prior to February, 1984. This section
19 is designed to deal only with the use of bond proceeds and nothing in
20 this section shall be construed as a limitation on the commission's
21 authority to issue bonds.

22 **Sec. 15.** RCW 43.200.080 and 1991 sp.s. c 13 s 60 are each amended
23 to read as follows:

24 The director of ecology shall, in addition to the powers and duties
25 otherwise imposed by law, have the following special powers and duties:

26 (1) To fulfill the responsibilities of the state under the lease
27 between the state of Washington and the federal government executed
28 September 10, 1964, covering one thousand acres of land lying within
29 the Hanford reservation near Richland, Washington. The department of
30 ecology may sublease to private or public entities all or a portion of
31 the land for specific purposes or activities which are determined,
32 after public hearing, to be in agreement with the terms of the lease
33 and in the best interests of the citizens of the state consistent with
34 any criteria that may be developed as a requirement by the legislature;

35 (2) To assume the responsibilities of the state under the perpetual
36 care agreement between the state of Washington and the federal
37 government executed July 29, 1965 and the sublease between the state of
38 Washington and the site operator of the Hanford low-level radioactive

1 waste disposal facility. In order to finance perpetual surveillance
2 and maintenance under the agreement and ensure site closure under the
3 sublease, the department of ecology shall impose and collect fees from
4 parties holding radioactive materials for waste management purposes.
5 The fees shall be established by rule adopted under chapter 34.05 RCW
6 and shall be an amount determined by the department of ecology to be
7 necessary to defray the estimated liability of the state. Such fees
8 shall reflect equity between the disposal facilities of this and other
9 states. A site closure account and a perpetual surveillance and
10 maintenance account is hereby created in the state treasury. The site
11 closure account shall be exclusively available to reimburse, to the
12 extent that moneys are available in the account, the site operator for
13 its costs plus a reasonable profit as agreed by the operator and the
14 state, or to reimburse the state licensing agency and any agencies
15 under contract to the state licensing agency for their costs in final
16 closure and decommissioning of the Hanford low-level radioactive waste
17 disposal facility. If a balance remains in the account after
18 satisfactory performance of closure and decommissioning, this balance
19 shall be transferred to the perpetual surveillance and maintenance
20 account. The perpetual surveillance and maintenance account shall be
21 used exclusively by the state to meet post-closure surveillance and
22 maintenance costs, or for otherwise satisfying surveillance and
23 maintenance obligations. Appropriations are required to permit
24 expenditures and payment of obligations from the site closure account
25 and the perpetual surveillance and maintenance account. All moneys,
26 including earnings from the investment of balances in the site closure
27 and the perpetual surveillance and maintenance account, less the
28 allocation to the state treasurer's service (~~((account-[fund]))~~) fund,
29 pursuant to RCW 43.08.190 accruing under the authority of this section
30 shall be directed to the site closure account until December 31, 1992.
31 Thereafter receipts including earnings from the investment of balances
32 in the site closure and the perpetual surveillance and maintenance
33 account, less the allocation to the state treasurer's service (~~((account~~
34 ~~{fund}))~~) fund, pursuant to RCW 43.08.190 shall be directed to the site
35 closure account and the perpetual surveillance and maintenance account
36 as specified by the department. Additional moneys specifically
37 appropriated by the legislature or received from any public or private
38 source may be placed in the site closure account and the perpetual
39 surveillance and maintenance account;

1 (3) To assure maintenance of such insurance coverage by state
2 licensees, lessees, or sublessees as will adequately, in the opinion of
3 the director, protect the citizens of the state against nuclear
4 accidents or incidents that may occur on privately or state-controlled
5 nuclear facilities;

6 (4) To institute a user permit system and issue site use permits,
7 consistent with regulatory practices, for generators, packagers, or
8 brokers using the Hanford low-level radioactive waste disposal
9 facility. The costs of administering the user permit system shall be
10 borne by the applicants for site use permits. The site use permit fee
11 shall be set at a level that is sufficient to fund completely the
12 executive and legislative participation in activities related to the
13 Northwest Interstate Compact on Low-Level Radioactive Waste Management;

14 (5) To make application for or otherwise pursue any federal funds
15 to which the state may be eligible, through the federal resource
16 conservation and recovery act or any other federal programs, for the
17 management, treatment or disposal, and any remedial actions, of wastes
18 that are both radioactive and hazardous at all Hanford low-level
19 radioactive waste disposal facilities; and

20 (6) To develop contingency plans for duties and options for the
21 department and other state agencies related to the Hanford low-level
22 radioactive waste disposal facility based on various projections of
23 annual levels of waste disposal. These plans shall include an analysis
24 of expected revenue to the state in various taxes and funds related to
25 low-level radioactive waste disposal and the resulting implications
26 that any increase or decrease in revenue may have on state agency
27 duties or responsibilities. The plans shall be updated annually.
28 ~~((The department shall report annually on the plans and on the balances
29 in the site closure and perpetual surveillance accounts to the energy
30 and utilities committees of the senate and the house of
31 representatives.))~~

32 **Sec. 16.** RCW 47.06B.030 and 1998 c 173 s 3 are each amended to
33 read as follows:

34 The council shall:

35 (1) Develop standards and strategies for coordinating special needs
36 transportation;

37 (2) Identify and develop, fund as resources are made available, and
38 monitor coordinated transportation pilot projects;

1 (3) Disseminate and encourage the widespread implementation of
2 successful demonstration projects;

3 (4) Identify and address barriers to transportation coordination;

4 (5) Recommend to the legislature changes in law to assist
5 coordination of transportation services;

6 (6) Act as an information clearinghouse and advocate for
7 coordinated transportation;

8 (7) Petition the office of financial management to make whatever
9 changes are deemed necessary to identify transportation costs in all
10 executive agency budgets(

11 ~~(8) Report to the legislature by December 1, 1998, on council
12 activities including, but not limited to, what demonstration projects
13 have been undertaken, how coordination affected service levels, and
14 whether these efforts produced savings that allowed expansion of
15 services. Reports must be made once every two years thereafter, and
16 other times as the council deems necessary)).~~

17 **Sec. 17.** RCW 70.24.107 and 1997 c 345 s 6 are each amended to read
18 as follows:

19 The department of health and the department of corrections shall
20 each adopt rules to implement chapter 345, Laws of 1997. ((The
21 department of health and the department of corrections shall also
22 report to the legislature by January 1, 1998, on the following: (1)
23 Changes made in rules and department of corrections and local jail
24 policies and procedures to implement chapter 345, Laws of 1997; and (2)
25 a summary of the number of times and the circumstances under which
26 individual corrections staff and jail staff members were informed that
27 a particular offender or detainee had a sexually transmitted disease or
28 other communicable disease.)) The department of health and the
29 department of corrections shall cooperate with local jail
30 administrators to obtain the information from local jail administrators
31 that is necessary to comply with this section.

32 **Sec. 18.** RCW 75.08.510 and 1998 c 250 s 2 are each amended to read
33 as follows:

34 The department shall mark appropriate coho salmon that are released
35 from department operated hatcheries and rearing ponds in such a manner
36 that the fish are externally recognizable as hatchery origin salmon by

1 fishers for the purpose of maximized catch while sustaining wild and
2 hatchery reproduction.

3 The department shall mark all appropriate chinook salmon targeted
4 for contribution to the Washington catch that are released from
5 department operated hatcheries and rearing ponds in such a manner that
6 the fish are externally recognizable as hatchery origin salmon by
7 fishers.

8 The goal of the marking program is: (1) The annual marking by June
9 30, 1997, of all appropriate hatchery origin coho salmon produced by
10 the department with marking to begin with the 1994 Puget Sound coho
11 brood; and (2) the annual marking by June 30, 1999, of all appropriate
12 hatchery origin chinook salmon produced by the department with marking
13 to begin with the 1998 chinook brood. The department may experiment
14 with different methods for marking hatchery salmon with the primary
15 objective of maximum survival of hatchery marked fish, maximum
16 contribution to fisheries, and minimum cost consistent with the other
17 goals.

18 The department shall coordinate with other entities that are
19 producing hatchery chinook and coho salmon for release into public
20 waters to enable the broadest application of the marking program to all
21 hatchery produced chinook and coho salmon. The department shall work
22 with the treaty Indian tribes in order to reach mutual agreement on the
23 implementation of the mass marking program. (~~The department shall
24 report to the appropriate legislative committees by January 1, 1999, on
25 the progress made in reaching mutual agreement with the treaty Indian
26 tribes and any Pacific coast state or province to achieve the goal of
27 coast-wide marking of chinook and coho salmon.~~) The ultimate goal of
28 the program is the coast-wide marking of appropriate hatchery origin
29 chinook and coho salmon, and the protection of all wild chinook and
30 coho salmon, where appropriate.

31 **Sec. 19.** RCW 80.36.600 and 1998 c 337 s 1 are each amended to read
32 as follows:

33 (1) The commission shall plan and prepare to implement a program
34 for the preservation and advancement of universal telecommunications
35 service which shall not take effect until the legislature approves the
36 program. The purpose of the universal service program is to benefit
37 telecommunications ratepayers in the state by minimizing implicit
38 sources of support and maximizing explicit sources of support that are

1 specific, sufficient, competitively neutral, and technologically
2 neutral to support basic telecommunications services for customers of
3 telecommunications companies in high-cost locations.

4 (2) In preparing a universal service program for approval by the
5 legislature, the commission shall:

6 (a) Estimate the cost of supporting all lines located in high-cost
7 locations and the cost of supporting one primary telecommunications
8 line for each residential or business customer located in high-cost
9 locations;

10 (b) Determine the assessments that must be made on all
11 telecommunications carriers, and the manner of collection, to provide
12 support for:

13 (i) All residential and business lines located in high-cost
14 locations;

15 (ii) Only one primary line for each residential or business
16 customer located in high-cost locations;

17 (c) Designate those telecommunications carriers serving high-cost
18 locations that are eligible to receive support for the benefit of their
19 customers in those locations;

20 (d) Adopt or prepare to adopt all necessary rules for
21 administration of the program; and

22 (e) Provide a schedule of all fees and payments proposed or
23 expected to be proposed by the commission under subsection ((+4))
24 (3)(d) of this section.

25 ~~(3) ((The commission shall report by November 1, 1998, to the
26 legislature on these steps taken to prepare for implementation and
27 shall inform the legislature of the estimated cost to support all lines
28 located in high-cost locations and the estimated cost to support only
29 one primary line for each residential or business customer located in
30 high-cost locations under a universal service program.~~

31 (+4)) Once a program is approved by the legislature and
32 subsequently established, the following provisions apply unless
33 otherwise directed by the legislature:

34 (a) All transfers of money necessary to provide the support shall
35 be outside the state treasury and not be subject to appropriation;

36 (b) The commission may delegate to the commission secretary or
37 other staff the authority to resolve disputes or make other decisions
38 necessary to the administration of the program;

1 (c) The commission may contract with an independent program
2 administrator subject to the direction and control of the commission
3 and may authorize the establishment of an account or accounts in
4 independent financial institutions should that be necessary for
5 administration of the program;

6 (d) The expenses of an independent program administrator shall be
7 authorized by the commission and shall be paid out of contributions by
8 the telecommunications carriers participating in the program;

9 (e) The commission may require the carriers participating in the
10 program, as part of their contribution, to pay into the public service
11 revolving fund the costs of the commission attributable to supervision
12 and administration of the program that are not otherwise recovered
13 through fees paid to the commission.

14 (~~(+5)~~) (4) The commission shall establish standards for review or
15 testing of all telecommunications carriers' compliance with the program
16 for the purpose of ensuring the support received by a
17 telecommunications carrier is used only for the purposes of the program
18 and that each telecommunications carrier is making its proper
19 contribution to the program. The commission may conduct the review or
20 test, or contract with an independent administrator or other person to
21 conduct the review or test.

22 (~~(+6)~~) (5) The commission shall coordinate administration of the
23 program with any federal universal service program and may administer
24 the federal fund in conjunction with the state program if so authorized
25 by federal law.

26 (~~(+7)~~) (6) The definitions in this subsection apply throughout
27 this section unless the context clearly requires otherwise.

28 (a) "Telecommunications carrier" has the same meaning as defined in
29 47 U.S.C. Sec. 153(44).

30 (b) "Basic telecommunications services" means the following
31 services:

- 32 (i) Single-party service;
- 33 (ii) Voice grade access to the public switched network;
- 34 (iii) Support for local usage;
- 35 (iv) Dual tone multifrequency signaling (touch-tone);
- 36 (v) Access to emergency services (911);
- 37 (vi) Access to operator services;
- 38 (vii) Access to interexchange services;
- 39 (viii) Access to directory assistance; and

1 (ix) Toll limitation services.

2 (c) "High-cost location" means a location where the cost of
3 providing telecommunications services is greater than a benchmark
4 established by the commission by rule.

5 (~~(8)~~) (7) Each telecommunications carrier that provides
6 intrastate telecommunications services shall provide whatever
7 information the commission may reasonably require in order to fulfill
8 the commission's responsibilities under subsection (2) of this section.

9 NEW SECTION. **Sec. 20.** The following acts or parts of acts are
10 each repealed:

11 (1) RCW 48.85.050 and 1995 1st sp.s. c 18 s 80 & 1993 c 492 s 462;

12 and

13 (2) RCW 75.46.020 and 1998 c 246 s 3.

--- END ---