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ENGROSSED SUBSTITUTE SENATE BILL 6396

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State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Patterson, Prentice, Hale, Winsley, Deccio, Roach, Sheahan, T. Sheldon, Bauer, Rasmussen, Gardner, Thibaudeau and Oke; by request of Governor Locke)

Read first time 02/08/2000.

1 AN ACT Relating to splitting the department of community, trade,  
2 and economic development and reestablishing the department of community  
3 development and the department of trade and economic development;  
4 amending RCW 43.330.020, 43.63A.021, 43.330.040, 43.330.050,  
5 43.330.070, 43.330.125, 43.330.135, 43.63A.066, 43.63A.115, 43.63A.155,  
6 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.460, 43.63A.600,  
7 43.330.152, 43.330.155, 43.330.156, 43.330.904, 41.06.072, 43.63A.230,  
8 43.330.065, 43.330.080, 43.31.057, 43.31.093, 43.31.205, 43.31.409,  
9 43.31.422, 43.31.504, 43.31.522, 43.31.524, 43.31.641, 43.31.830,  
10 43.31.840, 43.31.960, 43.17.065, 28A.515.320, 24.46.010, 28B.20.283,  
11 28B.20.289, 28B.20.293, 28B.30.537, 28B.30.900, 28B.50.262, 28B.65.040,  
12 28B.65.050, 28B.65.060, 28B.109.020, 28C.18.060, 36.01.120, 36.110.030,  
13 39.86.110, 43.07.360, 43.21A.510, 43.21A.515, 43.21F.025, 43.21F.090,  
14 43.21G.010, 43.23.035, 43.31.504, 43.88.093, 43.88.094, 43.160.020,  
15 43.160.115, 43.160.180, 43.163.020, 43.163.120, 43.170.020, 43.172.011,  
16 43.210.030, 43.210.050, 43.210.060, 43.330.092, 43.330.094, 50.67.030,  
17 50.72.030, 70.95H.007, 70.95H.050, 74.13.090, 76.09.030, 76.56.020,  
18 77.12.710, 79A.60.480, 81.80.450, 82.35.080, 41.06.070, 41.06.072,  
19 43.06.115, 43.17.020, 19.02.050, 43.160.030, 43.163.060, 47.39.090,  
20 47.76.230, 50.38.030, 80.50.030, 19.27.070, 27.34.020, 27.53.030,  
21 28A.215.110, 28A.215.120, 36.27.100, 36.70A.030, 36.70A.040,

1 36.70A.131, 39.84.090, 43.08.260, 43.21A.612, 43.21C.110, 43.63B.010,  
2 43.132.030, 43.155.020, 43.168.020, 43.168.031, 43.168.040, 43.168.050,  
3 43.180.040, 43.180.200, 43.180.220, 43.185.020, 43.185A.010,  
4 43.185B.010, 43.190.030, 43.280.020, 43.280.060, 43.280.080,  
5 43.280.090, 43.330.110, 43.330.130, 43.330.210, 46.12.295, 54.16.285,  
6 54.52.010, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.21.010,  
7 59.22.020, 59.22.090, 59.28.040, 59.28.050, 59.28.060, 70.94.537,  
8 70.114A.070, 70.119A.170, 70.125.030, 70.164.020, 70.190.010,  
9 80.28.010, 82.14.330, 82.14.335, and 90.71.020; reenacting and amending  
10 RCW 43.17.010; reenacting RCW 48.50.040; adding new sections to chapter  
11 43.330 RCW; adding new sections to chapter 43.31 RCW; adding a new  
12 section to chapter 41.06 RCW; creating new sections; recodifying RCW  
13 43.63A.021, 43.63A.066, 43.63A.067, 43.63A.075, 43.63A.105, 43.63A.115,  
14 43.63A.125, 43.63A.150, 43.63A.155, 43.63A.190, 43.63A.215, 43.63A.240,  
15 43.63A.245, 43.63A.247, 43.63A.249, 43.63A.265, 43.63A.270, 43.63A.275,  
16 43.63A.400, 43.63A.410, 43.63A.420, 43.63A.440, 43.63A.460, 43.63A.465,  
17 43.63A.4651, 43.63A.470, 43.63A.475, 43.63A.480, 43.63A.485,  
18 43.63A.490, 43.63A.500, 43.63A.510, 43.63A.550, 43.63A.600, 43.63A.610,  
19 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.650, 43.63A.660, 43.63A.670,  
20 43.63A.680, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, 43.63A.740,  
21 43.63A.900, 43.63A.901, 43.63A.902, 43.63A.903, 43.330.150, 43.330.152,  
22 43.330.155, 43.330.156, 43.330.190, 43.330.200, 43.330.210, 43.330.220,  
23 43.330.230, 43.63A.230, 43.63A.700, 43.63A.710, 43.63A.715, 43.330.060,  
24 43.330.065, 43.330.080, 43.330.090, 43.330.092, 43.330.094, 43.330.095,  
25 43.330.096, 43.63A.690, and 43.330.180; repealing RCW 43.330.005,  
26 43.330.007, 43.330.010, 43.330.900, and 43.31.800; providing an  
27 effective date; and providing expiration dates.

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

29 NEW SECTION. **Sec. 1.** The department of community, trade, and  
30 economic development was created in 1993 by dissolving the prior  
31 department of community development and the prior department of trade  
32 and economic development and transferring their responsibilities and  
33 authorities to that newly created department.

34 The purpose of this act is to effectively organize state efforts to  
35 address the community and economic development needs of the citizens of  
36 the state of Washington by restructuring the department of community,  
37 trade, and economic development into two separate agencies, the

1 department of community development and the department of trade and  
2 economic development. The department of trade and economic development  
3 will consist of the existing divisions of economic development, energy  
4 policy, and international trade. The department of community  
5 development will consist of the existing divisions of housing,  
6 community services, and local government.

7 It is the intent of the legislature that the restructuring will  
8 allow each agency to: (1) Identify and develop a focused mission; (2)  
9 organize and deliver services in a manner that is responsive to current  
10 and future needs; and (3) effectively target resources to meet the  
11 identified mission and needs of the citizens of the state of Washington  
12 in the most efficient and effective manner.

13 **PART I**

14 **DEPARTMENT OF COMMUNITY DEVELOPMENT**

15 **Sec. 101.** RCW 43.330.020 and 1993 c 280 s 4 are each amended to  
16 read as follows:

17 ~~((A))~~ The department of community~~((, trade, and economic))~~  
18 development is created. Except as provided in chapter . . . , Laws of  
19 2000 (this act), the department shall be vested with all powers and  
20 duties ((established or transferred to it under this chapter)) formerly  
21 exercised by the prior department of community development, before its  
22 merger with the prior department of trade and economic development into  
23 the department of community, trade, and economic development by chapter  
24 280, Laws of 1993, and such other powers and duties as may be  
25 authorized by law. ((Unless otherwise specifically provided in chapter  
26 280, Laws of 1993, the existing responsibilities and functions of the  
27 agency programs will continue to be administered in accordance with  
28 their implementing legislation.))

29 **Sec. 102.** RCW 43.63A.021 and 1997 c 367 s 5 are each amended to  
30 read as follows:

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

33 (1) "Department" means the department of community development.

34 (2) "Director" means the director of community development.

35 (3) "Dislocated forest products worker" means a forest products  
36 worker who: (a)(i) Has been terminated or received notice of

1 termination from employment and is unlikely to return to employment in  
2 the individual's principal occupation or previous industry because of  
3 a diminishing demand for his or her skills in that occupation or  
4 industry; or (ii) is self-employed and has been displaced from his or  
5 her business because of the diminishing demand for the business's  
6 services or goods; and (b) at the time of last separation from  
7 employment, resided in or was employed in a rural natural resources  
8 impact area.

9 ~~((+2))~~ (4) "Forest products worker" means a worker in the forest  
10 products industries affected by the reduction of forest fiber  
11 enhancement, transportation, or production. The workers included  
12 within this definition shall be determined by the employment security  
13 department, but shall include workers employed in the industries  
14 assigned the major group standard industrial classification codes "24"  
15 and "26" and the industries involved in the harvesting and management  
16 of logs, transportation of logs and wood products, processing of wood  
17 products, and the manufacturing and distribution of wood processing and  
18 logging equipment. The commissioner may adopt rules further  
19 interpreting these definitions. For the purposes of this subsection,  
20 "standard industrial classification code" means the code identified in  
21 RCW 50.29.025(6)(c).

22 ~~((+3))~~ (5) "Dislocated salmon fishing worker" means a finfish  
23 products worker who: (a)(i) Has been terminated or received notice of  
24 termination from employment and is unlikely to return to employment in  
25 the individual's principal occupation or previous industry because of  
26 a diminishing demand for his or her skills in that occupation or  
27 industry; or (ii) is self-employed and has been displaced from his or  
28 her business because of the diminishing demand for the business's  
29 services or goods; and (b) at the time of last separation from  
30 employment, resided in or was employed in a rural natural resources  
31 impact area.

32 ~~((+4))~~ (6) "Salmon fishing worker" means a worker in the finfish  
33 industry affected by 1994 or future salmon disasters. The workers  
34 included within this definition shall be determined by the employment  
35 security department, but shall include workers employed in the  
36 industries involved in the commercial and recreational harvesting of  
37 finfish including buying and processing finfish. The commissioner may  
38 adopt rules further interpreting these definitions.

1       **Sec. 103.** RCW 43.330.040 and 1993 c 280 s 6 are each amended to  
2 read as follows:

3       (1) The director shall supervise and administer the activities of  
4 the department and shall advise the governor and the legislature with  
5 respect to community (~~and economic~~) development matters affecting the  
6 state.

7       (2) In addition to other powers and duties granted to the director,  
8 the director shall have the following powers and duties:

9       (a) Enter into contracts on behalf of the state to carry out the  
10 purposes of this chapter;

11       (b) Act for the state in the initiation of or participation in any  
12 multigovernmental program relative to the purpose of this chapter;

13       (c) Accept and expend gifts and grants, whether such grants be of  
14 federal or other funds;

15       (d) To appoint (~~such~~) a deputy director(~~s~~) and assistant  
16 directors, and (~~up to seven special assistants~~) other positions as  
17 may be needed to administer the department. These employees are exempt  
18 from the provisions of chapter 41.06 RCW;

19       (e) Prepare and submit budgets for the department for executive and  
20 legislative action;

21       (f) Submit recommendations for legislative actions as are deemed  
22 necessary to further the purposes of this chapter;

23       (g) Adopt rules in accordance with chapter 34.05 RCW and perform  
24 all other functions necessary and proper to carry out the purposes of  
25 this chapter;

26       (h) Delegate powers, duties, and functions as the director deems  
27 necessary for efficient administration, but the director shall be  
28 responsible for the official acts of the officers and employees of the  
29 department; and

30       (i) Perform other duties as are necessary and consistent with law.

31       (3) When federal or other funds are received by the department,  
32 they shall be promptly transferred to the state treasurer and  
33 thereafter expended only upon the approval of the director.

34       (4) The director may request information and assistance from all  
35 other agencies, departments, and officials of the state, and may  
36 reimburse such agencies, departments, or officials if such a request  
37 imposes any additional expenses upon any such agency, department, or  
38 official.

1 (5) The director shall, in carrying out the responsibilities of  
2 office, consult with governmental officials, private groups, and  
3 individuals and with officials of other states. All state agencies and  
4 their officials and the officials of any political subdivision of the  
5 state shall cooperate with and give such assistance to the department,  
6 including the submission of requested information, to allow the  
7 department to carry out its purposes under this chapter.

8 (6) The director may establish additional advisory or coordinating  
9 groups with the legislature, within state government, with state and  
10 other governmental units, with the private sector and nonprofit  
11 entities or in specialized subject areas as may be necessary to carry  
12 out the purposes of this chapter.

13 (7) The internal affairs of the department shall be under the  
14 control of the director in order that the director may manage the  
15 department in a flexible and intelligent manner as dictated by changing  
16 contemporary circumstances. Unless specifically limited by law, the  
17 director shall have complete charge and supervisory powers over the  
18 department. The director may create such administrative structures as  
19 the director deems appropriate, except as otherwise specified by law,  
20 and the director may employ such personnel as may be necessary in  
21 accordance with chapter 41.06 RCW, except as otherwise provided by law.

22 **Sec. 104.** RCW 43.330.050 and 1993 c 280 s 7 are each amended to  
23 read as follows:

24 The department shall be responsible for promoting community ((and  
25 economic)) development within the state by assisting the state's  
26 communities to increase the quality of life of their citizens and their  
27 economic vitality, ((and by assisting the state's businesses to  
28 maintain and increase their economic competitiveness,)) while  
29 maintaining a healthy environment. Community ((and economic))  
30 development efforts ((shall)) include((~~Efforts to increase economic~~  
31 ~~opportunity~~)), but are not limited to: Assisting local planning to  
32 manage growth(), service and advocacy for crime victims, the  
33 promotion and provision of affordable housing and housing-related  
34 services(), providing public infrastructure( ~~business and trade~~  
35 ~~development~~ ~~assisting firms and industrial sectors to increase their~~  
36 ~~competitiveness~~ ~~fostering the development of minority and women owned~~  
37 ~~businesses~~ ~~facilitating technology development, transfer, and~~  
38 ~~diffusion~~), providing support and assistance for early childhood

1 education, providing community services and advocacy for low-income  
2 persons(~~(?)~~), and public safety efforts. The department shall have the  
3 following general functions and responsibilities:

4 (1) Provide advisory assistance to the governor, other state  
5 agencies, and the legislature on community (~~and economic~~) development  
6 matters and issues;

7 (2) Assist the governor in coordinating the activities of state  
8 agencies that have an impact on local government and communities;

9 (3) Cooperate with the legislature and the governor in the  
10 development and implementation of strategic plans for the state's  
11 community (~~and economic~~) development efforts;

12 (4) Solicit private and federal grants for (~~economic and~~)  
13 community development programs and administer such programs in  
14 conjunction with other programs assigned to the department by the  
15 governor or the legislature;

16 (5) Cooperate with and provide technical and financial assistance  
17 to local governments(~~(? businesses?)~~) and community-based organizations  
18 serving the communities of the state for the purpose of aiding and  
19 encouraging orderly, productive, and coordinated community development  
20 of the state, and, unless stipulated otherwise, give additional  
21 consideration to local communities and (~~individuals~~) community-based  
22 organizations with the greatest relative need and the fewest resources;

23 (6) Participate with other states or subdivisions thereof in  
24 interstate programs and assist cities, towns, counties, municipal  
25 corporations, governmental conferences or councils, and regional  
26 planning commissions to participate with other states and provinces or  
27 their subdivisions;

28 (7) Hold public hearings and meetings to carry out the purposes of  
29 this chapter;

30 (8) Conduct research and analysis in furtherance of the state's  
31 (~~economic and~~) community development efforts including maintenance of  
32 current information on (~~market, demographic, and economic trends as~~  
33 ~~they affect different industrial sectors?~~) geographic regions(~~(?)~~) and  
34 communities with special economic and social problems in the state; and

35 (9) Develop a schedule of fees for services where appropriate.

36 **Sec. 105.** RCW 43.330.070 and 1993 c 280 s 10 are each amended to  
37 read as follows:

1 (1) The department shall work closely with local communities to  
2 increase their capacity to respond to economic, environmental, and  
3 social problems and challenges. The department shall coordinate the  
4 delivery of ~~((development services and))~~ related technical assistance  
5 to local communities or regional areas~~((. It shall promote  
6 partnerships between the public and private sectors and between state  
7 and local officials to encourage appropriate economic growth and  
8 opportunity in communities throughout the state. The department))~~ and  
9 shall promote appropriate ~~((local))~~ community development by:  
10 ~~((Supporting the ability of communities to develop and implement  
11 strategic development plans; assisting businesses to start up,  
12 maintain, or expand their operations;))~~ Encouraging public  
13 infrastructure investment and private and public capital investment in  
14 local communities~~((;))~~, supporting efforts to manage growth and provide  
15 affordable housing and housing services~~((;))~~, and providing for the  
16 identification and preservation of the state's historical and cultural  
17 resources~~((; and expanding employment opportunities))~~.

18 (2) The department shall define a set of services including related  
19 training and technical assistance that it will make available to local  
20 communities, community-based nonprofit organizations, and regional  
21 areas~~((, or businesses))~~. The department shall simplify access to  
22 these programs by providing more centralized and user-friendly  
23 information and referral. The department shall coordinate community  
24 ~~((and economic))~~ development efforts to minimize program redundancy and  
25 maximize accessibility. The department shall develop a set of criteria  
26 for targeting services to local communities.

27 (3) The department shall develop a coordinated and systematic  
28 approach to providing related training to community-based nonprofit  
29 organizations, local communities, and ~~((businesses))~~ regional areas.  
30 The approach shall be designed to increase the ~~((economic and))~~  
31 community development skills available in local communities by  
32 providing training and funding for training for local citizens~~((;))~~ and  
33 nonprofit organizations~~((, and businesses))~~. The department shall  
34 emphasize providing training in those communities most in need of state  
35 assistance.

36 **Sec. 106.** RCW 43.330.125 and 1995 c 347 s 430 are each amended to  
37 read as follows:



1 The department (~~of community, trade, and economic development~~)  
2 shall provide training and technical assistance to counties and cities  
3 to assist them in fulfilling the requirements of chapter 36.70B RCW.

4 **Sec. 107.** RCW 43.330.135 and 1995 c 13 s 1 are each amended to  
5 read as follows:

6 (1) The department (~~of community, trade, and economic~~  
7 ~~development~~) shall distribute such funds as are appropriated for the  
8 state-wide technical support, development, and enhancement of court-  
9 appointed special advocate programs.

10 (2) In order to receive money under subsection (1) of this section,  
11 an organization providing state-wide technical support, development,  
12 and enhancement of court-appointed special advocate programs must meet  
13 all of the following requirements:

14 (a) The organization must provide state-wide support, development,  
15 and enhancement of court-appointed special advocate programs that offer  
16 guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and  
17 13.34.100;

18 (b) All guardians ad litem working under court-appointed special  
19 advocate programs supported, developed, or enhanced by the organization  
20 must be volunteers and may not receive payment for services rendered  
21 pursuant to the program. The organization may include paid positions  
22 that are exclusively administrative in nature, in keeping with the  
23 scope and purpose of this section; and

24 (c) The organization providing state-wide technical support,  
25 development, and enhancement of court-appointed special advocate  
26 programs must be a public benefit nonprofit corporation as defined in  
27 RCW 24.03.490.

28 (3) If more than one organization is eligible to receive money  
29 under this section, the department shall develop criteria for  
30 allocation of appropriated money among the eligible organizations.

31 **Sec. 108.** RCW 43.63A.066 and 1993 c 280 s 58 are each amended to  
32 read as follows:

33 The department (~~of community, trade, and economic development~~)  
34 shall have primary responsibility for providing child abuse and neglect  
35 prevention training to preschool age children participating in the  
36 federal head start program or the early childhood education and

1 assistance program established under RCW 28A.215.010 through  
2 28A.215.200 and 28A.215.900 through 28A.215.908.

3 **Sec. 109.** RCW 43.63A.115 and 1993 c 280 s 60 are each amended to  
4 read as follows:

5 (1) The community action agency network, established initially  
6 under the federal economic opportunity act of 1964 and subsequently  
7 under the federal community services block grant program of 1981, as  
8 amended, shall be a delivery system for federal and state anti-poverty  
9 programs in this state, including but not limited to the community  
10 services block grant program, the low-income energy assistance program,  
11 and the federal department of energy weatherization program.

12 (2) Local community action agencies comprise the community action  
13 agency network. The community action agency network shall serve low-  
14 income persons in the counties. Each community action agency and its  
15 service area shall be designated in the state federal community service  
16 block grant plan as prepared by the department (~~of community, trade,~~  
17 ~~and economic development~~)).

18 (3) Funds for anti-poverty programs may be distributed to the  
19 community action agencies by the department (~~of community, trade, and~~  
20 ~~economic development~~) and other state agencies in consultation with  
21 the authorized representatives of community action agency networks.

22 **Sec. 110.** RCW 43.63A.155 and 1993 c 280 s 61 are each amended to  
23 read as follows:

24 The department (~~of community, trade, and economic development~~)  
25 shall retain the bond information it receives under RCW 39.44.210 and  
26 39.44.230 and shall publish summaries of local government bond issues  
27 at least once a year.

28 The department (~~of community, trade, and economic development~~)  
29 shall adopt rules under chapter 34.05 RCW to implement RCW 39.44.210  
30 and 39.44.230.

31 **Sec. 111.** RCW 43.63A.275 and 1993 c 280 s 67 are each amended to  
32 read as follows:

33 (1) Each biennium the department (~~of community, trade, and~~  
34 ~~economic development~~) shall distribute such funds as are appropriated  
35 for retired senior volunteer programs (RSVP) as follows:

1 (a) At least sixty-five percent of the moneys may be distributed  
2 according to formulae and criteria to be determined by the department  
3 (~~of community, trade, and economic development~~) in consultation with  
4 the RSVP directors association.

5 (b) Up to twenty percent of the moneys may be distributed by  
6 competitive grant process to develop RSVP projects in counties not  
7 presently being served, or to expand existing RSVP services into  
8 counties not presently served.

9 (c) Ten percent of the moneys may be used by the department (~~of~~  
10 ~~community, trade, and economic development~~) for administration,  
11 monitoring of the grants, and providing technical assistance to the  
12 RSVP projects.

13 (d) Up to five percent of the moneys may be used to support  
14 projects that will benefit RSVPs state-wide.

15 (2) Grants under subsection (1) of this section shall give priority  
16 to programs in the areas of education, tutoring, English as a second  
17 language, combating of and education on drug abuse, housing and  
18 homeless, and respite care, and shall be distributed in accordance with  
19 the following:

20 (a) None of the grant moneys may be used to displace any paid  
21 employee in the area being served.

22 (b) Grants shall be made for programs that focus on:

23 (i) Developing new roles for senior volunteers in nonprofit and  
24 public organizations with special emphasis on areas targeted in section  
25 1, chapter 65, Laws of 1992. The roles shall reflect the diversity of  
26 the local senior population and shall respect their life experiences;

27 (ii) Increasing the expertise of volunteer managers and RSVP  
28 managers in the areas of communication, recruitment, motivation, and  
29 retention of today's over-sixty population;

30 (iii) Increasing the number of senior citizens recruited, referred,  
31 and placed with nonprofit and public organizations; and

32 (iv) Providing volunteer support such as: Mileage to and from the  
33 volunteer assignment, recognition, and volunteer insurance.

34 **Sec. 112.** RCW 43.63A.400 and 1993 c 280 s 72 are each amended to  
35 read as follows:

36 The department (~~of community, trade, and economic development~~)  
37 shall distribute grants to eligible public radio and television

1 broadcast stations under RCW 43.63A.410 and 43.63A.420 (as recodified  
2 by this act) to assist with programming, operations, and capital needs.

3 **Sec. 113.** RCW 43.63A.410 and 1993 c 280 s 73 are each amended to  
4 read as follows:

5 (1) Eligibility for grants under this section shall be limited to  
6 broadcast stations which are:

7 (a) Licensed to Washington state organizations, nonprofit  
8 corporations, or other entities under section 73.621 of the regulations  
9 of the federal communications commission; and

10 (b) Qualified to receive community service grants from the  
11 federally chartered corporation for public broadcasting. Eligibility  
12 shall be established as of February 28th of each year.

13 (2) The formula in this subsection shall be used to compute the  
14 amount of each eligible station's grant under this section.

15 (a) Appropriations under this section shall be divided into a radio  
16 fund, which shall be twenty-five percent of the total appropriation  
17 under this section, and a television fund, which shall be seventy-five  
18 percent of the total appropriation under this section. Each of the two  
19 funds shall be divided into a base grant pool, which shall be fifty  
20 percent of the fund, and an incentive grant pool, which shall be the  
21 remaining fifty percent of the fund.

22 (b) Each eligible participating public radio station shall receive  
23 an equal share of the radio base grant pool, plus a share of the radio  
24 incentive grant pool equal to the proportion its nonfederal financial  
25 support bears to the sum of all participating radio stations'  
26 nonfederal financial support as most recently reported to the  
27 corporation for public broadcasting.

28 (c) Each eligible participating public television station shall  
29 receive an equal share of the television base grant pool, plus a share  
30 of the television incentive grant pool equal to the proportion its  
31 nonfederal financial support bears to the sum of all participating  
32 television stations' nonfederal financial support as most recently  
33 reported to the corporation for public broadcasting.

34 (3) Annual financial reports to the corporation for public  
35 broadcasting by eligible stations shall also be submitted by the  
36 stations to the department (~~(of community, trade, and economic~~  
37 ~~development)~~).

1       **Sec. 114.** RCW 43.63A.440 and 1997 c 367 s 7 are each amended to  
2 read as follows:

3       The department (~~(of community, trade, and economic development)~~)  
4 shall provide technical and financial assistance to communities  
5 adversely impacted by reductions in timber harvested from federal,  
6 state, and private lands and reduction of salmon fishing caused by  
7 efforts to maintain the long-term viability of salmon stocks. The  
8 department shall use existing technical and financial assistance  
9 resources to aid communities in planning, implementing, and assembling  
10 financing for high priority community economic development projects.

11       **Sec. 115.** RCW 43.63A.460 and 1993 c 280 s 76 are each amended to  
12 read as follows:

13       (~~(Beginning on July 1, 1991,)~~) The department (~~(of community,~~  
14 ~~trade, and economic development)~~) shall be responsible for performing  
15 all the consumer complaint and related functions of the state  
16 administrative agency that are required for purposes of complying with  
17 the regulations established by the federal department of housing and  
18 urban development for manufactured housing, including the preparation  
19 and submission of the state administrative plan.

20       The department (~~(of community, trade, and economic development)~~)  
21 may enter into state or local interagency agreements to coordinate site  
22 inspection activities with record monitoring and complaint handling.  
23 The interagency agreement may also provide for the reimbursement for  
24 cost of work that an agency performs. The department may include other  
25 related areas in any interagency agreements which are necessary for the  
26 efficient provision of services.

27       (~~(The department of labor and industries shall transfer all~~  
28 ~~records, files, books, and documents necessary for the department of~~  
29 ~~community, trade, and economic development to assume these new~~  
30 ~~functions.~~)

31       ~~The directors of community, trade, and economic development and the~~  
32 ~~department of labor and industries shall immediately take such steps as~~  
33 ~~are necessary to ensure that this act is implemented on June 7, 1990.)~~)

34       **Sec. 116.** RCW 43.63A.600 and 1995 c 226 s 12 are each amended to  
35 read as follows:

36       (1) The department (~~(of community, trade, and economic~~  
37 ~~development)~~), as a member of the agency rural community assistance

1 task force shall establish and administer the emergency mortgage and  
2 rental assistance program. The department shall identify the  
3 communities most adversely affected by reductions in timber and salmon  
4 harvest levels and shall prioritize assistance under this program to  
5 these communities. The department shall work with the department of  
6 social and health services and the rural community assistance  
7 ((recovery)) coordinator to develop the program in rural natural  
8 resources impact areas. Organizations eligible to receive grant funds  
9 for distribution under the program are those organizations that are  
10 eligible to receive assistance through the Washington housing trust  
11 fund. The department shall disburse the funds to eligible local  
12 organizations as grants. The local organizations shall use the funds  
13 to make grants or loans as specified in RCW 43.63A.600 through  
14 43.63A.640 (as recodified by this act). If funds are disbursed as  
15 loans, the local organization shall establish a revolving grant and  
16 loan fund with funds received as loan repayments and shall continue to  
17 make grants or loans or both grants and loans from funds received as  
18 loan repayments to dislocated forest products and dislocated salmon  
19 fishing workers eligible under the provisions of RCW 43.63A.600 through  
20 43.63A.640 (as recodified by this act) and to other persons residing in  
21 rural natural resources impact areas who meet the requirements of RCW  
22 43.63A.600 through 43.63A.640 (as recodified by this act).

23 (2) The goals of the program are to:

24 (a) Provide temporary emergency mortgage loans or rental assistance  
25 grants or loans on behalf of dislocated forest products and dislocated  
26 salmon fishing workers in rural natural resources impact areas who are  
27 unable to make mortgage, property tax, or rental payments on their  
28 permanent residences and are subject to immediate eviction for  
29 nonpayment of mortgage installments, property taxes, or nonpayment of  
30 rent;

31 (b) Prevent the dislocation of individuals and families from their  
32 permanent residences and their communities; and

33 (c) Maintain economic and social stability in rural natural  
34 resources impact areas.

35 **Sec. 117.** RCW 43.330.152 and 1994 c 284 s 2 are each amended to  
36 read as follows:

37 In order to extend its services and programs, the department may  
38 charge reasonable fees for services and products provided in the areas

1 of financial assistance, housing, (~~international trade,~~) community  
2 assistance, (~~economic development,~~) and other service delivery areas,  
3 except as otherwise provided. These fees are not intended to exceed  
4 the costs of providing the service or preparing and distributing the  
5 product.

6 **Sec. 118.** RCW 43.330.155 and 1994 c 284 s 4 are each amended to  
7 read as follows:

8 The community (~~and economic~~) development fee account is created  
9 in the state treasury. The department may create subaccounts as  
10 necessary. The account consists of all receipts from fees charged by  
11 the department under RCW 43.330.150(~~)~~ and 43.330.152(~~,—and~~  
12 ~~43.210.110~~) (as recodified by this act). Expenditures from the  
13 account may be used only for the purposes of this chapter. Only the  
14 director or the director's designee may authorize expenditures from the  
15 account. Expenditures from the account may be spent only after  
16 appropriation.

17 **Sec. 119.** RCW 43.330.156 and 1994 c 284 s 8 are each amended to  
18 read as follows:

19 The fees authorized under RCW 43.330.150(~~)~~ and 43.330.152(~~,—~~  
20 ~~70.95H.040, and 43.210.110~~) (as recodified by this act) shall be  
21 adopted by rule pursuant to chapter 34.05 RCW.

22 **Sec. 120.** RCW 43.330.904 and 1996 c 186 s 101 are each amended to  
23 read as follows:

24 (1) All powers, duties, and functions of the state energy office  
25 relating to (~~energy resource policy and planning and~~) energy facility  
26 siting are transferred to the department (~~of community, trade, and~~  
27 ~~economic development~~). All references to the director or the state  
28 energy office in the Revised Code of Washington shall be construed to  
29 mean the director or the department (~~of community, trade, and economic~~  
30 ~~development~~) when referring to the functions transferred in this  
31 section.

32 (~~The director shall appoint an assistant director for energy~~  
33 ~~policy, and energy policy staff shall have no additional~~  
34 ~~responsibilities beyond activities concerning energy policy.~~)

35 (2)(a) All reports, documents, surveys, books, records, files,  
36 papers, or written material in the possession of the state energy

1 office pertaining to the powers, functions, and duties transferred  
2 shall be delivered to the custody of the department (~~of community,~~  
3 ~~trade, and economic development~~). All cabinets, furniture, office  
4 equipment, software, data base, motor vehicles, and other tangible  
5 property employed by the state energy office in carrying out the  
6 powers, functions, and duties transferred shall be made available to  
7 the department (~~of community, trade, and economic development~~).

8 (b) Any appropriations made to the state energy office for carrying  
9 out the powers, functions, and duties transferred (~~shall, on July 1,~~  
10 ~~1996, be~~) are transferred and credited to the department (~~of~~  
11 ~~community, trade, and economic development~~).

12 (c) Whenever any question arises as to the transfer of any funds,  
13 books, documents, records, papers, files, software, data base,  
14 equipment, or other tangible property used or held in the exercise of  
15 the powers and the performance of the duties and functions transferred,  
16 the director of financial management shall make a determination as to  
17 the proper allocation and certify the same to the state agencies  
18 concerned.

19 (3) (~~All employees of the state energy office engaged in~~  
20 ~~performing the powers, functions, and duties pertaining to the energy~~  
21 ~~facility site evaluation council are transferred to the jurisdiction of~~  
22 ~~the department of community, trade, and economic development. All~~  
23 ~~employees engaged in energy facility site evaluation council duties~~  
24 ~~classified under chapter 41.06 RCW, the state civil service law, are~~  
25 ~~assigned to the department of community, trade, and economic~~  
26 ~~development to perform their usual duties upon the same terms as~~  
27 ~~formerly, without any loss of rights, subject to any action that may be~~  
28 ~~appropriate thereafter in accordance with the laws and rules governing~~  
29 ~~state civil service.~~

30 (4)) All rules and all pending business before the state energy  
31 office pertaining to the powers, functions, and duties transferred  
32 shall be continued and acted upon by the department (~~of community,~~  
33 ~~trade, and economic development~~). All existing contracts and  
34 obligations shall remain in full force and shall be performed by the  
35 department (~~of community, trade, and economic development~~).

36 ((+5)) (4) The transfer of the powers, duties, and functions of  
37 the state energy office does not affect the validity of any act  
38 performed before July 1, (~~1996~~) 2000.



1       (~~(6)~~) (5) If apportionments of budgeted funds are required  
2 because of the transfers directed by this section, the director of the  
3 office of financial management shall certify the apportionments to the  
4 agencies affected, the state auditor, and the state treasurer. Each of  
5 these shall make the appropriate transfer and adjustments in funds and  
6 appropriation.

7       (~~(7)~~) The department of community, trade, and economic development  
8 shall direct the closure of the financial records of the state energy  
9 office.

10       ~~(8) Responsibility for implementing energy education, applied~~  
11 ~~research, and technology transfer programs rests with Washington State~~  
12 ~~University. The department of community, trade, and economic~~  
13 ~~development shall provide Washington State University available~~  
14 ~~existing and future oil overcharge restitution and federal energy block~~  
15 ~~funding for a minimum period of five years to carry out energy programs~~  
16 ~~under an interagency agreement with the department of community, trade,~~  
17 ~~and economic development. The interagency agreement shall also outline~~  
18 ~~the working relationship between the department of community, trade,~~  
19 ~~and economic development and Washington State University as it pertains~~  
20 ~~to the relationship between energy policy development and public~~  
21 ~~outreach. Nothing in chapter 186, Laws of 1996 prohibits Washington~~  
22 ~~State University from seeking grant, contract, or fee for service~~  
23 ~~funding for energy or related programs directly from other entities.)~~)

24       NEW SECTION.   **Sec. 121.** A new section is added to chapter 43.330  
25 RCW to read as follows:

26       (1) All powers, duties, and functions of the department of  
27 community, trade, and economic development pertaining to community  
28 development are transferred to the department of community development.  
29 All references to the director or the department of community, trade,  
30 and economic development in the Revised Code of Washington shall be  
31 construed to mean the director or the department of community  
32 development when referring to the functions transferred in this  
33 section.

34       (2)(a) All reports, documents, surveys, books, records, files,  
35 papers, or written material in the possession of the department of  
36 community, trade, and economic development pertaining to the powers,  
37 functions, and duties transferred shall be delivered to the custody of  
38 the department of community development. All cabinets, furniture,

1 office equipment, motor vehicles, and other tangible property employed  
2 by the department of community, trade, and economic development in  
3 carrying out the powers, functions, and duties transferred shall be  
4 made available to the department of community development. All funds,  
5 credits, or other assets held in connection with the powers, functions,  
6 and duties transferred shall be assigned to the department of community  
7 development.

8 (b) Any appropriations made to the department of community, trade,  
9 and economic development for carrying out the powers, functions, and  
10 duties transferred shall, on the effective date of this section, be  
11 transferred and credited to the department of community development.

12 (c) Whenever any question arises as to the transfer of any  
13 personnel, funds, books, documents, records, papers, files, equipment,  
14 or other tangible property used or held in the exercise of the powers  
15 and the performance of the duties and functions transferred, the  
16 director of financial management shall make a determination as to the  
17 proper allocation and certify the same to the state agencies concerned.

18 (3) All employees of the department of community, trade, and  
19 economic development engaged in performing the powers, functions, and  
20 duties transferred are transferred to the jurisdiction of the  
21 department of community development. All employees classified under  
22 chapter 41.06 RCW, the state civil service law, are assigned to the  
23 department of community development to perform their usual duties upon  
24 the same terms as formerly, without any loss of rights, subject to any  
25 action that may be appropriate thereafter in accordance with the laws  
26 and rules governing state civil service.

27 (4) All rules and all pending business before the department of  
28 community, trade, and economic development pertaining to the powers,  
29 functions, and duties transferred shall be continued and acted upon by  
30 the department of community development. All existing contracts and  
31 obligations shall remain in full force and shall be performed by the  
32 department of community development.

33 (5) The transfer of the powers, duties, functions, and personnel of  
34 the department of community, trade, and economic development shall not  
35 affect the validity of any act performed before the effective date of  
36 this section.

37 (6) If apportionments of budgeted funds are required because of the  
38 transfers directed by this section, the director of financial  
39 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make  
2 the appropriate transfer and adjustments in funds and appropriation  
3 accounts and equipment records in accordance with the certification.

4 (7) Nothing contained in this section may be construed to alter any  
5 existing collective bargaining unit or the provisions of any existing  
6 collective bargaining agreement until the agreement has expired or  
7 until the bargaining unit has been modified by action of the personnel  
8 board as provided by law.

9 **Sec. 122.** RCW 41.06.072 and 1995 c 399 s 59 are each amended to  
10 read as follows:

11 In addition to the exemptions set forth in this chapter, this  
12 chapter shall not apply within the department of community(~~(, trade,~~  
13 ~~and economic))~~ development to the director, one confidential secretary,  
14 the deputy directors, all assistant directors, and the state historic  
15 preservation officer(~~(, and up to two professional staff members within~~  
16 ~~the emergency management program))~~).

17 NEW SECTION. **Sec. 123.** The following acts or parts of acts are  
18 each repealed:

- 19 (1) RCW 43.330.005 (Intent) and 1993 c 280 s 1;  
20 (2) RCW 43.330.007 (Management responsibility) and 1993 c 280 s 2;  
21 (3) RCW 43.330.010 (Definitions) and 1993 c 280 s 3; and  
22 (4) RCW 43.330.900 (References to director and department) and 1993  
23 c 280 s 79.

24 NEW SECTION. **Sec. 124.** The following sections are each recodified  
25 as new sections in chapter 43.330 RCW:

- 26 RCW 43.63A.021  
27 RCW 43.63A.066  
28 RCW 43.63A.067  
29 RCW 43.63A.075  
30 RCW 43.63A.105  
31 RCW 43.63A.115  
32 RCW 43.63A.125  
33 RCW 43.63A.150  
34 RCW 43.63A.155  
35 RCW 43.63A.190  
36 RCW 43.63A.215

1 RCW 43.63A.240  
2 RCW 43.63A.245  
3 RCW 43.63A.247  
4 RCW 43.63A.249  
5 RCW 43.63A.265  
6 RCW 43.63A.270  
7 RCW 43.63A.275  
8 RCW 43.63A.400  
9 RCW 43.63A.410  
10 RCW 43.63A.420  
11 RCW 43.63A.440  
12 RCW 43.63A.460  
13 RCW 43.63A.465  
14 RCW 43.63A.4651  
15 RCW 43.63A.470  
16 RCW 43.63A.475  
17 RCW 43.63A.480  
18 RCW 43.63A.485  
19 RCW 43.63A.490  
20 RCW 43.63A.500  
21 RCW 43.63A.510  
22 RCW 43.63A.550  
23 RCW 43.63A.600  
24 RCW 43.63A.610  
25 RCW 43.63A.620  
26 RCW 43.63A.630  
27 RCW 43.63A.640  
28 RCW 43.63A.650  
29 RCW 43.63A.660  
30 RCW 43.63A.670  
31 RCW 43.63A.680  
32 RCW 43.63A.720  
33 RCW 43.63A.725  
34 RCW 43.63A.730  
35 RCW 43.63A.735  
36 RCW 43.63A.740  
37 RCW 43.63A.900  
38 RCW 43.63A.901  
39 RCW 43.63A.902

1 RCW 43.63A.903

2 NEW SECTION. **Sec. 125.** The following sections are recodified in  
3 chapter 43.330 RCW near the end of the chapter:

4 RCW 43.330.150

5 RCW 43.330.152

6 RCW 43.330.155

7 RCW 43.330.156

8 NEW SECTION. **Sec. 126.** The code reviser may recodify the  
9 following sections in chapter 43.330 RCW:

10 RCW 43.330.190

11 RCW 43.330.200

12 RCW 43.330.210

13 RCW 43.330.220

14 RCW 43.330.230

15 NEW SECTION. **Sec. 127.** The code reviser shall insert notes  
16 following all sections containing references to the department of  
17 community, trade, and economic development indicating that this agency  
18 is now referred to as the department of community development.

19 **PART II**

20 **DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

21 NEW SECTION. **Sec. 201.** The department of trade and economic  
22 development is created. Except as provided in this act, the department  
23 shall be vested with all powers and duties formerly exercised by the  
24 prior department of trade and economic development, before its merger  
25 with the prior department of community development into the department  
26 of community, trade, and economic development by chapter 280, Laws of  
27 1993, and such other powers and duties as may be authorized by law.

28 NEW SECTION. **Sec. 202.** Unless the context clearly requires  
29 otherwise, the definitions in this section apply throughout this  
30 chapter.

31 (1) "Associate development organization" means a local economic  
32 development nonprofit corporation that is broadly representative of  
33 community interests.

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

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

5 NEW SECTION. **Sec. 203.** (1) The director shall supervise and  
6 administer the activities of the department and shall advise the  
7 governor and the legislature with respect to economic development  
8 matters affecting the state.

9 (2) In addition to other powers and duties granted to the director,  
10 the director shall have the following powers and duties:

11 (a) To enter into contracts on behalf of the state to carry out the  
12 purposes of this chapter;

13 (b) To act for the state in the initiation of or participation in  
14 any multigovernmental program relative to the purpose of this chapter;

15 (c) To accept and expend gifts and grants, whether such grants be  
16 of federal or other funds;

17 (d) To appoint a deputy director, assistant directors, and other  
18 positions as may be needed to administer the department. These  
19 employees are exempt from the provisions of chapter 41.06 RCW;

20 (e) To prepare and submit budgets for the department for executive  
21 and legislative action;

22 (f) To submit recommendations for legislative actions as are deemed  
23 necessary to further the purposes of this chapter;

24 (g) To adopt rules in accordance with chapter 34.05 RCW and perform  
25 all other functions necessary and proper to carry out the purposes of  
26 this chapter;

27 (h) To delegate powers, duties, and functions as the director deems  
28 necessary for efficient administration, but the director shall be  
29 responsible for the official acts of the officers and employees of the  
30 department; and

31 (i) To perform other duties as are necessary and consistent with  
32 law.

33 (3) When federal or other funds are received by the department,  
34 they shall be promptly transferred to the state treasurer and  
35 thereafter expended only upon the approval of the director.

36 (4) The director may request information and assistance from all  
37 other agencies, departments, and officials of the state, and may  
38 reimburse such agencies, departments, or officials if such a request

1 imposes any additional expenses upon any such agency, department, or  
2 official.

3 (5) The director shall, in carrying out the responsibilities of  
4 office, consult with governmental officials, private groups, and  
5 individuals and with officials of other states. All state agencies and  
6 their officials and the officials of any political subdivision of the  
7 state shall cooperate with and give such assistance to the department,  
8 including the submission of requested information, to allow the  
9 department to carry out its purposes under this chapter.

10 (6) The director may establish additional advisory or coordinating  
11 groups with the legislature, within state government, with state and  
12 other governmental units, with the private sector and nonprofit  
13 entities or in specialized subject areas as may be necessary to carry  
14 out the purposes of this chapter.

15 (7) The internal affairs of the department shall be under the  
16 control of the director in order that the director may manage the  
17 department in a flexible and intelligent manner as dictated by changing  
18 contemporary circumstances. Unless specifically limited by law, the  
19 director shall have complete charge and supervisory powers over the  
20 department. The director may create such administrative structures as  
21 the director deems appropriate, except as otherwise specified by law,  
22 and the director may employ such personnel as may be necessary in  
23 accordance with chapter 41.06 RCW, except as otherwise provided by law.

24 (8) The director may enter into an interagency agreement with the  
25 department of community development to appoint an employee of that  
26 agency as the director's designee to the forest practices board under  
27 RCW 76.09.030(1)(b) if it is in the best interests of the department to  
28 do so. Any interagency agreement entered into under this subsection,  
29 shall expire on June 30, 2001. The department may not enter into an  
30 interagency agreement under this subsection after June 30, 2001.

31 NEW SECTION. **Sec. 204.** The department shall be responsible for  
32 promoting economic development within the state by assisting the  
33 state's communities to increase the quality of life and their economic  
34 vitality, while maintaining a quality environment. Economic  
35 development efforts include, but are not limited to, efforts to  
36 increase economic opportunities, business and trade development, work  
37 force development, assisting firms and industrial sectors to increase  
38 their competitiveness, fostering the development of minority and women-

1 owned businesses, and facilitating the development, transfer, and  
2 diffusion of technology.

3 NEW SECTION. **Sec. 205.** (1) The department shall work closely with  
4 local communities to increase their capacity to respond to economic  
5 problems and challenges. The department shall coordinate the delivery  
6 of development services and related technical assistance to local  
7 communities or regional areas. It shall promote partnerships between  
8 the public and private sectors and between state and local officials to  
9 encourage and manage appropriate economic growth and opportunity in  
10 communities throughout the state and shall promote appropriate local  
11 economic development by supporting the ability of communities to  
12 develop and implement strategic development plans, assisting businesses  
13 to start up, maintain, or expand their operations, and expanding  
14 employment opportunities.

15 (2) The department shall define a set of services including related  
16 training and technical assistance that it will make available to local  
17 communities, community-based nonprofit organizations, regional areas,  
18 or businesses. The department shall simplify access to these programs  
19 by providing more centralized and user-friendly information and  
20 referral. The department shall coordinate economic development efforts  
21 to minimize program redundancy and maximize accessibility. The  
22 department shall develop a set of criteria for targeting services to  
23 local communities.

24 (3) The department shall develop a coordinated and systematic  
25 approach to providing related training to community-based nonprofit  
26 organizations, local communities, and businesses. The approach shall  
27 be designed to increase the economic development skills available in  
28 local communities by providing training and funding for training for  
29 local citizens, nonprofit organizations, and businesses. The  
30 department shall emphasize providing training in those communities most  
31 in need of state assistance.

32 **Sec. 206.** RCW 43.63A.230 and 1993 c 280 s 63 are each amended to  
33 read as follows:

34 (1) The department (~~(of community, trade, and economic~~  
35 ~~development)) shall integrate an employee ownership program within its~~  
36 existing technical assistance programs. The employee ownership program  
37 shall provide technical assistance to cooperatives authorized under



1 chapter 23.78 RCW and conduct educational programs on employee  
2 ownership and self-management. The department shall include  
3 information on the option of employee ownership wherever appropriate in  
4 its various programs.

5 (2) The department shall maintain a list of firms and individuals  
6 with expertise in the field of employee ownership and utilize such  
7 firms and individuals, as appropriate, in delivering and coordinating  
8 the delivery of technical, managerial, and educational services. In  
9 addition, the department shall work with and rely on the services of  
10 the department of community development, the employment security  
11 department, and state institutions of higher education to promote  
12 employee ownership.

13 (3) The department shall report to the governor, the appropriate  
14 economic development committees of the senate and the house of  
15 representatives, and the ways and means committees of each house by  
16 December 1<sup>st</sup> of ~~((1988,—and))~~ each year ~~((thereafter,))~~ on the  
17 accomplishments of the employee-ownership program. Such reports shall  
18 include the number and types of firms assisted, the number of jobs  
19 created by such firms, the types of services, the number of workshops  
20 presented, the number of employees trained, and the results of client  
21 satisfaction surveys distributed to those using the services of the  
22 program.

23 (4) For purposes of this section, an employee stock ownership plan  
24 qualifies as a cooperative if at least fifty percent, plus one share,  
25 of its voting shares of stock are voted on a one-person-one-vote basis.

26 **Sec. 207.** RCW 43.330.065 and 1996 c 253 s 303 are each amended to  
27 read as follows:

28 The department ~~((of community, trade, and economic development))~~,  
29 in consultation with the office of protocol, the office of the  
30 secretary of state, the department of agriculture, and the employment  
31 security department shall identify up to fifteen countries that are of  
32 strategic importance to the development of Washington's international  
33 trade relations.

34 **Sec. 208.** RCW 43.330.080 and 1997 c 60 s 1 are each amended to  
35 read as follows:

36 (1) The department shall contract with associate development  
37 organizations or other local organizations to increase the support for

1 and coordination of ((~~community and~~)) economic development services in  
2 communities or regional areas. The organizations contracted with in  
3 each community or regional area shall be broadly representative of  
4 community and economic interests. The organization shall be capable of  
5 identifying key economic ((~~and community~~)) development problems,  
6 developing appropriate solutions, and mobilizing broad support for  
7 recommended initiatives. The contracting organization shall work with  
8 and include local governments, local chambers of commerce, private  
9 industry councils, port districts, labor groups, institutions of higher  
10 education, community action programs, and other appropriate private,  
11 public, or nonprofit ((~~community and~~)) economic development groups.  
12 The department shall be responsible for determining the scope of  
13 services delivered under these contracts.

14 (2) Associate development organizations or other local development  
15 organizations contracted with shall promote and coordinate, through  
16 local service agreements with local governments, small business  
17 development centers, port districts, community and technical colleges,  
18 private industry councils, and other development organizations, for the  
19 efficient delivery of ((~~community and~~)) economic development services  
20 in their areas.

21 (3) The department shall consult with associate development  
22 organizations, port districts, local governments, and other local  
23 development organizations in the establishment of service delivery  
24 regions throughout the state. The legislature encourages local  
25 associate development organizations to form partnerships with other  
26 associate development organizations in their region to combine  
27 resources for better access to available services, to encourage  
28 regional delivery of state services, and to build the local capacity of  
29 communities in the region more effectively.

30 (4) The department shall contract on a regional basis for surveys  
31 of key sectors of the regional economy and the coordination of  
32 technical assistance to businesses and employees within the key  
33 sectors. The department's selection of contracting organizations or  
34 consortiums shall be based on the sufficiency of the organization's or  
35 consortium's proposal to examine key sectors of the local economy  
36 within its region adequately and its ability to coordinate the delivery  
37 of services required by businesses within the targeted sectors.  
38 Organizations contracting with the department shall work closely with  
39 the department to examine the local economy and to develop strategies

1 to focus on developing key sectors that show potential for long-term  
2 sustainable growth. The contracting organization shall survey  
3 businesses and employees in targeted sectors on a periodic basis to  
4 gather information on the sector's business needs, expansion plans,  
5 relocation decisions, training needs, potential layoffs, financing  
6 needs, availability of financing, and other appropriate information  
7 about economic trends and specific employer and employee needs in the  
8 region.

9 (5) The contracting organization shall participate with the work  
10 force training and education coordinating board as created in chapter  
11 28C.18 RCW, and any regional entities designated by that board, in  
12 providing for the coordination of job skills training within its  
13 region.

14 **Sec. 209.** RCW 43.31.057 and 1993 c 280 s 39 are each amended to  
15 read as follows:

16 The department (~~(of community, trade, and economic development)~~) is  
17 directed to develop and promote means to stimulate the expansion of the  
18 market for Washington products and shall have the following powers and  
19 duties:

20 (1) To develop a pamphlet for state-wide circulation which will  
21 encourage the purchase of items produced in the state of Washington;

22 (2) To include in the pamphlet a listing of products of Washington  
23 companies which individuals can examine when making purchases so they  
24 may have the opportunity to select one of those products in support of  
25 this program;

26 (3) To distribute the pamphlets on the broadest possible basis  
27 through local offices of state agencies, business organizations,  
28 chambers of commerce, or any other means the department deems  
29 appropriate;

30 (4) In carrying out these powers and duties the department shall  
31 cooperate and coordinate with other agencies of government and the  
32 private sector.

33 **Sec. 210.** RCW 43.31.093 and 1995 c 399 s 71 are each amended to  
34 read as follows:

35 The department (~~(of community, trade, and economic development)~~)  
36 shall contract with public and private agencies, institutions, and  
37 organizations to conduct entrepreneurial training courses for minority

1 and women-owned small businesses. The instruction shall be intensive,  
2 practical training courses in financing, marketing, managing,  
3 accounting, and recordkeeping for a small business, with an emphasis on  
4 federal, state, local, or private programs available to assist small  
5 businesses. The (~~business assistance center~~) department may  
6 recommend professional instructors, with practical knowledge and  
7 experience on how to start and operate a business, to teach the  
8 courses. Instruction shall be offered in major population centers  
9 throughout the state at times and locations which are convenient for  
10 minority and women small business owners and entrepreneurs.

11 **Sec. 211.** RCW 43.31.205 and 1993 c 280 s 41 are each amended to  
12 read as follows:

13 In an effort to enhance the economy of the Tri-Cities area, the  
14 department (~~of community, trade, and economic development~~) is  
15 directed to promote the existence of the lease between the state of  
16 Washington and the federal government executed September 10, 1964,  
17 covering one thousand acres of land lying within the Hanford  
18 reservation near Richland, Washington, and the opportunity of  
19 subleasing the land to entities for nuclear-related industry, in  
20 agreement with the terms of the lease. When promoting the existence of  
21 the lease, the department shall work in cooperation with any associate  
22 development organization located in or near the Tri-Cities area.

23 **Sec. 212.** RCW 43.31.409 and 1993 c 280 s 42 are each amended to  
24 read as follows:

25 (~~There is created in the business assistance center of the~~  
26 ~~department of community, trade, and economic development~~) The  
27 Washington investment opportunities office is created in the  
28 department.

29 **Sec. 213.** RCW 43.31.422 and 1998 c 76 s 1 are each amended to read  
30 as follows:

31 The Hanford area economic investment fund is established in the  
32 custody of the state treasurer. Moneys in the fund shall only be used  
33 for reasonable assistant attorney general costs in support of the  
34 committee or pursuant to the recommendations of the committee created  
35 in RCW 43.31.425 and the approval of the director (~~of community,~~  
36 ~~trade, and economic development~~) for Hanford area revolving loan

1 funds, Hanford area infrastructure projects, or other Hanford area  
2 economic development and diversification projects, but may not be used  
3 for government or nonprofit organization operating expenses. Up to  
4 five percent of moneys in the fund may be used for program  
5 administration. For the purpose of this chapter "Hanford area" means  
6 Benton and Franklin counties. Disbursements from the fund shall be on  
7 the authorization of the director (~~(of community, trade, and economic~~  
8 ~~development)~~) or the director's designee after an affirmative vote of  
9 at least six members of the committee created in RCW 43.31.425 on any  
10 recommendations by the committee created in RCW 43.31.425. The fund is  
11 subject to the allotment procedures under chapter 43.88 RCW, but no  
12 appropriation is required for disbursements. The legislature intends  
13 to establish similar economic investment funds for areas that develop  
14 low-level radioactive waste disposal facilities.

15 **Sec. 214.** RCW 43.31.504 and 1993 c 280 s 45 are each amended to  
16 read as follows:

17 The child care facility fund committee is established within the  
18 (~~(business assistance center of the)~~) department (~~(of community, trade,~~  
19 ~~and economic development)~~). The committee shall administer the child  
20 care facility fund, with review by the director (~~(of community, trade,~~  
21 ~~and economic development)~~).

22 (1) The committee shall have five members. The director (~~(of~~  
23 ~~community, trade, and economic development)~~) shall appoint the members,  
24 who shall include:

25 (a) Two persons experienced in investment finance and having skills  
26 in providing capital to new businesses, in starting and operating  
27 businesses, and providing professional services to small or expanding  
28 businesses;

29 (b) One person representing a philanthropic organization with  
30 experience in evaluating funding requests;

31 (c) One child care services expert; and

32 (d) One early childhood development expert.

33 In making these appointments, the director shall give careful  
34 consideration to ensure that the various geographic regions of the  
35 state are represented and that members will be available for meetings  
36 and are committed to working cooperatively to address child care needs  
37 in Washington state.

1 (2) The committee shall elect officers from among its membership  
2 and shall adopt policies and procedures specifying the lengths of  
3 terms, methods for filling vacancies, and other matters necessary to  
4 the ongoing functioning of the committee.

5 (3) Committee members shall serve without compensation, but may  
6 request reimbursement for travel expenses as provided in RCW 43.03.050  
7 and 43.03.060.

8 (4) Committee members shall not be liable to the state, to the  
9 child care facility fund, or to any other person as a result of their  
10 activities, whether ministerial or discretionary, as members except for  
11 willful dishonesty or intentional violation of the law. The department  
12 (~~of community, trade, and economic development~~) may purchase  
13 liability insurance for members and may indemnify these persons against  
14 the claims of others.

15 **Sec. 215.** RCW 43.31.522 and 1993 c 280 s 46 are each amended to  
16 read as follows:

17 (~~Unless the context clearly requires otherwise, the definitions in~~  
18 ~~this section apply throughout~~) As used in RCW 43.31.524 and  
19 43.31.526(~~(:~~

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

22 (2) ~~"Center" means the business assistance center established under~~  
23 ~~RCW 43.31.083.~~

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

26 (4)) "local nonprofit organization" means a local nonprofit  
27 organization organized to provide economic development or community  
28 development services, including but not limited to associate  
29 development organizations, economic development councils, and community  
30 development corporations.

31 **Sec. 216.** RCW 43.31.524 and 1993 c 280 s 47 are each amended to  
32 read as follows:

33 There is established a Washington marketplace program within the  
34 (~~business assistance center established under RCW 43.31.083~~)  
35 department. The program shall assist businesses to competitively meet  
36 their needs for goods and services within Washington state by providing  
37 information relating to the replacement of imports or the fulfillment

1 of new requirements with Washington products produced in Washington  
2 state. The program shall place special emphasis on strengthening rural  
3 economies in economically distressed areas of the state meeting the  
4 criteria of an "eligible area" as defined in RCW 82.60.020(3).

5 **Sec. 217.** RCW 43.31.641 and 1997 c 367 s 6 are each amended to  
6 read as follows:

7 The department (~~(of community, trade, and economic development)~~),  
8 as a member of the agency rural community assistance task force, shall:

9 (1) Administer available federal grant funds to support strategic  
10 diversification needs and opportunities of timber-dependent  
11 communities, value-added forest products firms, and the value-added  
12 forest products industry in Washington state.

13 (2) Provide value-added wood products companies with building  
14 products export development assistance.

15 **Sec. 218.** RCW 43.31.830 and 1993 c 280 s 53 are each amended to  
16 read as follows:

17 (1) It shall be the duty of the director (~~(of community, trade, and~~  
18 ~~economic development)~~) to certify, from the applications received, the  
19 state international trade fair or fairs qualified and entitled to  
20 receive funds under RCW 67.16.100, and under rules established by the  
21 director.

22 (2) The director shall make annual allotments to state  
23 international trade fairs determined qualified to be entitled to  
24 participate in the state trade fair fund and shall fix times for the  
25 division of and payment from the state trade fair fund: PROVIDED, That  
26 total payment to any one state international trade fair shall not  
27 exceed sixty thousand dollars in any one year, where participation or  
28 presentation occurs within the United States, and eighty thousand  
29 dollars in any one year, where participation or presentation occurs  
30 outside the United States: PROVIDED FURTHER, That a state  
31 international trade fair may qualify for the full allotment of funds  
32 under either category. Upon certification of the allotment and  
33 division of fair funds by the director the treasurer shall proceed to  
34 pay the same to carry out the purposes of RCW 67.16.100.

35 **Sec. 219.** RCW 43.31.840 and 1993 c 280 s 54 are each amended to  
36 read as follows:

1 The director (~~of community, trade, and economic development~~)  
2 shall at the end of each year for which an annual allotment has been  
3 made, conduct a post audit of all of the books and records of each  
4 state international trade fair participating in the state trade fair  
5 fund. The purpose of such post audit shall be to determine how and to  
6 what extent each participating state international trade fair has  
7 expended all of its funds.

8 The audit required by this section shall be a condition to future  
9 allotments of money from the state international trade fair fund, and  
10 the director shall make a report of the findings of each post audit and  
11 shall use such report as a consideration in an application for any  
12 future allocations.

13 **Sec. 220.** RCW 43.31.960 and 1995 c 399 s 72 are each amended to  
14 read as follows:

15 The principal proceeds from the sale of the bonds authorized in RCW  
16 43.31.956 shall be administered by the director (~~of community, trade,  
17 and economic development~~)).

18 NEW SECTION. **Sec. 221.** In order to extend its services and  
19 programs the department may charge reasonable fees for services,  
20 products, and conferences provided in the areas of financial  
21 assistance, international trade, economic development, and other  
22 service delivery areas, except as otherwise provided. These fees are  
23 not intended to exceed the costs of providing the service or preparing  
24 and distributing the product.

25 NEW SECTION. **Sec. 222.** The economic development fee account is  
26 created in the state treasury. The department may create subaccounts  
27 as necessary. The account consists of all receipts from fees charged  
28 by the department under section 221 of this act. Expenditures from the  
29 account may be used only for the purposes of this chapter. Only the  
30 director or the director's designee may authorize expenditures from the  
31 account. Expenditures from the account may be spent only after  
32 appropriation.

33 NEW SECTION. **Sec. 223.** The fees authorized under RCW 70.95H.040  
34 shall be adopted by rule pursuant to chapter 34.05 RCW.



1        NEW SECTION.    **Sec. 224.**    (1) All powers, duties, and functions of  
2 the state energy office relating to energy resource policy and planning  
3 are transferred to the department. All references to the director or  
4 the state energy office in the Revised Code of Washington shall be  
5 construed to mean the director or the department when referring to the  
6 functions transferred in this section.

7        The director shall appoint an assistant director for energy policy,  
8 and energy policy staff shall have no additional responsibilities  
9 beyond activities concerning energy policy.

10        (2)(a) All reports, documents, surveys, books, records, files,  
11 papers, or written material in the possession of the state energy  
12 office pertaining to the powers, functions, and duties transferred  
13 shall be delivered to the custody of the department. All cabinets,  
14 furniture, office equipment, software, data base, motor vehicles, and  
15 other tangible property employed by the state energy office in carrying  
16 out the powers, functions, and duties transferred shall be made  
17 available to the department.

18        (b) Any appropriations made to the state energy office for carrying  
19 out the powers, functions, and duties transferred are transferred and  
20 credited to the department.

21        (c) Whenever any question arises as to the transfer of any funds,  
22 books, documents, records, papers, files, software, data base,  
23 equipment, or other tangible property used or held in the exercise of  
24 the powers and the performance of the duties and functions transferred,  
25 the director of financial management shall make a determination as to  
26 the proper allocation and certify the same to the state agencies  
27 concerned.

28        (3) All rules and all pending business before the state energy  
29 office pertaining to the powers, functions, and duties transferred  
30 shall be continued and acted upon by the department. All existing  
31 contracts and obligations shall remain in full force and shall be  
32 performed by the department.

33        (4) The transfer of the powers, duties, and functions of the state  
34 energy office does not affect the validity of any act performed before  
35 July 1, 2000.

36        (5) If apportionments of budgeted funds are required because of the  
37 transfers directed by this section, the director of the office of  
38 financial management shall certify the apportionments to the agencies  
39 affected, the state auditor, and the state treasurer. Each of these

1 shall make the appropriate transfer and adjustments in funds and  
2 appropriation.

3 (6) The department shall direct the closure of the financial  
4 records of the state energy office.

5 (7) Responsibility for implementing energy education, applied  
6 research, and technology transfer programs rests with Washington State  
7 University. The department shall provide Washington State University  
8 available existing and future oil overcharge restitution and federal  
9 energy block funding for a minimum period of five years to carry out  
10 energy programs under an interagency agreement with the department.  
11 The interagency agreement shall also outline the working relationship  
12 between the department and Washington State University as it pertains  
13 to the relationship between energy policy development and public  
14 outreach. Nothing in chapter 186, Laws of 1996 prohibits Washington  
15 State University from seeking grant, contract, or fee-for-service  
16 funding for energy or related programs directly from other entities.

17 NEW SECTION. **Sec. 225.** (1) All powers, duties, and functions of  
18 the department of community, trade, and economic development pertaining  
19 to trade and economic development are transferred to the department of  
20 trade and economic development. All references to the director or the  
21 department of community, trade, and economic development in the Revised  
22 Code of Washington shall be construed to mean the director or the  
23 department of trade and economic development when referring to the  
24 functions transferred in this section.

25 (2)(a) All reports, documents, surveys, books, records, files,  
26 papers, or written material in the possession of the department of  
27 community, trade, and economic development pertaining to the powers,  
28 functions, and duties transferred shall be delivered to the custody of  
29 the department of trade and economic development. All cabinets,  
30 furniture, office equipment, motor vehicles, and other tangible  
31 property employed by the department of community, trade, and economic  
32 development in carrying out the powers, functions, and duties  
33 transferred shall be made available to the department of trade and  
34 economic development. All funds, credits, or other assets held in  
35 connection with the powers, functions, and duties transferred shall be  
36 assigned to the department of trade and economic development.

37 (b) Any appropriations made to the department of community, trade,  
38 and economic development for carrying out the powers, functions, and

1 duties transferred shall, on the effective date of this section, be  
2 transferred and credited to the department of trade and economic  
3 development.

4 (c) Whenever any question arises as to the transfer of any  
5 personnel, funds, books, documents, records, papers, files, equipment,  
6 or other tangible property used or held in the exercise of the powers  
7 and the performance of the duties and functions transferred, the  
8 director of financial management shall make a determination as to the  
9 proper allocation and certify the same to the state agencies concerned.

10 (3) All employees of the department of community, trade, and  
11 economic development engaged in performing the powers, functions, and  
12 duties transferred are transferred to the jurisdiction of the  
13 department of trade and economic development. All employees classified  
14 under chapter 41.06 RCW, the state civil service law, are assigned to  
15 the department of trade and economic development to perform their usual  
16 duties upon the same terms as formerly, without any loss of rights,  
17 subject to any action that may be appropriate thereafter in accordance  
18 with the laws and rules governing state civil service.

19 (4) All rules and all pending business before the department of  
20 community, trade, and economic development pertaining to the powers,  
21 functions, and duties transferred shall be continued and acted upon by  
22 the department of trade and economic development. All existing  
23 contracts and obligations shall remain in full force and shall be  
24 performed by the department of trade and economic development.

25 (5) The transfer of the powers, duties, functions, and personnel of  
26 the department of community, trade, and economic development shall not  
27 affect the validity of any act performed before the effective date of  
28 this section.

29 (6) If apportionments of budgeted funds are required because of the  
30 transfers directed by this section, the director of financial  
31 management shall certify the apportionments to the agencies affected,  
32 the state auditor, and the state treasurer. Each of these shall make  
33 the appropriate transfer and adjustments in funds and appropriation  
34 accounts and equipment records in accordance with the certification.

35 (7) Nothing contained in this section may be construed to alter any  
36 existing collective bargaining unit or the provisions of any existing  
37 collective bargaining agreement until the agreement has expired or  
38 until the bargaining unit has been modified by action of the personnel  
39 board as provided by law.



1 expeditious manner. All departments with such power shall cooperate  
2 with officials of the (~~business assistance center of the~~) department  
3 of (~~community,~~) trade(~~(,)~~) and economic development, and any other  
4 state officials, when such officials request timely action on the part  
5 of the issuing department.

6 (2) (~~After August 1, 1991,~~) Any agency to which subsection (1) of  
7 this section applies shall, with regard to any permits or other actions  
8 that are necessary for economic development in rural natural resources  
9 impact areas, as defined in RCW 43.31.601, respond to any completed  
10 application within forty-five days of its receipt; any response, at a  
11 minimum, shall include:

12 (a) The specific steps that the applicant needs to take in order to  
13 have the application approved; and

14 (b) The assistance that will be made available to the applicant by  
15 the agency to expedite the application process.

16 (3) The agency rural community assistance task force established in  
17 RCW 43.31.621 shall oversee implementation of this section.

18 (4) Each agency shall define what constitutes a completed  
19 application and make this definition available to applicants.

20 **Sec. 302.** RCW 28A.515.320 and 1996 c 186 s 503 are each amended to  
21 read as follows:

22 The common school construction fund is to be used exclusively for  
23 the purpose of financing the construction of facilities for the common  
24 schools. The sources of said fund shall be: (1) Those proceeds  
25 derived from sale or appropriation of timber and other crops from  
26 school and state land other than those granted for specific purposes;  
27 (2) the interest accruing on the permanent common school fund less the  
28 allocations to the state treasurer's service (~~account-{fund}~~) fund  
29 pursuant to RCW 43.08.190 and the state investment board expense  
30 account pursuant to RCW 43.33A.160 together with all rentals and other  
31 revenue derived therefrom and from land and other property devoted to  
32 the permanent common school fund; (3) all moneys received by the state  
33 from the United States under the provisions of section 191, Title 30,  
34 United States Code, Annotated, and under section 810, chapter 12, Title  
35 16, (Conservation), United States Code, Annotated, except moneys  
36 received before June 30, 2001, and when thirty megawatts of geothermal  
37 power is certified as commercially available by the receiving utilities  
38 and the department of (~~community,~~) trade(~~(,)~~) and economic

1 development, eighty percent of such moneys, under the Geothermal Steam  
2 Act of 1970 pursuant to RCW 43.140.030; and (4) such other sources as  
3 the legislature may direct. That portion of the common school  
4 construction fund derived from interest on the permanent common school  
5 fund may be used to retire such bonds as may be authorized by law for  
6 the purpose of financing the construction of facilities for the common  
7 schools.

8 The interest accruing on the permanent common school fund less the  
9 allocations to the state treasurer's service fund pursuant to RCW  
10 43.08.190 and the state investment board expense account pursuant to  
11 RCW 43.33A.160 together with all rentals and other revenues accruing  
12 thereto pursuant to subsection (2) of this section prior to July 1,  
13 1967, shall be exclusively applied to the current use of the common  
14 schools.

15 To the extent that the moneys in the common school construction  
16 fund are in excess of the amount necessary to allow fulfillment of the  
17 purpose of said fund, the excess shall be available for deposit to the  
18 credit of the permanent common school fund or available for the current  
19 use of the common schools, as the legislature may direct. Any money  
20 from the common school construction fund which is made available for  
21 the current use of the common schools shall be restored to the fund by  
22 appropriation, including interest income foregone, before the end of  
23 the next fiscal biennium following such use.

24 **Sec. 303.** RCW 24.46.010 and 1995 c 399 s 12 are each amended to  
25 read as follows:

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

33 **Sec. 304.** RCW 28B.20.283 and 1995 c 399 s 25 are each amended to  
34 read as follows:

35 The legislature finds that the development and commercialization of  
36 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  
10 with the private sector in the development and implementation of a  
11 world class technology transfer program.

12       **Sec. 305.** RCW 28B.20.289 and 1995 c 399 s 26 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 department of  
26 ((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 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<sub>7</sub>)) trade((<sub>7</sub>))  
13 and 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<sub>7</sub>)) trade((<sub>7</sub>)) and  
22 economic development in the department's efforts to develop state  
23 science and technology public policies and coordinate publicly funded  
24 programs;

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

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

30 (k) Submitting annually to the department of ((community<sub>7</sub>))  
31 trade((<sub>7</sub>)) and economic development an updated strategic plan and a  
32 statement of performance measured against the mission, roles, and  
33 contractual obligations of the technology center.

34 **Sec. 306.** RCW 28B.20.293 and 1995 c 399 s 27 are each amended to  
35 read as follows:

36 The department of ((community<sub>7</sub>)) trade((<sub>7</sub>)) and economic  
37 development shall contract with the University of Washington for the  
38 expenditure of state-appropriated funds for the operation of the



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

11 **Sec. 307.** RCW 28B.30.537 and 1998 c 245 s 20 are each amended to  
12 read as follows:

13 The IMPACT center shall:

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

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

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

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

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

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

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

37 (6) Link itself through cooperative agreements with the center for  
38 international trade in forest products at the University of Washington,

1 the state department of agriculture, the department of ((community,))  
2 trade((,)) and economic development, Washington's agriculture  
3 businesses and associations, and other state agency data collection,  
4 processing, and dissemination efforts.

5 **Sec. 308.** RCW 28B.30.900 and 1996 c 186 s 201 are each amended to  
6 read as follows:

7 (1) All powers, duties, and functions of the state energy office  
8 under RCW 43.21F.045 relating to implementing energy education, applied  
9 research, and technology transfer programs shall be transferred to  
10 Washington State University.

11 (2) The specific programs transferred to Washington State  
12 University shall include but not be limited to the following:  
13 Renewable energy, energy software, industrial energy efficiency,  
14 education and information, energy ideas clearinghouse, and  
15 telecommunications.

16 (3)(a) All reports, documents, surveys, books, records, files,  
17 papers, or written material in the possession of the state energy  
18 office pertaining to the powers, functions, and duties transferred  
19 shall be delivered to the custody of Washington State University. All  
20 cabinets, furniture, office equipment, software, data base, motor  
21 vehicles, and other tangible property employed by the state energy  
22 office in carrying out the powers, functions, and duties transferred  
23 shall be made available to Washington State University.

24 (b) Any appropriations made to, any other funds provided to, or any  
25 grants made to or contracts with the state energy office for carrying  
26 out the powers, functions, and duties transferred shall, on July 1,  
27 1996, be transferred and credited to Washington State University.

28 (c) Whenever any question arises as to the transfer of any funds,  
29 books, documents, records, papers, files, software, data base,  
30 equipment, or other tangible property used or held in the exercise of  
31 the powers and the performance of the duties and functions transferred,  
32 an arbitrator mutually agreed upon by the parties in dispute shall make  
33 a determination as to the proper allocation and certify the same to the  
34 state agencies concerned.

35 (d) All rules and all pending business before the state energy  
36 office pertaining to the powers, functions, and duties transferred  
37 shall be continued and acted upon by Washington State University. All  
38 existing contracts, grants, and obligations, excluding personnel

1 contracts and obligations, shall remain in full force and shall be  
2 assigned to and performed by Washington State University.

3 (e) The transfer of the powers, duties, and functions of the state  
4 energy office does not affect the validity of any act performed before  
5 July 1, 1996.

6 (f) If apportionments of budgeted funds are required because of the  
7 transfers directed by this section, the director of the office of  
8 financial management shall certify the apportionments to the agencies  
9 affected, the state auditor, and the state treasurer. Each of these  
10 shall make the appropriate transfer and adjustments in funds and  
11 appropriation.

12 (4) Washington State University shall enter into an interagency  
13 agreement with the department of ((community,)) trade((,)) and economic  
14 development regarding the relationship between policy development and  
15 public outreach. The department of ((community,)) trade((,)) and  
16 economic development shall provide Washington State University  
17 available existing and future oil overcharge restitution and federal  
18 energy block funding for a minimum period of five years to carry out  
19 energy programs. Nothing in chapter 186, Laws of 1996 prohibits  
20 Washington State University from seeking grant funding for energy-  
21 related programs directly from other entities.

22 (5) Washington State University shall select and appoint existing  
23 state energy office employees to positions to perform the duties and  
24 functions transferred. Employees appointed by Washington State  
25 University are exempt from the provisions of chapter 41.06 RCW unless  
26 otherwise designated by the institution. Any future vacant or new  
27 positions will be filled using Washington State University's standard  
28 hiring procedures.

29 **Sec. 309.** RCW 28B.50.262 and 1995 c 226 s 19 are each amended to  
30 read as follows:

31 The state board for community and technical colleges shall develop,  
32 in conjunction with the center for international trade in forest  
33 products, the Washington State University wood materials and  
34 engineering laboratory, and the department of ((community,)) trade((,))  
35 and economic development, a competency-based technical degree program  
36 in wood product manufacturing and wood technology and make it available  
37 in every college district that serves a rural natural resources impact  
38 area.

1       **Sec. 310.** RCW 28B.65.040 and 1995 c 399 s 29 are each amended to  
2 read as follows:

3       (1) The Washington high-technology coordinating board is hereby  
4 created.

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

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

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

23       (3) Members of the board shall not receive any salary for their  
24 services, but shall be reimbursed for travel expenses under RCW  
25 43.03.050 and 43.03.060 for each day actually spent in attending to  
26 duties as a member of the board.

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

30       **Sec. 311.** RCW 28B.65.050 and 1998 c 245 s 22 are each amended to  
31 read as follows:

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

34       (2) The board shall:

35       (a) Determine the specific high-technology occupational fields in  
36 which technical training is needed and advise the institutions of  
37 higher education and the higher education coordinating board on their  
38 findings;

1 (b) Identify economic areas and high-technology industries in need  
2 of technical training and research and development critical to economic  
3 development and advise the institutions of higher education and the  
4 higher education coordinating board on their findings;

5 (c) Oversee and coordinate the Washington high-technology education  
6 and training program to ensure high standards, efficiency, and  
7 effectiveness;

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

11 (e) Work cooperatively with and provide any information or advice  
12 which may be requested by the higher education coordinating board  
13 during the board's review of new baccalaureate degree program proposals  
14 which are submitted under this chapter. Nothing in this chapter shall  
15 be construed as altering or superseding the powers or prerogatives of  
16 the higher education coordinating board over the review of new degree  
17 programs as established in (~~section 6(2) of this 1985 act~~) RCW  
18 28B.80.340;

19 (f) Work cooperatively with the department of (~~community,~~)  
20 trade(~~,~~) and economic development to identify the high-technology  
21 education and training needs of existing Washington businesses and  
22 businesses with the potential to locate in Washington;

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

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

27 (i) Establish and maintain a plan, including priorities, to guide  
28 high-technology program development in public institutions of higher  
29 education, which plan shall include an assessment of current high-  
30 technology programs, steps to increase existing programs, new  
31 initiatives and programs necessary to promote high technology, and  
32 methods to coordinate and target high-technology programs to changing  
33 market opportunities in business and industry.

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

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

1       **Sec. 312.** RCW 28B.65.060 and 1995 c 399 s 31 are each amended to  
2 read as follows:

3       Staff support for the high-technology coordinating board shall be  
4 provided by the department of ((community,)) trade((,)) and economic  
5 development.

6       **Sec. 313.** RCW 28B.109.020 and 1996 c 253 s 402 are each amended to  
7 read as follows:

8       The Washington international exchange scholarship program is  
9 created subject to funding under RCW 28B.109.060. The program shall be  
10 administered by the board. In administering the program, the board  
11 may:

12       (1) Convene an advisory committee that may include but need not be  
13 limited to representatives of the office of the superintendent of  
14 public instruction, the department of ((community,)) trade((,)) and  
15 economic development, the secretary of state, private business, and  
16 institutions of higher education;

17       (2) Select students to receive the scholarship with the assistance  
18 of a screening committee composed of leaders in business, international  
19 trade, and education;

20       (3) Adopt necessary rules and guidelines including rules for  
21 disbursing scholarship funds to participants;

22       (4) Publicize the program;

23       (5) Solicit and accept grants and donations from public and private  
24 sources for the program;

25       (6) Establish and notify participants of service obligations; and

26       (7) Establish a formula for selecting the countries from which  
27 participants may be selected in consultation with the department of  
28 ((community,)) trade((,)) and economic development.

29       **Sec. 314.** RCW 28C.18.060 and 1996 c 99 s 4 are each amended to  
30 read as follows:

31       The board, in cooperation with the operating agencies of the state  
32 training system and private career schools and colleges shall:

33       (1) Concentrate its major efforts on planning, coordination  
34 evaluation, policy analysis, and recommending improvements to the  
35 state's training system.

1 (2) Advocate for the state training system and for meeting the  
2 needs of employers and the work force for work force education and  
3 training.

4 (3) Establish and maintain an inventory of the programs of the  
5 state training system, and related state programs, and perform a  
6 biennial assessment of the vocational education, training, and adult  
7 basic education and literacy needs of the state; identify ongoing and  
8 strategic education needs; and assess the extent to which employment,  
9 training, vocational and basic education, rehabilitation services, and  
10 public assistance services represent a consistent, integrated approach  
11 to meet such needs.

12 (4) Develop and maintain a state comprehensive plan for work force  
13 training and education, including but not limited to, goals,  
14 objectives, and priorities for the state training system, and review  
15 the state training system for consistency with the state comprehensive  
16 plan. In developing the state comprehensive plan for work force  
17 training and education, the board shall use, but shall not be limited  
18 to: Economic, labor market, and populations trends reports in office  
19 of financial management forecasts; joint office of financial management  
20 and employment security department labor force, industry employment,  
21 and occupational forecasts; the results of scientifically based  
22 outcome, net-impact and cost-benefit evaluations; the needs of  
23 employers as evidenced in formal employer surveys and other employer  
24 input; and the needs of program participants and workers as evidenced  
25 in formal surveys and other input from program participants and the  
26 labor community.

27 (5) In consultation with the higher education coordinating board,  
28 review and make recommendations to the office of financial management  
29 and the legislature on operating and capital facilities budget requests  
30 for operating agencies of the state training system for purposes of  
31 consistency with the state comprehensive plan for work force training  
32 and education.

33 (6) Provide for coordination among the different operating agencies  
34 and components of the state training system at the state level and at  
35 the regional level.

36 (7) Develop a consistent and reliable data base on vocational  
37 education enrollments, costs, program activities, and job placements  
38 from publicly funded vocational education programs in this state.

1 (8) Establish standards for data collection and maintenance for the  
2 operating agencies of the state training system in a format that is  
3 accessible to use by the board. The board shall require a minimum of  
4 common core data to be collected by each operating agency of the state  
5 training system.

6 The board shall develop requirements for minimum common core data  
7 in consultation with the office of financial management and the  
8 operating agencies of the training system.

9 (9) Establish minimum standards for program evaluation for the  
10 operating agencies of the state training system, including, but not  
11 limited to, the use of common survey instruments and procedures for  
12 measuring perceptions of program participants and employers of program  
13 participants, and monitor such program evaluation.

14 (10) Every two years administer scientifically based outcome  
15 evaluations of the state training system, including, but not limited  
16 to, surveys of program participants, surveys of employers of program  
17 participants, and matches with employment security department payroll  
18 and wage files. Every five years administer scientifically based net-  
19 impact and cost-benefit evaluations of the state training system.

20 (11) In cooperation with the employment security department,  
21 provide for the improvement and maintenance of quality and utility in  
22 occupational information and forecasts for use in training system  
23 planning and evaluation. Improvements shall include, but not be  
24 limited to, development of state-based occupational change factors  
25 involving input by employers and employees, and delineation of skill  
26 and training requirements by education level associated with current  
27 and forecasted occupations.

28 (12) Provide for the development of common course description  
29 formats, common reporting requirements, and common definitions for  
30 operating agencies of the training system.

31 (13) Provide for effectiveness and efficiency reviews of the state  
32 training system.

33 (14) In cooperation with the higher education coordinating board,  
34 facilitate transfer of credit policies and agreements between  
35 institutions of the state training system, and encourage articulation  
36 agreements for programs encompassing two years of secondary work force  
37 education and two years of postsecondary work force education.



1 (15) In cooperation with the higher education coordinating board,  
2 facilitate transfer of credit policies and agreements between private  
3 training institutions and institutions of the state training system.

4 (16) Participate in the development of coordination criteria for  
5 activities under the job training partnership act with related programs  
6 and services provided by state and local education and training  
7 agencies.

8 (17) Make recommendations to the commission of student assessment,  
9 the state board of education, and the superintendent of public  
10 instruction, concerning basic skill competencies and essential core  
11 competencies for K-12 education. Basic skills for this purpose shall  
12 be reading, writing, computation, speaking, and critical thinking,  
13 essential core competencies for this purpose shall be English, math,  
14 science/technology, history, geography, and critical thinking. The  
15 board shall monitor the development of and provide advice concerning  
16 secondary curriculum which integrates vocational and academic  
17 education.

18 (18) Establish and administer programs for marketing and outreach  
19 to businesses and potential program participants.

20 (19) Facilitate the location of support services, including but not  
21 limited to, child care, financial aid, career counseling, and job  
22 placement services, for students and trainees at institutions in the  
23 state training system, and advocate for support services for trainees  
24 and students in the state training system.

25 (20) Facilitate private sector assistance for the state training  
26 system, including but not limited to: Financial assistance, rotation  
27 of private and public personnel, and vocational counseling.

28 (21) Facilitate programs for school-to-work transition that combine  
29 classroom education and on-the-job training in industries and  
30 occupations without a significant number of apprenticeship programs.

31 (22) Encourage and assess progress for the equitable representation  
32 of racial and ethnic minorities, women, and people with disabilities  
33 among the students, teachers, and administrators of the state training  
34 system. Equitable, for this purpose, shall mean substantially  
35 proportional to their percentage of the state population in the  
36 geographic area served. This function of the board shall in no way  
37 lessen more stringent state or federal requirements for representation  
38 of racial and ethnic minorities, women, and people with disabilities.

1 (23) Participate in the planning and policy development of governor  
2 set-aside grants under P.L. 97-300, as amended.

3 (24) Administer veterans' programs, licensure of private vocational  
4 schools, the job skills program, and the Washington award for  
5 vocational excellence.

6 (25) Allocate funding from the state job training trust fund.

7 (26) Work with the director of ((community~~7~~)) trade((~~7~~)) and  
8 economic development to ensure coordination between work force training  
9 priorities and that department's economic development efforts.

10 (27) Adopt rules as necessary to implement this chapter.

11 The board may delegate to the director any of the functions of this  
12 section.

13 **Sec. 315.** RCW 36.01.120 and 1995 c 399 s 40 are each amended to  
14 read as follows:

15 It is the finding of the legislature that foreign trade zones serve  
16 an important public purpose by the creation of employment opportunities  
17 within the state and that the establishment of zones designed to  
18 accomplish this purpose is to be encouraged. It is the further intent  
19 of the legislature that the department of ((community~~7~~)) trade((~~7~~)) and  
20 economic development provide assistance to entities planning to apply  
21 to the United States for permission to establish such zones.

22 **Sec. 316.** RCW 36.110.030 and 1995 c 399 s 45 are each amended to  
23 read as follows:

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

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

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

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

32 (4) Two jail administrators to be selected by the Washington state  
33 jail association, one of whom shall be from a county or a city with an  
34 established jail industries program;

35 (5) One prosecuting attorney to be selected by the Washington  
36 association of prosecuting attorneys;

1 (6) One administrator from a city or county corrections department  
2 to be selected by the Washington correctional association;

3 (7) One county clerk to be selected by the Washington association  
4 of county clerks;

5 (8) Three representatives from labor to be selected by the  
6 governor. The representatives may be chosen from a list of nominations  
7 provided by state-wide labor organizations representing a cross-section  
8 of trade organizations;

9 (9) Three representatives from business to be selected by the  
10 governor. The representatives may be chosen from a list of nominations  
11 provided by state-wide business organizations representing a cross-  
12 section of businesses, industries, and all sizes of employers;

13 (10) The governor's representative from the employment security  
14 department;

15 (11) One member representing crime victims, to be selected by the  
16 governor;

17 (12) One member representing on-line law enforcement officers, to  
18 be selected by the governor;

19 (13) One member from the department of ((community<sub>7</sub>)) trade((<sub>7</sub>))  
20 and economic development to be selected by the governor;

21 (14) One member representing higher education, vocational  
22 education, or adult basic education to be selected by the governor; and

23 (15) The governor's representative from the correctional industries  
24 division of the state department of corrections shall be an ex officio  
25 member for the purpose of coordination and cooperation between prison  
26 and jail industries and to further a positive relationship between  
27 state and local government offender programs.

28 **Sec. 317.** RCW 39.86.110 and 1995 c 399 s 57 are each amended to  
29 read as follows:

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

32 (1) "Agency" means the department of ((community<sub>7</sub>)) trade((<sub>7</sub>)) and  
33 economic development.

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

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

37 (4) "Bond use category" means any of the following categories of  
38 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. 318.** RCW 43.07.360 and 1996 c 253 s 301 are each amended to  
13 read as follows:

14 (1) The legislature finds that knowledge of international exchange  
15 students who have studied in Washington state institutions of higher  
16 education, especially those from key trading partner countries, and  
17 knowledge of Washington state students, interns, and citizens working  
18 and studying abroad, is critical to the ability of Washington  
19 businesses and citizens to establish contacts and networks in the  
20 competitive world market.

21 (2) The legislature also finds that knowledge of worldwide business  
22 contacts, government contacts, cultural contacts, and international  
23 friends is critical to building a solid network of opportunities for  
24 developing trade relations for our state.

25 (3) The secretary of state may develop and maintain a data base, to  
26 be known as the international contact data base, listing, in addition  
27 to any other information: (a) Washington students, interns, and  
28 citizens working and studying overseas; (b) international students who  
29 have studied at Washington educational institutions; (c) exchange  
30 opportunities for Washington residents wishing to participate in  
31 education, internships, or technical assistance programs in the areas  
32 of agriculture, hydroelectric power, aerospace, computers and  
33 technology, academics, medicine, and communications; (d) international  
34 business contacts of those people interested in doing business with  
35 Washington business; and (e) international government contacts,  
36 particularly with our key trading partners.

1 The data base may be designed to be used as a resource for  
2 Washington citizens, businesses, and other entities seeking contacts in  
3 international trade markets overseas.

4 (4) The department of ((community~~7~~)) trade((~~7~~)) and economic  
5 development, the department of agriculture, and the governor's office  
6 of protocol may assist the secretary of state in designing and  
7 developing the data base and in obtaining data for inclusion in the  
8 data base. Four-year educational institutions and their alumni  
9 associations are encouraged to maintain data concerning students  
10 studying or working abroad, international students attending their  
11 institutions, and exchange opportunities available to their students  
12 and other citizens, and to make such data freely available to the  
13 secretary of state for inclusion in the data base.

14 (5) The information contained in the data base may be made  
15 available on request for inspection or copying for free or at cost.  
16 The secretary of state shall not distinguish among persons requesting  
17 information from the data base, though the secretary of state may  
18 request information from requesters for purposes of monitoring trade  
19 contacts and evaluating the uses and effectiveness of the data base.

20 (6) Any person listed in the data base may request in writing that  
21 his or her name, address, telephone number, or other identifying  
22 information be omitted from the data base. Nothing in this section  
23 prohibits the secretary of state from refusing to disclose information  
24 exempt from disclosure under RCW 42.17.310.

25 **Sec. 319.** RCW 43.21A.510 and 1995 c 399 s 66 are each amended to  
26 read as follows:

27 In order to assist the department of ((community~~7~~)) trade((~~7~~)) and  
28 economic development in providing information to businesses interested  
29 in locating in Washington state, the department shall develop an  
30 environmental profile of the state. This profile shall identify the  
31 state's natural resources and describe how these assets are valuable to  
32 industry. Examples of information to be included are water resources  
33 and quality, air quality, and recreational opportunities related to  
34 natural resources.

35 **Sec. 320.** RCW 43.21A.515 and 1995 c 399 s 67 are each amended to  
36 read as follows:

1 In order to emphasize the importance of the state's environmental  
2 laws and regulations and to facilitate compliance with them, the  
3 department of ecology shall provide assistance to businesses interested  
4 in locating in Washington state. When the department of ((community\_))  
5 trade((\_)) and economic development receives a query from an interested  
6 business through its industrial marketing activities, it shall arrange  
7 for the department of ecology to provide information on the state's  
8 environmental laws and regulations and methods of compliance. This  
9 section shall facilitate compliance with state environmental laws and  
10 regulations and shall not weaken their application or effectiveness.

11 **Sec. 321.** RCW 43.21F.025 and 1996 c 186 s 102 are each amended to  
12 read as follows:

13 (1) "Energy" means petroleum or other liquid fuels; natural or  
14 synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear  
15 material; electricity; solar radiation; geothermal resources;  
16 hydropower; organic waste products; wind; tidal activity; any other  
17 substance or process used to produce heat, light, or motion; or the  
18 savings from nongeneration technologies, including conservation or  
19 improved efficiency in the usage of any of the sources described in  
20 this subsection;

21 (2) "Person" means an individual, partnership, joint venture,  
22 private or public corporation, association, firm, public service  
23 company, political subdivision, municipal corporation, government  
24 agency, public utility district, joint operating agency, or any other  
25 entity, public or private, however organized;

26 (3) "Director" means the director of the department of  
27 ((community\_)) trade((\_)) and economic development;

28 (4) "Assistant director" means the assistant director of the  
29 department of ((community\_)) trade((\_)) and economic development  
30 responsible for energy policy activities;

31 (5) "Department" means the department of ((community\_)) trade((\_))  
32 and economic development;

33 (6) "Distributor" means any person, private corporation,  
34 partnership, individual proprietorship, utility, including investor-  
35 owned utilities, municipal utility, public utility district, joint  
36 operating agency, or cooperative, which engages in or is authorized to  
37 engage in the activity of generating, transmitting, or distributing  
38 energy in this state; and

1 (7) "State energy strategy" means the document and energy policy  
2 direction developed under section 1, chapter 201, Laws of 1991  
3 including any related appendices.

4 **Sec. 322.** RCW 43.21F.090 and 1996 c 186 s 106 are each amended to  
5 read as follows:

6 With the guidance of an advisory committee, the department shall  
7 review the state energy strategy as originally developed under section  
8 1, chapter 201, Laws of 1991, (~~periodically with the guidance of an~~  
9 ~~advisory committee~~) and subsequently revised. (~~For each review,~~) An  
10 advisory committee shall be established with a membership resembling  
11 (~~as closely as possible~~) but not limited by the composition of the  
12 original energy strategy advisory committee specified under section 1,  
13 chapter 201, Laws of 1991. Upon completion of (~~a~~) one or more public  
14 hearings regarding the advisory committee's advice and recommendations  
15 for revisions to the energy strategy, a written report shall be  
16 conveyed by the department to the governor and the appropriate  
17 legislative committees. Any advisory committee established under this  
18 section shall be (~~dissolved within three months after their written~~  
19 ~~report is conveyed~~) the advisory committee for the energy division.

20 **Sec. 323.** RCW 43.21G.010 and 1996 c 186 s 507 are each amended to  
21 read as follows:

22 The legislature finds that energy in various forms is increasingly  
23 subject to possible shortages and supply disruptions, to the point that  
24 there may be foreseen an emergency situation, and that without the  
25 ability to institute appropriate emergency measures to regulate the  
26 production, distribution, and use of energy, a severe impact on the  
27 public health, safety, and general welfare of our state's citizens may  
28 occur. The prevention or mitigation of such energy shortages or  
29 disruptions and their effects is necessary for preservation of the  
30 public health, safety, and general welfare of the citizens of this  
31 state.

32 It is the intent of this chapter to:

33 (1) Establish necessary emergency powers for the governor and  
34 define the situations under which such powers are to be exercised;

35 (2) Provide penalties for violations of this chapter.

36 It is further the intent of the legislature that in developing  
37 proposed orders under the powers granted in RCW 43.21G.040 as now or



1 hereafter amended the governor may utilize, on a temporary or ad hoc  
2 basis, the knowledge and expertise of persons experienced in the  
3 technical aspects of energy supply, distribution, or use. Such  
4 utilization shall be in addition to support received by the governor  
5 from the department of ((community)) trade(( )) and economic  
6 development under RCW 43.21F.045 ((and 43.21F.065)) and from other  
7 state agencies.

8 **Sec. 324.** RCW 43.23.035 and 1995 c 399 s 70 are each amended to  
9 read as follows:

10 The department of agriculture is hereby designated as the agency of  
11 state government for the administration and implementation of state  
12 agricultural market development programs and activities, both domestic  
13 and foreign, and shall, in addition to the powers and duties otherwise  
14 imposed by law, have the following powers and duties:

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

17 (2) To collect, prepare, and analyze foreign and domestic market  
18 data;

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

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

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

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

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

1 (8) To publish and disseminate to interested citizens and others  
2 information which will aid in carrying out the purposes of chapters  
3 43.23, 15.64, 15.65, and 15.66 RCW;

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

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

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

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

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

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

21 **Sec. 325.** RCW 43.31.504 and 1993 c 280 s 45 are each amended to  
22 read as follows:

23 The child care facility fund committee is established within the  
24 ((business assistance center of the)) department of ((community))  
25 trade(( )) and economic development. The committee shall administer  
26 the child care facility fund, with review by the director of  
27 ((community)) trade(( )) and economic development.

28 (1) The committee shall have five members. The director of  
29 ((community)) trade(( )) and economic development shall appoint the  
30 members, who shall include:

31 (a) Two persons experienced in investment finance and having skills  
32 in providing capital to new businesses, in starting and operating  
33 businesses, and providing professional services to small or expanding  
34 businesses;

35 (b) One person representing a philanthropic organization with  
36 experience in evaluating funding requests;

37 (c) One child care services expert; and

38 (d) One early childhood development expert.

1 In making these appointments, the director shall give careful  
2 consideration to ensure that the various geographic regions of the  
3 state are represented and that members will be available for meetings  
4 and are committed to working cooperatively to address child care needs  
5 in Washington state.

6 (2) The committee shall elect officers from among its membership  
7 and shall adopt policies and procedures specifying the lengths of  
8 terms, methods for filling vacancies, and other matters necessary to  
9 the ongoing functioning of the committee.

10 (3) Committee members shall serve without compensation, but may  
11 request reimbursement for travel expenses as provided in RCW 43.03.050  
12 and 43.03.060.

13 (4) Committee members shall not be liable to the state, to the  
14 child care facility fund, or to any other person as a result of their  
15 activities, whether ministerial or discretionary, as members except for  
16 willful dishonesty or intentional violation of the law. The department  
17 of ((community<sub>7</sub>)) trade((<sub>7</sub>)) and economic development may purchase  
18 liability insurance for members and may indemnify these persons against  
19 the claims of others.

20 **Sec. 326.** RCW 43.88.093 and 1998 c 299 s 3 are each amended to  
21 read as follows:

22 (1) When developing a biennial budget for the tourism development  
23 division of the department of ((community<sub>7</sub>)) trade((<sub>7</sub>)) and economic  
24 development, the request for funding submitted to the office of  
25 financial management shall be calculated according to the formula in  
26 RCW 43.88.094. The request shall be a specific designated amount in  
27 the budget request for the department of ((community<sub>7</sub>)) trade((<sub>7</sub>)) and  
28 economic development.

29 (2) This section expires June 30, 2008.

30 **Sec. 327.** RCW 43.88.094 and 1998 c 299 s 4 are each amended to  
31 read as follows:

32 (1) The budget amount designated in RCW 43.88.093(1) is the sum of  
33 the base amount and the growth component as calculated under subsection  
34 (2) of this section.

35 (2) The director of the department of ((community<sub>7</sub>)) trade((<sub>7</sub>)) and  
36 economic development shall calculate the tourism development division

1 budget in consultation with the appropriate agencies in the following  
2 manner:

3 (a) The base amount, beginning in the budget for the biennium  
4 ending June 30, 2001, and for each subsequent biennium thereafter,  
5 equals the previous biennial budget, including any supplemental  
6 allocations and any growth component amounts from previous biennia.

7 (b) For the growth component, beginning in the budget for the  
8 biennium ending June 30, 2001: (i) Compute the state retail sales tax  
9 revenues for the target business categories for the calendar year two  
10 years prior to the beginning of the biennium for which the budget  
11 request will be made; (ii) compute the state retail sales tax revenues  
12 for the target business categories for the calendar year four years  
13 prior to the beginning of the biennium for which the budget request  
14 will be made; (iii) calculate the percentage change in these two sales  
15 tax revenue amounts; (iv) if the percentage exceeds eight percent  
16 growth, calculate the amount of sales tax revenue that represents the  
17 excess in revenue growth greater than six percent; and (v) calculate  
18 the growth component by dividing the excess revenue growth by two. The  
19 amount of the growth component for any biennium shall not exceed two  
20 million dollars per fiscal year for the biennium.

21 (3) As used in this section:

22 (a) "Target business categories" means businesses in standard  
23 industrial classification codes 58 (eating and drinking), 70 (lodging),  
24 7514 (auto rental), and 79 (recreation). If at any time the United  
25 States office of management and budget or a successor agency should  
26 change or replace the present standard industrial classification code  
27 system, the department of ((community,)) trade((,)) and economic  
28 development shall use the code system issued by the office of  
29 management and budget or its successor agency to determine codes  
30 corresponding to those listed in this definition.

31 (b) "Retail sales" means the gross sales subject to the tax imposed  
32 in chapter 82.08 RCW received by businesses identified in department of  
33 revenue records by standard industrial classification codes 58, 70,  
34 7514, and 79.

35 (4) This section expires June 30, 2008.

36 **Sec. 328.** RCW 43.160.020 and 1999 c 164 s 102 are each amended to  
37 read as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout this chapter.

3 (1) "Board" means the community economic revitalization board.

4 (2) "Bond" means any bond, note, debenture, interim certificate, or  
5 other evidence of financial indebtedness issued by the board pursuant  
6 to this chapter.

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

9 (4) "Financial institution" means any bank, savings and loan  
10 association, credit union, development credit corporation, insurance  
11 company, investment company, trust company, savings institution, or  
12 other financial institution approved by the board and maintaining an  
13 office in the state.

14 (5) "Industrial development facilities" means "industrial  
15 development facilities" as defined in RCW 39.84.020.

16 (6) "Industrial development revenue bonds" means tax-exempt revenue  
17 bonds used to fund industrial development facilities.

18 (7) "Local government" or "political subdivision" means any port  
19 district, county, city, town, special purpose district, and any other  
20 municipal corporations or quasi-municipal corporations in the state  
21 providing for public facilities under this chapter.

22 (8) "Sponsor" means any of the following entities which customarily  
23 provide service or otherwise aid in industrial or other financing and  
24 are approved as a sponsor by the board: A bank, trust company, savings  
25 bank, investment bank, national banking association, savings and loan  
26 association, building and loan association, credit union, insurance  
27 company, or any other financial institution, governmental agency, or  
28 holding company of any entity specified in this subsection.

29 (9) "Umbrella bonds" means industrial development revenue bonds  
30 from which the proceeds are loaned, transferred, or otherwise made  
31 available to two or more users under this chapter.

32 (10) "User" means one or more persons acting as lessee, purchaser,  
33 mortgagor, or borrower under a financing document and receiving or  
34 applying to receive revenues from bonds issued under this chapter.

35 (11) "Public facilities" means a project of a local government for  
36 the planning, acquisition, construction, repair, reconstruction,  
37 replacement, rehabilitation, or improvement of bridges, roads, domestic  
38 and industrial water, earth stabilization, sanitary sewer, storm sewer,  
39 railroad, electricity, telecommunications, transportation, natural gas,

1 buildings or structures, and port facilities, all for the purpose of  
2 job creation, job retention, or job expansion.

3 (12) "Rural county" means a county with a population density of  
4 fewer than one hundred persons per square mile as determined by the  
5 office of financial management.

6 (13) "Rural natural resources impact area" means:

7 (a) A nonmetropolitan county, as defined by the 1990 decennial  
8 census, that meets three of the five criteria set forth in subsection  
9 (14) of this section;

10 (b) A nonmetropolitan county with a population of less than forty  
11 thousand in the 1990 decennial census, that meets two of the five  
12 criteria as set forth in subsection (14) of this section; or

13 (c) A nonurbanized area, as defined by the 1990 decennial census,  
14 that is located in a metropolitan county that meets three of the five  
15 criteria set forth in subsection (14) of this section.

16 (14) For the purposes of designating rural natural resources impact  
17 areas, the following criteria shall be considered:

18 (a) A lumber and wood products employment location quotient at or  
19 above the state average;

20 (b) A commercial salmon fishing employment location quotient at or  
21 above the state average;

22 (c) Projected or actual direct lumber and wood products job losses  
23 of one hundred positions or more;

24 (d) Projected or actual direct commercial salmon fishing job losses  
25 of one hundred positions or more; and

26 (e) An unemployment rate twenty percent or more above the state  
27 average. The counties that meet these criteria shall be determined by  
28 the employment security department for the most recent year for which  
29 data is available. For the purposes of administration of programs  
30 under this chapter, the United States post office five-digit zip code  
31 delivery areas will be used to determine residence status for  
32 eligibility purposes. For the purpose of this definition, a zip code  
33 delivery area of which any part is ten miles or more from an urbanized  
34 area is considered nonurbanized. A zip code totally surrounded by zip  
35 codes qualifying as nonurbanized under this definition is also  
36 considered nonurbanized. The office of financial management shall make  
37 available a zip code listing of the areas to all agencies and  
38 organizations providing services under this chapter.

1       **Sec. 329.** RCW 43.160.115 and 1995 c 399 s 87 are each amended to  
2 read as follows:

3       In addition to its powers and duties under this chapter, the  
4 community economic revitalization board shall cooperate with the  
5 (~~Washington state development loan fund committee~~) department in  
6 order to provide for coordination of their very similar programs.  
7 Under this chapter, it is the duty of the department (~~of community,~~  
8 ~~trade, and economic development and the board~~) to financially assist  
9 the committee to the extent required by law. (~~Funds appropriated to~~  
10 ~~the board or the department of community, trade, and economic~~  
11 ~~development for the use of the board shall be transferred to the~~  
12 ~~department of community, trade, and economic development to the extent~~  
13 ~~required by law.~~)

14       **Sec. 330.** RCW 43.160.180 and 1995 c 399 s 88 are each amended to  
15 read as follows:

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

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

22       (3) The subcommittee shall consist of the following members: Six  
23 members of the board including: (a) The chair; (b) the county  
24 official; (c) the city official; (d) the port district official; (e) a  
25 legislator, appointed by the chair; and (f) the representative of the  
26 public. The members' terms shall coincide with their terms of  
27 appointment to the board.

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

30       (5) Members of the subcommittee shall receive no compensation but  
31 shall be reimbursed for travel expenses under RCW 43.03.050 and  
32 43.03.060.

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

1       **Sec. 331.** RCW 43.163.020 and 1995 c 399 s 89 are each amended to  
2 read as follows:

3       The Washington economic development finance authority is  
4 established as a public body corporate and politic, with perpetual  
5 corporate succession, constituting an instrumentality of the state of  
6 Washington exercising essential governmental functions. The authority  
7 is a public body within the meaning of RCW 39.53.010.

8       The authority shall consist of eighteen (~~(seventeen)~~) members as  
9 follows: The director of the department of (~~(community,)~~) trade(~~(,)~~)  
10 and economic development, the director of the department of community  
11 development, the director of the department of agriculture, the state  
12 treasurer, one member from each caucus in the house of representatives  
13 appointed by the speaker of the house, one member from each caucus in  
14 the senate appointed by the president of the senate, and ten public  
15 members with one representative of women-owned businesses and one  
16 representative of minority-owned businesses and with at least three of  
17 the members residing east of the Cascades. The public members shall be  
18 residents of the state appointed by the governor on the basis of their  
19 interest or expertise in trade, agriculture or business finance or jobs  
20 creation and development. One of the public members shall be appointed  
21 by the governor as chair of the authority and shall serve as chair of  
22 the authority at the pleasure of the governor. The authority may  
23 select from its membership such other officers as it deems appropriate.

24       The term of the persons appointed by the governor as public members  
25 of the authority, including the public member appointed as chair, shall  
26 be four years from the date of appointment, except that the term of  
27 three of the initial appointees shall be for two years from the date of  
28 appointment and the term of four of the initial appointees shall be for  
29 three years from the date of appointment. The governor shall designate  
30 the appointees who will serve the two-year and three-year terms.

31       In the event of a vacancy on the authority due to death,  
32 resignation or removal of one of the public members, or upon the  
33 expiration of the term of one of the public members, the governor shall  
34 appoint a successor for the remainder of the unexpired term. If either  
35 of the state offices is abolished, the resulting vacancy on the  
36 authority shall be filled by the state officer who shall succeed  
37 substantially to the power and duties of the abolished office.

38       Any public member of the authority may be removed by the governor  
39 for misfeasance, malfeasance or willful neglect of duty after notice



1 and a public hearing, unless such notice and hearing shall be expressly  
2 waived in writing by the affected public member.

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

8 The members of the authority shall serve without compensation but  
9 shall be entitled to reimbursement, solely from the funds of the  
10 authority, for expenses incurred in the discharge of their duties under  
11 this chapter. The authority may borrow funds from the department for  
12 the purpose of reimbursing members for expenses; however, the authority  
13 shall repay the department as soon as practicable.

14 A majority of the authority shall constitute a quorum.

15 **Sec. 332.** RCW 43.163.120 and 1998 c 245 s 51 are each amended to  
16 read as follows:

17 The authority shall receive no appropriation of state funds. The  
18 department of ((community<sub>7</sub>)) trade((<sub>7</sub>)) and economic development shall  
19 provide staff to the authority, to the extent permitted by law, to  
20 enable the authority to accomplish its purposes; the staff from the  
21 department of ((community<sub>7</sub>)) trade((<sub>7</sub>)) and economic development may  
22 assist the authority in organizing itself and in designing programs,  
23 but shall not be involved in the issuance of bonds or in making credit  
24 decisions regarding financing provided to borrowers by the authority.

25 **Sec. 333.** RCW 43.170.020 and 1995 c 399 s 93 are each amended to  
26 read as follows:

27 Unless the context clearly requires otherwise, the definitions in  
28 this section apply throughout this chapter.

29 (1) "Department" means the department of ((community<sub>7</sub>)) trade((<sub>7</sub>))  
30 and economic development.

31 (2) "Director" means the director of ((community<sub>7</sub>)) trade((<sub>7</sub>)) and  
32 economic development.

33 (3) "Program" means the small business innovators' opportunity  
34 program.

35 (4) "Inventor" or "innovator" means one who thinks of, imagines, or  
36 creates something new which may result in a device, contrivance, or

1 process for the first time, through the use of the imagination or  
2 ingenious thinking and experimentation.

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

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

7 **Sec. 334.** RCW 43.172.011 and 1995 c 399 s 96 are each amended to  
8 read as follows:

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

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

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

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

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

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

26 **Sec. 335.** RCW 43.210.030 and 1998 c 109 s 2 are each amended to  
27 read as follows:

28 The small business export finance assistance center and its  
29 branches shall be governed and managed by a board of seven directors  
30 appointed by the governor, with the advice of the board, and confirmed  
31 by the senate. The directors shall serve terms of four years following  
32 the terms of service established by the initial appointments after June  
33 11, 1998. Three appointees, including directors on June 11, 1998, who  
34 are reappointed, must serve initial terms of two years and, if a  
35 director is reappointed that director may serve a consecutive four-year  
36 term. Four appointees, including directors on June 11, 1998, who are  
37 reappointed, must serve initial terms of four years and, if a director

1 is reappointed that director may serve a consecutive four-year term.  
2 After the initial appointments, directors may serve two consecutive  
3 terms. The directors may provide for the payment of their expenses.  
4 The directors shall include the director of ((community,)) trade((,))  
5 and economic development or the director's designee; representatives of  
6 a large financial institution engaged in financing export transactions  
7 in the state of Washington; a small financial institution engaged in  
8 financing export transactions in the state of Washington; a large  
9 exporting company domiciled in the state of Washington; a small  
10 exporting company in the state of Washington; organized labor in a  
11 trade involved in international commerce; and a representative at  
12 large. To the extent possible, appointments to the board shall reflect  
13 geographical balance and the diversity of the state population. Any  
14 vacancies on the board due to the expiration of a term or for any other  
15 reason shall be filled by appointment by the governor for the unexpired  
16 term.

17 **Sec. 336.** RCW 43.210.050 and 1998 c 245 s 84 are each amended to  
18 read as follows:

19 The small business export finance assistance center formed under  
20 RCW 43.210.020 and 43.210.030 shall enter into a contract under this  
21 chapter with the department of ((community,)) trade((,)) and economic  
22 development or its statutory successor. The contract shall require the  
23 center to provide export assistance services, consistent with RCW  
24 43.210.070 and 43.210.100 through 43.210.120, shall have a duration of  
25 two years, and shall require the center to aggressively seek to fund  
26 its continued operation from nonstate funds. The contract shall also  
27 require the center to report annually to the department on its success  
28 in obtaining nonstate funding. Upon expiration of the contract, any  
29 provisions within the contract applicable to the Pacific Northwest  
30 export assistance project shall be automatically renewed without change  
31 provided the legislature appropriates funds for administration of the  
32 small business export assistance center and the Pacific Northwest  
33 export assistance project. The provisions of the contract related to  
34 the Pacific Northwest export assistance project may be changed at any  
35 time if the director of the department of ((community,)) trade((,)) and  
36 economic development or the president of the small business export  
37 finance assistance center present compelling reasons supporting the  
38 need for a contract change to the board of directors and a majority of

1 the board of directors agrees to the changes. The department of  
2 agriculture shall be included in the contracting negotiations with the  
3 department of (~~community,~~) trade(~~,~~) and economic development and  
4 the small business export finance assistance center when the Pacific  
5 Northwest export assistance project provides export services to  
6 industrial sectors within the administrative domain of the Washington  
7 state department of agriculture.

8 **Sec. 337.** RCW 43.210.060 and 1995 c 399 s 108 are each amended to  
9 read as follows:

10 The department of (~~community,~~) trade(~~,~~) and economic  
11 development or its statutory successor shall adopt rules under chapter  
12 34.05 RCW as necessary to carry out the purposes of this chapter.

13 **Sec. 338.** RCW 43.330.092 and 1997 c 220 s 222 are each amended to  
14 read as follows:

15 The film and video promotion account is created in the state  
16 treasury. All receipts from RCW 36.102.060(14) must be deposited into  
17 the account. Moneys in the account may be spent only after  
18 appropriation. Expenditures from the account may be used by the  
19 department (~~of community, trade, and economic development~~) only for  
20 the purposes of promotion of the film and video production industry in  
21 the state of Washington.

22 **Sec. 339.** RCW 43.330.094 and 1997 c 220 s 223 are each amended to  
23 read as follows:

24 The tourism development and promotion account is created in the  
25 state treasury. All receipts from RCW 36.102.060(10) must be deposited  
26 into the account. Moneys in the account may be spent only after  
27 appropriation. Expenditures from the account may be used by the  
28 department (~~of community, trade, and economic development~~) only for  
29 the purposes of promotion of the tourism industry in the state of  
30 Washington.

31 **Sec. 340.** RCW 50.67.030 and 1994 sp.s. c 3 s 8 are each amended to  
32 read as follows:

33 In addition to its duties under this chapter, the Washington state  
34 job training coordinating council shall advise the employment security  
35 department and the department of (~~community,~~) trade(~~,~~) and economic

1 development on the development and implementation of the Washington  
2 youthbuild program created under chapter 50.72 RCW.

3 **Sec. 341.** RCW 50.72.030 and 1994 sp.s. c 3 s 3 are each amended to  
4 read as follows:

5 The Washington youthbuild program is established within the  
6 department. The commissioner, in cooperation and consultation with the  
7 director of the department of ((community,)) trade((,)) and economic  
8 development, shall:

9 (1) Make grants, up to the lesser of three hundred thousand dollars  
10 or twenty-five percent of the total costs of the youthbuild activities,  
11 to applicants eligible to provide education and employment training  
12 under federal or state employment training programs, for the purpose of  
13 carrying out a wide range of multidisciplinary activities and services  
14 to assist economically disadvantaged youth under the federal  
15 opportunities for youth: Youthbuild program (106 Stat. 3723; 42 U.S.C.  
16 Sec. 8011), or locally developed youthbuild-type programs for  
17 economically disadvantaged youth; and

18 (2) Coordinate youth employment and training efforts under the  
19 department's jurisdiction and cooperate with other agencies and  
20 departments providing youth services to ensure that funds appropriated  
21 for the purposes of this chapter will be used to supplement funding  
22 from federal, state, local, or private sources.

23 **Sec. 342.** RCW 70.95H.007 and 1995 c 399 s 192 are each amended to  
24 read as follows:

25 There is created the clean Washington center within the department  
26 of ((community,)) trade((,)) and economic development. As used in this  
27 chapter, "center" means the clean Washington center.

28 **Sec. 343.** RCW 70.95H.050 and 1995 c 399 s 194 are each amended to  
29 read as follows:

30 The center shall solicit financial contributions and support from  
31 manufacturing industries and other private sector sources, foundations,  
32 and grants from governmental sources to assist in conducting its  
33 activities. It may also use separately appropriated funds of the  
34 department of ((community,)) trade((,)) and economic development for  
35 the center's activities.

1       **Sec. 344.** RCW 74.13.090 and 1995 c 399 s 204 are each amended to  
2 read as follows:

3       (1) There is established a child care coordinating committee to  
4 provide coordination and communication between state agencies  
5 responsible for child care and early childhood education services. The  
6 child care coordinating committee shall be composed of not less than  
7 seventeen nor more than thirty-three members who shall include:

8       (a) One representative each from the department of social and  
9 health services, the department of ((community<sub>7</sub>)) trade((<sub>7</sub>)) and  
10 economic development, the office of the superintendent of public  
11 instruction, and any other agency having responsibility for regulation,  
12 provision, or funding of child care services in the state;

13       (b) One representative from the department of labor and industries;

14       (c) One representative from the department of revenue;

15       (d) One representative from the employment security department;

16       (e) One representative from the department of personnel;

17       (f) One representative from the department of health;

18       (g) At least one representative of family home child care providers  
19 and one representative of center care providers;

20       (h) At least one representative of early childhood development  
21 experts;

22       (i) At least one representative of school districts and teachers  
23 involved in the provision of child care and preschool programs;

24       (j) At least one parent education specialist;

25       (k) At least one representative of resource and referral programs;

26       (l) One pediatric or other health professional;

27       (m) At least one representative of college or university child care  
28 providers;

29       (n) At least one representative of a citizen group concerned with  
30 child care;

31       (o) At least one representative of a labor organization;

32       (p) At least one representative of a head start - early childhood  
33 education assistance program agency;

34       (q) At least one employer who provides child care assistance to  
35 employees;

36       (r) Parents of children receiving, or in need of, child care, half  
37 of whom shall be parents needing or receiving subsidized child care and  
38 half of whom shall be parents who are able to pay for child care.

1 The named state agencies shall select their representative to the  
2 child care coordinating committee. The department of social and health  
3 services shall select the remaining members, considering  
4 recommendations from lists submitted by professional associations and  
5 other interest groups until such time as the committee adopts a member  
6 selection process. The department shall use any federal funds which  
7 may become available to accomplish the purposes of RCW 74.13.085  
8 through 74.13.095.

9 The committee shall elect officers from among its membership and  
10 shall adopt policies and procedures specifying the lengths of terms,  
11 methods for filling vacancies, and other matters necessary to the  
12 ongoing functioning of the committee. The secretary of social and  
13 health services shall appoint a temporary chair until the committee has  
14 adopted policies and elected a chair accordingly. Child care  
15 coordinating committee members shall be reimbursed for travel expenses  
16 as provided in RCW 43.03.050 and 43.03.060.

17 (2) To the extent possible within available funds, the child care  
18 coordinating committee shall:

19 (a) Serve as an advisory coordinator for all state agencies  
20 responsible for early childhood or child care programs for the purpose  
21 of improving communication and interagency coordination;

22 (b) Annually review state programs and make recommendations to the  
23 agencies and the legislature which will maximize funding and promote  
24 furtherance of the policies set forth in RCW 74.13.085. Reports shall  
25 be provided to all appropriate committees of the legislature by  
26 December 1 of each year. At a minimum the committee shall:

27 (i) Review and propose changes to the child care subsidy system in  
28 its December 1989 report;

29 (ii) Review alternative models for child care service systems, in  
30 the context of the policies set forth in RCW 74.13.085, and recommend  
31 to the legislature a new child care service structure; and

32 (iii) Review options and make recommendations on the feasibility of  
33 establishing an allocation for day care facilities when constructing  
34 state buildings;

35 (c) Review department of social and health services administration  
36 of the child care expansion grant program described in RCW 74.13.095;

37 (d) Review rules regarding child care facilities and services for  
38 the purpose of identifying those which unnecessarily obstruct the  
39 availability and affordability of child care in the state;

1 (e) Advise and assist the office of child care policy in  
2 implementing his or her duties under RCW 74.13.0903;

3 (f) Perform other functions to improve the quantity and quality of  
4 child care in the state, including compliance with existing and future  
5 prerequisites for federal funding; and

6 (g) Advise and assist the department of personnel in its  
7 responsibility for establishing policies and procedures that provide  
8 for the development of quality child care programs for state employees.

9 **Sec. 345.** RCW 76.09.030 and 1999 1st sp.s. c 4 s 1001 are each  
10 amended to read as follows:

11 (1) There is hereby created the forest practices board of the state  
12 of Washington as an agency of state government consisting of members as  
13 follows:

14 (a) The commissioner of public lands or the commissioner's  
15 designee;

16 (b) The director of the department of ((community<sub>7</sub>)) trade((<sub>7</sub>)) and  
17 economic development or the director's designee;

18 (c) The director of the department of agriculture or the director's  
19 designee;

20 (d) The director of the department of ecology or the director's  
21 designee;

22 (e) The director of the department of fish and wildlife or the  
23 director's designee;

24 (f) An elected member of a county legislative authority appointed  
25 by the governor: PROVIDED, That such member's service on the board  
26 shall be conditioned on the member's continued service as an elected  
27 county official; and

28 (g) Six members of the general public appointed by the governor,  
29 one of whom shall be an owner of not more than five hundred acres of  
30 forest land, and one of whom shall be an independent logging  
31 contractor.

32 (2) The director of the department of fish and wildlife's service  
33 on the board may be terminated two years after August 18, 1999, if the  
34 legislature finds that after two years the department has not made  
35 substantial progress toward integrating the laws, rules, and programs  
36 governing forest practices, chapter 76.09 RCW, and the laws, rules, and  
37 programs governing hydraulic projects, chapter 75.20 RCW. Such a  
38 finding shall be based solely on whether the department of fish and



1 wildlife makes substantial progress as defined in this subsection, and  
2 will not be based on other actions taken as a member of the board.  
3 Substantial progress shall include recommendations to the legislature  
4 for closer integration of the existing rule-making authorities of the  
5 board and the department of fish and wildlife, and closer integration  
6 of the forest practices and hydraulics permitting processes, including  
7 exploring the potential for a consolidated permitting process. These  
8 recommendations shall be designed to resolve problems currently  
9 associated with the existing dual regulatory and permitting processes.

10 (3) The members of the initial board appointed by the governor  
11 shall be appointed so that the term of one member shall expire December  
12 31, 1975, the term of one member shall expire December 31, 1976, the  
13 term of one member shall expire December 31, 1977, the terms of two  
14 members shall expire December 31, 1978, and the terms of two members  
15 shall expire December 31, 1979. Thereafter, each member shall be  
16 appointed for a term of four years. Vacancies on the board shall be  
17 filled in the same manner as the original appointments. Each member of  
18 the board shall continue in office until his or her successor is  
19 appointed and qualified. The commissioner of public lands or the  
20 commissioner's designee shall be the chairman of the board.

21 (4) The board shall meet at such times and places as shall be  
22 designated by the chairman or upon the written request of the majority  
23 of the board. The principal office of the board shall be at the state  
24 capital.

25 (5) Members of the board, except public employees and elected  
26 officials, shall be compensated in accordance with RCW 43.03.250. Each  
27 member shall be entitled to reimbursement for travel expenses incurred  
28 in the performance of their duties as provided in RCW 43.03.050 and  
29 43.03.060.

30 (6) The board may employ such clerical help and staff pursuant to  
31 chapter 41.06 RCW as is necessary to carry out its duties.

32 **Sec. 346.** RCW 76.56.020 and 1994 c 282 s 1 are each amended to  
33 read as follows:

34 The center shall:

35 (1) Coordinate the University of Washington's college of forest  
36 resources' faculty and staff expertise to assist in:

1 (a) The development of research and analysis for developing  
2 policies and strategies which will expand forest-based international  
3 trade, including a major focus on secondary manufacturing;

4 (b) The development of technology or commercialization support for  
5 manufactured products that will meet the evolving needs of  
6 international customers;

7 (c) The development of research and analysis on other factors  
8 critical to forest-based trade, including the quality and availability  
9 of raw wood resources; and

10 (d) The coordination, development, and dissemination of market and  
11 technical information relevant to international trade in forest  
12 products, including a major focus on secondary manufacturing;

13 (2) Further develop and maintain computer data bases on world-wide  
14 forest products production and trade in order to monitor and report on  
15 trends significant to the Northwest forest products industry and  
16 support the center's research functions; and coordinate this system  
17 with state, federal, and private sector efforts to insure a cost-  
18 effective information resource that will avoid unnecessary duplication;

19 (3) Monitor international forest products markets and assess the  
20 status of the state's forest products industry, including the  
21 competitiveness of small and medium-sized secondary manufacturing firms  
22 in the forest products industry, which for the purposes of this chapter  
23 shall be firms with annual revenues of twenty-five million or less, and  
24 including the increased exports of Washington-produced products of  
25 small and medium-sized secondary manufacturing firms;

26 (4) Provide high-quality research and graduate education and  
27 professional nondegree training in international trade in forest  
28 products in cooperation with the University of Washington's graduate  
29 school of business administration, the school of law, the Jackson  
30 school of international studies, the Northwest policy center of the  
31 graduate school of public administration, and other supporting academic  
32 units;

33 (5) Develop cooperative linkages with the international marketing  
34 program for agricultural commodities and trade at Washington State  
35 University, the international trade project of the United States forest  
36 service, the department of natural resources, the department of  
37 ((community7)) trade((7)) and economic development, the small business  
38 export finance assistance center, and other state and federal agencies  
39 to avoid duplication of effort and programs;

1 (6) Cooperate with personnel from the state's community and  
2 technical colleges in their development of wood products manufacturing  
3 and wood technology curriculum and offer periodic workshops on wood  
4 products manufacturing, wood technology, and trade opportunities to  
5 community colleges and private educators and trainers;

6 (7) Provide for public dissemination of research, analysis, and  
7 results of the center's programs to all groups, including direct  
8 assistance groups, through technical workshops, short courses,  
9 international and national symposia, cooperation with private sector  
10 networks and marketing associations, or other means, including  
11 appropriate publications;

12 (8) Establish an executive policy board, including representatives  
13 of small and medium-sized businesses, with at least fifty percent of  
14 its business members representing small businesses with one hundred or  
15 fewer employees and medium-sized businesses with one hundred to five  
16 hundred employees. The executive policy board shall also include a  
17 representative of the community and technical colleges, representatives  
18 of state and federal agencies, and a representative of a wood products  
19 manufacturing network or trade association of small and medium-sized  
20 wood product manufacturers. The executive policy board shall provide  
21 advice on: Overall policy direction and program priorities, state and  
22 federal budget requests, securing additional research funds,  
23 identifying priority areas of focus for research efforts, selection of  
24 projects for research, and dissemination of results of research  
25 efforts; and

26 (9) Establish advisory or technical committees for each research  
27 program area, to advise on research program area priorities, consistent  
28 with the international trade opportunities achievable by the forest  
29 products sector of the state and region, to help ensure projects are  
30 relevant to industry needs, and to advise on and support effective  
31 dissemination of research results. Each advisory or technical  
32 committee shall include representatives of forest products industries  
33 that might benefit from this research.

34 Service on the committees and the executive policy board  
35 established in subsections (8) and (9) of this section shall be without  
36 compensation but actual travel expenses incurred in connection with  
37 service to the center may be reimbursed from appropriated funds in  
38 accordance with RCW 43.03.050 and 43.03.060.

1       **Sec. 347.** RCW 77.12.710 and 1998 c 245 s 159 are each amended to  
2 read as follows:

3       The legislature hereby directs the department to determine the  
4 feasibility and cost of doubling the state-wide game fish production by  
5 the year 2000. The department shall seek to equalize the effort and  
6 investment expended on anadromous and resident game fish programs. The  
7 department shall provide the legislature with a specific plan for  
8 legislative approval that will outline the feasibility of increasing  
9 game fish production by one hundred percent over current levels by the  
10 year 2000. The plan shall contain specific provisions to increase both  
11 hatchery and naturally spawning game fish to a level that will support  
12 the production goal established in this section consistent with  
13 department policies. Steelhead trout, searun cutthroat trout, resident  
14 trout, and warmwater fish producing areas of the state shall be  
15 included in the plan.

16       The plan shall include the following critical elements:

17       (1) Methods of determining current catch and production, and catch  
18 and production in the year 2000;

19       (2) Methods of involving fishing groups, including Indian tribes,  
20 in a cooperative manner;

21       (3) Methods for using low capital cost projects to produce game  
22 fish as inexpensively as possible;

23       (4) Methods for renovating and modernizing all existing hatcheries  
24 and rearing ponds to maximize production capability;

25       (5) Methods for increasing the productivity of natural spawning  
26 game fish;

27       (6) Application of new technology to increase hatchery and natural  
28 productivity;

29       (7) Analysis of the potential for private contractors to produce  
30 game fish for public fisheries;

31       (8) Methods to optimize public volunteer efforts and cooperative  
32 projects for maximum efficiency;

33       (9) Methods for development of trophy game fish fisheries;

34       (10) Elements of coordination with the Pacific Northwest Power  
35 Council programs to ensure maximum Columbia river benefits;

36       (11) The role that should be played by private consulting companies  
37 in developing and implementing the plan;

38       (12) Coordination with federal fish and wildlife agencies, Indian  
39 tribes, and department fish production programs;

- 1 (13) Future needs for game fish predator control measures;  
2 (14) Development of disease control measures;  
3 (15) Methods for obtaining access to waters currently not available  
4 to anglers; and  
5 (16) Development of research programs to support game fish  
6 management and enhancement programs.

7 The department, in cooperation with the department of revenue,  
8 shall assess various funding mechanisms and make recommendations to the  
9 legislature in the plan. The department, in cooperation with the  
10 department of ((community,)) trade((,)) and economic development, shall  
11 prepare an analysis of the economic benefits to the state that will  
12 occur when the game fish production is increased by one hundred percent  
13 in the year 2000.

14 **Sec. 348.** RCW 79A.60.480 and 1997 c 391 s 7 are each amended to  
15 read as follows:

16 (1) The department of licensing shall issue a whitewater river  
17 outfitter's license to an applicant who submits a completed  
18 application, pays the required fee, and complies with the requirements  
19 of this section.

20 (2) An applicant for a whitewater river outfitter's license shall  
21 make application upon a form provided by the department of licensing.  
22 The form must be submitted annually and include the following  
23 information:

24 (a) The name, residence address, and residence telephone number,  
25 and the business name, address, and telephone number of the applicant;

26 (b) Certification that all employees, subcontractors, or  
27 independent contractors hired as guides meet training standards under  
28 RCW ((88.12.245(2))) 79A.60.430 before carrying any passengers for  
29 hire;

30 (c) Proof that the applicant has liability insurance for a minimum  
31 of three hundred thousand dollars per claim for occurrences by the  
32 applicant and the applicant's employees that result in bodily injury or  
33 property damage. All guides must be covered by the applicant's  
34 insurance policy;

35 (d) Certification that the applicant will maintain the insurance  
36 for a period of not less than one year from the date of issuance of the  
37 license; and

1 (e) Certification by the applicant that for a period of not less  
2 than twenty-four months immediately preceding the application the  
3 applicant:

4 (i) Has not had a license, permit, or certificate to carry  
5 passengers for hire on a river revoked by another state or by an agency  
6 of the government of the United States due to a conviction for a  
7 violation of safety or insurance coverage requirements no more  
8 stringent than the requirements of this chapter; and

9 (ii) Has not been denied the right to apply for a license, permit,  
10 or certificate to carry passengers for hire on a river by another  
11 state.

12 (3) The department of licensing shall charge a fee for each  
13 application, to be set in accordance with RCW 43.24.086.

14 (4) Any person advertising or representing himself or herself as a  
15 whitewater river outfitter who is not currently licensed is guilty of  
16 a gross misdemeanor.

17 (5) The department of licensing shall submit annually a list of  
18 licensed persons and companies to the department of ((community,))  
19 trade((,)) and economic development, tourism promotion division.

20 (6) If an insurance company cancels or refuses to renew insurance  
21 for a licensee, the insurance company shall notify the department of  
22 licensing in writing of the termination of coverage and its effective  
23 date not less than thirty days before the effective date of  
24 termination.

25 (a) Upon receipt of an insurance company termination notice, the  
26 department of licensing shall send written notice to the licensee that  
27 on the effective date of termination the department of licensing will  
28 suspend the license unless proof of insurance as required by this  
29 section is filed with the department of licensing before the effective  
30 date of the termination.

31 (b) If an insurance company fails to give notice of coverage  
32 termination, this failure shall not have the effect of continuing the  
33 coverage.

34 (c) The department of licensing may suspend a license under this  
35 section if the licensee fails to maintain in full force and effect the  
36 insurance required by this section.

37 (7) The state of Washington shall be immune from any civil action  
38 arising from the issuance of a license under this section.

1       **Sec. 349.** RCW 81.80.450 and 1998 c 245 s 167 are each amended to  
2 read as follows:

3       (1) The department of ((community,)) trade((,)) and economic  
4 development, in conjunction with the utilities and transportation  
5 commission and the department of ecology, shall evaluate the effect of  
6 exempting motor vehicles transporting recovered materials from rate  
7 regulation as provided under RCW 81.80.440. The evaluation shall, at  
8 a minimum, describe the effect of such exemption on:

9       (a) The cost and timeliness of transporting recovered materials  
10 within the state;

11       (b) The volume of recovered materials transported within the state;

12       (c) The number of safety violations and traffic accidents related  
13 to transporting recovered materials within the state; and

14       (d) The availability of service related to transporting recovered  
15 materials from rural areas of the state.

16       (2) The commission shall adopt rules requiring persons transporting  
17 recovered materials to submit information required under RCW 70.95.280.  
18 In adopting such rules, the commission shall include procedures to  
19 ensure the confidentiality of proprietary information.

20       **Sec. 350.** RCW 82.35.080 and 1999 c 358 s 15 are each amended to  
21 read as follows:

22       (1) Except as provided in subsection (2) of this section, the  
23 department shall revoke any certificate issued under this chapter if it  
24 finds that any of the following have occurred with respect to the  
25 certificate:

26       (a) The certificate was obtained by fraud or deliberate  
27 misrepresentation;

28       (b) The certificate was obtained through the use of inaccurate data  
29 but without any intention to commit fraud or misrepresentation;

30       (c) The facility was constructed or operated in violation of any  
31 provision of this chapter or provision imposed by the department as a  
32 condition of certification; or

33       (d) The cogeneration facility is no longer capable of being  
34 operated for the primary purpose of cogeneration.

35       (2) If the department finds that there are few inaccuracies under  
36 subsection (1)(b) of this section and that cumulatively they are  
37 insignificant in terms of the cost or operation of the facility or that  
38 the inaccurate data is not attributable to carelessness or negligence

1 and its inclusion was reasonable under the circumstances, then the  
2 department may provide for the continuance of the certificate and  
3 whatever modification it considers in the public interest.

4 (3) Any person, firm, corporation, or organization that obtains a  
5 certificate revoked under this section shall be liable for the total  
6 amount of money saved by claiming the credits and exemptions provided  
7 under this chapter. The total amount of the credits shall be collected  
8 as delinquent business and occupation taxes, and the total of the  
9 exemptions shall be collected and distributed as delinquent property  
10 taxes. Interest shall accrue on the amounts of the credits and  
11 exemptions from the date the taxes were otherwise due.

12 (4) The department of ((community,)) trade((,)) and economic  
13 development shall provide technical assistance to the department in  
14 carrying out its responsibilities under this section.

15 **PART IV**

16 **REFERENCES TO DEPARTMENT OF COMMUNITY DEVELOPMENT**  
17 **AND DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

18 NEW SECTION. **Sec. 401.** The department of community development  
19 and the department of trade and economic development shall continue to  
20 strengthen their existing working relationships. The existing  
21 partnerships are especially notable in rural economic development, and  
22 in infrastructure financing but there should be no limitation placed  
23 on, or barriers raised to continuing efforts to find new areas of  
24 collaboration. To increase the efficiency of service delivery by both  
25 departments, new ways of collaborating in the delivery of services  
26 should not be limited only to the two departments but should be sought  
27 and implemented with other departments of state government and with  
28 local and federal governments.

29 **Sec. 402.** RCW 41.06.070 and 1998 c 245 s 40 are each amended to  
30 read as follows:

31 (1) The provisions of this chapter do not apply to:

32 (a) The members of the legislature or to any employee of, or  
33 position in, the legislative branch of the state government including  
34 members, officers, and employees of the legislative council, joint  
35 legislative audit and review committee, statute law committee, and any  
36 interim committee of the legislature;



1 (b) The justices of the supreme court, judges of the court of  
2 appeals, judges of the superior courts or of the inferior courts, or to  
3 any employee of, or position in the judicial branch of state  
4 government;

5 (c) Officers, academic personnel, and employees of technical  
6 colleges;

7 (d) The officers of the Washington state patrol;

8 (e) Elective officers of the state;

9 (f) The chief executive officer of each agency;

10 (g) In the departments of employment security and social and health  
11 services, the director and the director's confidential secretary; in  
12 all other departments, the executive head of which is an individual  
13 appointed by the governor, the director, his or her confidential  
14 secretary, and his or her statutory assistant directors;

15 (h) In the case of a multimember board, commission, or committee,  
16 whether the members thereof are elected, appointed by the governor or  
17 other authority, serve ex officio, or are otherwise chosen:

18 (i) All members of such boards, commissions, or committees;

19 (ii) If the members of the board, commission, or committee serve on  
20 a part-time basis and there is a statutory executive officer: The  
21 secretary of the board, commission, or committee; the chief executive  
22 officer of the board, commission, or committee; and the confidential  
23 secretary of the chief executive officer of the board, commission, or  
24 committee;

25 (iii) If the members of the board, commission, or committee serve  
26 on a full-time basis: The chief executive officer or administrative  
27 officer as designated by the board, commission, or committee; and a  
28 confidential secretary to the chair of the board, commission, or  
29 committee;

30 (iv) If all members of the board, commission, or committee serve ex  
31 officio: The chief executive officer; and the confidential secretary  
32 of such chief executive officer;

33 (i) The confidential secretaries and administrative assistants in  
34 the immediate offices of the elective officers of the state;

35 (j) Assistant attorneys general;

36 (k) Commissioned and enlisted personnel in the military service of  
37 the state;

1 (l) Inmate, student, part-time, or temporary employees, and part-  
2 time professional consultants, as defined by the Washington personnel  
3 resources board;

4 (m) The public printer or to any employees of or positions in the  
5 state printing plant;

6 (n) Officers and employees of the Washington state fruit  
7 commission;

8 (o) Officers and employees of the Washington state apple  
9 advertising commission;

10 (p) Officers and employees of the Washington state dairy products  
11 commission;

12 (q) Officers and employees of the Washington tree fruit research  
13 commission;

14 (r) Officers and employees of the Washington state beef commission;

15 (s) Officers and employees of any commission formed under chapter  
16 15.66 RCW;

17 ~~((t))~~ ~~((Officers and employees of the state wheat commission formed  
18 under chapter 15.63 RCW;~~

19 ~~((u))~~ Officers and employees of agricultural commissions formed  
20 under chapter 15.65 RCW;

21 ~~((v))~~ (u) Officers and employees of the nonprofit corporation  
22 formed under chapter 67.40 RCW;

23 ~~((w))~~ (v) Executive assistants for personnel administration and  
24 labor relations in all state agencies employing such executive  
25 assistants including but not limited to all departments, offices,  
26 commissions, committees, boards, or other bodies subject to the  
27 provisions of this chapter and this subsection shall prevail over any  
28 provision of law inconsistent herewith unless specific exception is  
29 made in such law;

30 ~~((x))~~ (w) In each agency with fifty or more employees: Deputy  
31 agency heads, assistant directors or division directors, and not more  
32 than three principal policy assistants who report directly to the  
33 agency head or deputy agency heads;

34 ~~((y))~~ (x) All employees of the marine employees' commission;

35 ~~((z))~~ ~~Up to a total of five senior staff positions of the western  
36 library network under chapter 27.26 RCW responsible for formulating  
37 policy or for directing program management of a major administrative  
38 unit. This subsection (1)(z) shall expire on June 30, 1997;~~

1       ~~((aa))~~ (y) Staff employed by the departments of community~~((, trade,~~  
2 ~~and economic))~~ development and trade and economic development to  
3 administer energy policy functions and manage energy site evaluation  
4 council activities under RCW 43.21F.045(2)(m);

5       ~~((bb))~~ (z) Staff employed by Washington State University to  
6 administer energy education, applied research, and technology transfer  
7 programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

8       (2) The following classifications, positions, and employees of  
9 institutions of higher education and related boards are hereby exempted  
10 from coverage of this chapter:

11       (a) Members of the governing board of each institution of higher  
12 education and related boards, all presidents, vice-presidents, and  
13 their confidential secretaries, administrative, and personal  
14 assistants; deans, directors, and chairs; academic personnel; and  
15 executive heads of major administrative or academic divisions employed  
16 by institutions of higher education; principal assistants to executive  
17 heads of major administrative or academic divisions; other managerial  
18 or professional employees in an institution or related board having  
19 substantial responsibility for directing or controlling program  
20 operations and accountable for allocation of resources and program  
21 results, or for the formulation of institutional policy, or for  
22 carrying out personnel administration or labor relations functions,  
23 legislative relations, public information, development, senior computer  
24 systems and network programming, or internal audits and investigations;  
25 and any employee of a community college district whose place of work is  
26 one which is physically located outside the state of Washington and who  
27 is employed pursuant to RCW 28B.50.092 and assigned to an educational  
28 program operating outside of the state of Washington;

29       (b) Student, part-time, or temporary employees, and part-time  
30 professional consultants, as defined by the Washington personnel  
31 resources board, employed by institutions of higher education and  
32 related boards;

33       (c) The governing board of each institution, and related boards,  
34 may also exempt from this chapter classifications involving research  
35 activities, counseling of students, extension or continuing education  
36 activities, graphic arts or publications activities requiring  
37 prescribed academic preparation or special training as determined by  
38 the board: PROVIDED, That no nonacademic employee engaged in office,

1 clerical, maintenance, or food and trade services may be exempted by  
2 the board under this provision;

3 (d) Printing craft employees in the department of printing at the  
4 University of Washington.

5 (3) In addition to the exemptions specifically provided by this  
6 chapter, the Washington personnel resources board may provide for  
7 further exemptions pursuant to the following procedures. The governor  
8 or other appropriate elected official may submit requests for exemption  
9 to the Washington personnel resources board stating the reasons for  
10 requesting such exemptions. The Washington personnel resources board  
11 shall hold a public hearing, after proper notice, on requests submitted  
12 pursuant to this subsection. If the board determines that the position  
13 for which exemption is requested is one involving substantial  
14 responsibility for the formulation of basic agency or executive policy  
15 or one involving directing and controlling program operations of an  
16 agency or a major administrative division thereof, the Washington  
17 personnel resources board shall grant the request and such  
18 determination shall be final as to any decision made before July 1,  
19 1993. The total number of additional exemptions permitted under this  
20 subsection shall not exceed one percent of the number of employees in  
21 the classified service not including employees of institutions of  
22 higher education and related boards for those agencies not directly  
23 under the authority of any elected public official other than the  
24 governor, and shall not exceed a total of twenty-five for all agencies  
25 under the authority of elected public officials other than the  
26 governor.

27 The salary and fringe benefits of all positions presently or  
28 hereafter exempted except for the chief executive officer of each  
29 agency, full-time members of boards and commissions, administrative  
30 assistants and confidential secretaries in the immediate office of an  
31 elected state official, and the personnel listed in subsections (1)(j)  
32 through ~~((v), (y), (z), )~~ (u) and (x) and (2) of this section, shall  
33 be determined by the Washington personnel resources board. However,  
34 beginning with changes proposed for the 1997-99 fiscal biennium,  
35 changes to the classification plan affecting exempt salaries must meet  
36 the same provisions for classified salary increases resulting from  
37 adjustments to the classification plan as outlined in RCW 41.06.152.

38 Any person holding a classified position subject to the provisions  
39 of this chapter shall, when and if such position is subsequently

1 exempted from the application of this chapter, be afforded the  
2 following rights: If such person previously held permanent status in  
3 another classified position, such person shall have a right of  
4 reversion to the highest class of position previously held, or to a  
5 position of similar nature and salary.

6 Any classified employee having civil service status in a classified  
7 position who accepts an appointment in an exempt position shall have  
8 the right of reversion to the highest class of position previously  
9 held, or to a position of similar nature and salary.

10 A person occupying an exempt position who is terminated from the  
11 position for gross misconduct or malfeasance does not have the right of  
12 reversion to a classified position as provided for in this section.

13 **Sec. 403.** RCW 41.06.072 and 1995 c 399 s 59 are each amended to  
14 read as follows:

15 In addition to the exemptions set forth in this chapter, this  
16 chapter shall not apply within the departments of community(~~(, trade,~~  
17 ~~and economic)) development and trade and economic development to the  
18 director(~~(,)) and one confidential secretary for each department, the  
19 deputy directors, all assistant directors, and the state historic  
20 preservation officer(~~(, and up to two professional staff members within~~  
21 ~~the emergency management program))~~).~~~~

22 **Sec. 404.** RCW 43.06.115 and 1998 c 245 s 47 are each amended to  
23 read as follows:

24 (1) The governor may, by executive order, after consultation with  
25 or notification of the executive-legislative committee on economic  
26 development created by chapter . . . (Senate Bill No. 5300), Laws of  
27 1993, declare a community to be a "military impacted area." A  
28 "military impacted area" means a community or communities, as  
29 identified in the executive order, that experience serious social and  
30 economic hardships because of a change in defense spending by the  
31 federal government in that community or communities.

32 (2) If the governor executes an order under subsection (1) of this  
33 section, the governor shall establish a response team to coordinate  
34 state efforts to assist the military impacted community. The response  
35 team may include, but not be limited to, one member from each of the  
36 following agencies: (a) The department of community(~~(, trade, and~~  
37 ~~economic)) development; (b) the department of trade and economic~~

1 development; (c) the department of social and health services; ((+e))  
2 (d) the employment security department; ((+d)) (e) the state board for  
3 community and technical colleges; ((+e)) (f) the higher education  
4 coordinating board; and ((+f)) (g) the department of transportation.  
5 The governor may appoint a response team coordinator. The governor  
6 shall seek to actively involve the impacted community or communities in  
7 planning and implementing a response to the crisis. The governor may  
8 seek input or assistance from the community diversification advisory  
9 committee, and the governor may establish task forces in the community  
10 or communities to assist in the coordination and delivery of services  
11 to the local community. The state and community response shall  
12 consider economic development, human service, and training needs of the  
13 community or communities impacted.

14 **Sec. 405.** RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17,  
15 and 1993 c 280 s 18 are each reenacted and amended to read as follows:

16 There shall be departments of the state government which shall be  
17 known as (1) the department of social and health services, (2) the  
18 department of ecology, (3) the department of labor and industries, (4)  
19 the department of agriculture, (5) the department of fish and wildlife,  
20 (6) the department of transportation, (7) the department of licensing,  
21 (8) the department of general administration, (9) the department of  
22 community(~~(, trade, and economic)~~) development, (10) the department of  
23 veterans affairs, (11) the department of revenue, (12) the department  
24 of retirement systems, (13) the department of corrections, ((and)) (14)  
25 the department of health, ((and)) (15) the department of financial  
26 institutions, and (16) the department of trade and economic  
27 development, which shall be charged with the execution, enforcement,  
28 and administration of such laws, and invested with such powers and  
29 required to perform such duties, as the legislature may provide.

30 **Sec. 406.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each  
31 amended to read as follows:

32 There shall be a chief executive officer of each department to be  
33 known as: (1) The secretary of social and health services, (2) the  
34 director of ecology, (3) the director of labor and industries, (4) the  
35 director of agriculture, (5) the director of fish and wildlife, (6) the  
36 secretary of transportation, (7) the director of licensing, (8) the  
37 director of general administration, (9) the director of community(~~(,~~

1 ~~trade, and economic~~) development, (10) the director of veterans  
2 affairs, (11) the director of revenue, (12) the director of retirement  
3 systems, (13) the secretary of corrections, (~~and~~) (14) the secretary  
4 of health, (~~and~~) (15) the director of financial institutions, and  
5 (16) the director of trade and economic development.

6 Such officers, except the secretary of transportation and the  
7 director of fish and wildlife, shall be appointed by the governor, with  
8 the consent of the senate, and hold office at the pleasure of the  
9 governor. The secretary of transportation shall be appointed by the  
10 transportation commission as prescribed by RCW 47.01.041. The director  
11 of fish and wildlife shall be appointed by the fish and wildlife  
12 commission as prescribed by RCW 77.04.055.

13 **Sec. 407.** RCW 19.02.050 and 1997 c 391 s 11 are each amended to  
14 read as follows:

15 The legislature hereby directs the full participation by the  
16 following agencies in the implementation of this chapter:

- 17 (1) Department of agriculture;
- 18 (2) Secretary of state;
- 19 (3) Department of social and health services;
- 20 (4) Department of revenue;
- 21 (5) Department of fish and wildlife;
- 22 (6) Department of employment security;
- 23 (7) Department of labor and industries;
- 24 (8) Department of (~~community,~~) trade(~~,~~) and economic  
25 development;
- 26 (9) Department of community development;
- 27 (10) Liquor control board;
- 28 (~~(10)~~) (11) Department of health;
- 29 (~~(11)~~) (12) Department of licensing;
- 30 (~~(12)~~) (13) Parks and recreation commission;
- 31 (~~(13)~~) (14) Utilities and transportation commission; and
- 32 (~~(14)~~) (15) Other agencies as determined by the governor.

33 **Sec. 408.** RCW 43.160.030 and 1996 c 51 s 3 are each amended to  
34 read as follows:

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

1 (2) The board shall consist of the chairman of and one minority  
2 member appointed by the speaker of the house of representatives from  
3 the committee of the house of representatives that deals with issues of  
4 economic development, the chairman of and one minority member appointed  
5 by the president of the senate from the committee of the senate that  
6 deals with issues of economic development, and the following members  
7 appointed by the governor: A recognized private or public sector  
8 economist; one port district official; one county official; one city  
9 official; one representative of the public; one representative of small  
10 businesses each from: (a) The area west of Puget Sound, (b) the area  
11 east of Puget Sound and west of the Cascade range, (c) the area east of  
12 the Cascade range and west of the Columbia river, and (d) the area east  
13 of the Columbia river; one executive from large businesses each from  
14 the area west of the Cascades and the area east of the Cascades. The  
15 appointive members shall initially be appointed to terms as follows:  
16 Three members for one-year terms, three members for two-year terms, and  
17 three members for three-year terms which shall include the chair.  
18 Thereafter each succeeding term shall be for three years. The chair of  
19 the board shall be selected by the governor. The members of the board  
20 shall elect one of their members to serve as vice-chair. The director  
21 of community(~~(, trade, and economic)~~) development, the director of  
22 trade and economic development, the director of revenue, the  
23 commissioner of employment security, and the secretary of  
24 transportation shall serve as nonvoting advisory members of the board.

25 (3) Management services, including fiscal and contract services,  
26 shall be provided by the department to assist the board in implementing  
27 this chapter and the allocation of private activity bonds.

28 (4) Members of the board shall be reimbursed for travel expenses as  
29 provided in RCW 43.03.050 and 43.03.060.

30 (5) If a vacancy occurs by death, resignation, or otherwise of  
31 appointive members of the board, the governor shall fill the same for  
32 the unexpired term. Members of the board may be removed for  
33 malfeasance or misfeasance in office, upon specific written charges by  
34 the governor, under chapter 34.05 RCW.

35 (6) A member appointed by the governor may not be absent from more  
36 than fifty percent of the regularly scheduled meetings in any one  
37 calendar year. Any member who exceeds this absence limitation is  
38 deemed to have withdrawn from the office and may be replaced by the  
39 governor.



1       **Sec. 409.** RCW 43.163.060 and 1995 c 399 s 90 are each amended to  
2 read as follows:

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

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

21       **Sec. 410.** RCW 47.39.090 and 1995 c 399 s 123 are each amended to  
22 read as follows:

23       In developing the scenic and recreational highways program, the  
24 department shall consult with the department of community(~~(, trade, and~~  
25 ~~economic)~~) development, the department of trade and economic  
26 development, the department of natural resources, the parks and  
27 recreation commission, affected cities, towns, and counties, regional  
28 transportation planning organizations, state-wide bicycling  
29 organizations, and other interested parties. The scenic and  
30 recreational highways program may identify entire highway loops or  
31 similar tourist routes that could be developed to promote tourist  
32 activity and provide concurrent economic growth while protecting the  
33 scenic and recreational quality surrounding state highways.

34       **Sec. 411.** RCW 47.76.230 and 1995 c 380 s 4 are each amended to  
35 read as follows:

36       (1) The department of transportation shall continue its  
37 responsibility for the development and implementation of the state rail

1 plan and programs, and the utilities and transportation commission  
2 shall continue its responsibility for intrastate rates, service, and  
3 safety issues.

4 (2) The department of transportation shall maintain an enhanced  
5 data file on the rail system. Proprietary annual station traffic data  
6 from each railroad and the modal use of major shippers shall be  
7 obtained to the extent that such information is available.

8 (3) The department of transportation shall provide technical  
9 assistance, upon request, to state agencies and local interests.  
10 Technical assistance includes, but is not limited to, the following:

11 (a) Rail project cost-benefit analyses conducted in accordance with  
12 methodologies recommended by the Federal Railroad Administration;

13 (b) Assistance in the formation of county rail districts and port  
14 districts; and

15 (c) Feasibility studies for rail service continuation and/or rail  
16 service assistance.

17 (4) With funding authorized by the legislature, the department of  
18 transportation, in collaboration with the department of community(~~ty~~  
19 ~~trade, and economic~~) development, the department of trade and economic  
20 development, and local economic development agencies, and other  
21 interested public and private organizations, shall develop a  
22 cooperative process to conduct community and business information  
23 programs and to regularly disseminate information on rail matters.

24 **Sec. 412.** RCW 48.50.040 and 1995 c 285 s 23 and 1995 c 369 s 37  
25 are each reenacted to read as follows:

26 (1) When an insurer has reason to believe that a fire loss reported  
27 to the insurer may be of other than accidental cause, the insurer shall  
28 notify the chief of the Washington state patrol, through the director  
29 of fire protection, in the manner prescribed under RCW 48.05.320  
30 concerning the circumstances of the fire loss, including any and all  
31 relevant material developed from the insurer's inquiry into the fire  
32 loss.

33 (2) Notification of the chief of the Washington state patrol,  
34 through the director of fire protection, under subsection (1) of this  
35 section does not relieve the insurer of the duty to respond to a  
36 request for information from any other authorized agency and does not  
37 bar an insurer from other reporting under RCW 48.50.030(2).

1       **Sec. 413.** RCW 50.38.030 and 1995 c 399 s 142 are each amended to  
2 read as follows:

3       The employment security department shall consult with the following  
4 agencies prior to the issuance of the state occupational forecast:

- 5       (1) Office of financial management;
- 6       (2) Department of community(~~(, trade, and economic)~~) development;
- 7       (3) Department of labor and industries;
- 8       (4) State board for community and technical colleges;
- 9       (5) Superintendent of public instruction;
- 10       (6) Department of social and health services;
- 11       (7) Department of trade and economic development;
- 12       (8) Work force training and education coordinating board; and
- 13       (~~(+8)~~) (9) Other state and local agencies as deemed appropriate by  
14 the commissioner of the employment security department.

15       These agencies shall cooperate with the employment security  
16 department, submitting information relevant to the generation of  
17 occupational forecasts.

18       **Sec. 414.** RCW 80.50.030 and 1996 c 186 s 108 are each amended to  
19 read as follows:

20       (1) There is created and established the energy facility site  
21 evaluation council.

22       (2)(a) The chairman of the council shall be appointed by the  
23 governor with the advice and consent of the senate, shall have a vote  
24 on matters before the council, shall serve for a term coextensive with  
25 the term of the governor, and is removable for cause. The chairman may  
26 designate a member of the council to serve as acting chairman in the  
27 event of the chairman's absence. The chairman is a "state employee"  
28 for the purposes of chapter 42.52 RCW. As applicable, when attending  
29 meetings of the council, members may receive reimbursement for travel  
30 expenses in accordance with RCW 43.03.050 and 43.03.060, and are  
31 eligible for compensation under RCW 43.03.250.

32       (b) The chairman or a designee shall execute all official  
33 documents, contracts, and other materials on behalf of the council.  
34 The (~~(Washington state)~~) department of community(~~(, trade, and~~  
35 ~~economic)~~) development shall provide all administrative and staff  
36 support for the council. The director of the department of  
37 community(~~(, trade, and economic)~~) development has supervisory  
38 authority over the staff of the council and shall employ such personnel

1 as are necessary to implement this chapter. Not more than three such  
2 employees may be exempt from chapter 41.06 RCW.

3 (3) The council shall consist of the directors, administrators, or  
4 their designees, of the following departments, agencies, commissions,  
5 and committees or their statutory successors:

6 (a) Department of ecology;

7 (b) Department of fish and wildlife;

8 (c) Department of health;

9 (d) Military department;

10 (e) Department of community(~~(, trade, and economic~~)) development;

11 (f) Utilities and transportation commission;

12 (g) Department of natural resources;

13 (h) Department of agriculture;

14 (i) Department of trade and economic development; and

15 (j) Department of transportation.

16 (4) The appropriate county legislative authority of every county  
17 wherein an application for a proposed site is filed shall appoint a  
18 member or designee as a voting member to the council. The member or  
19 designee so appointed shall sit with the council only at such times as  
20 the council considers the proposed site for the county which he or she  
21 represents, and such member or designee shall serve until there has  
22 been a final acceptance or rejection of the proposed site.

23 (5) The city legislative authority of every city within whose  
24 corporate limits an energy plant is proposed to be located shall  
25 appoint a member or designee as a voting member to the council. The  
26 member or designee so appointed shall sit with the council only at such  
27 times as the council considers the proposed site for the city which he  
28 or she represents, and such member or designee shall serve until there  
29 has been a final acceptance or rejection of the proposed site.

30 (6) For any port district wherein an application for a proposed  
31 port facility is filed subject to this chapter, the port district shall  
32 appoint a member or designee as a nonvoting member to the council. The  
33 member or designee so appointed shall sit with the council only at such  
34 times as the council considers the proposed site for the port district  
35 which he or she represents, and such member or designee shall serve  
36 until there has been a final acceptance or rejection of the proposed  
37 site. The provisions of this subsection shall not apply if the port  
38 district is the applicant, either singly or in partnership or  
39 association with any other person.

1 PART V

2 REFERENCES TO DEPARTMENT OF COMMUNITY DEVELOPMENT

3 Sec. 501. RCW 19.27.070 and 1995 c 399 s 8 are each amended to  
4 read as follows:

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

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

1 subsection. Members serving on the council on July 28, 1985, may  
2 complete their terms of office. Any vacancy shall be filled by  
3 alternating appointments from governmental and nongovernmental entities  
4 or interests until the council is constituted as required by this  
5 subsection.

6 (2) Members shall not be compensated but shall receive  
7 reimbursement for travel expenses in accordance with RCW 43.03.050 and  
8 43.03.060.

9 (3) The department of community(~~(, trade, and economic)~~)  
10 development shall provide administrative and clerical assistance to the  
11 building code council.

12 **Sec. 502.** RCW 27.34.020 and 1995 c 399 s 13 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) "Advisory council" means the advisory council on historic  
17 preservation.

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

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

22 (4) "Federal act" means the national historic preservation act of  
23 1966 (Public Law 89-655; 80 Stat. 915).

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

25 (6) "Historic preservation" includes the protection,  
26 rehabilitation, restoration, identification, scientific excavation, and  
27 reconstruction of districts, sites, buildings, structures, and objects  
28 significant in American and Washington state history, architecture,  
29 archaeology, or culture.

30 (7) "Office" means the office of archaeology and historic  
31 preservation within the department.

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

34 (9) "Project" means programs leading to the preservation for public  
35 benefit of historical properties, whether by state and local  
36 governments or other public bodies, or private organizations or  
37 individuals, including the acquisition of title or interests in, and  
38 the development of, any district, site, building, structure, or object

1 that is significant in American and Washington state history,  
2 architecture, archaeology, or culture, and property used in connection  
3 therewith, or for its development.

4 (10) "State historical agencies" means the state historical  
5 societies and the office of archaeology and historic preservation  
6 within the department.

7 (11) "State historical societies" means the Washington state  
8 historical society and the eastern Washington state historical society.

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

15 **Sec. 503.** RCW 27.53.030 and 1995 c 399 s 16 are each amended to  
16 read as follows:

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

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

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

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

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

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

33 (6) "Historic" means peoples and cultures who are known through  
34 written documents in their own or other languages. As applied to  
35 underwater archaeological resources, the term historic shall include  
36 only those properties which are listed in or eligible for listing in  
37 the Washington State Register of Historic Places (RCW 27.34.220) or the  
38 National Register of Historic Places as defined in the National

1 Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-  
2 665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

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

5 (8) "Professional archaeologist" means a person who has met the  
6 educational, training, and experience requirements of the (~~society~~)  
7 register of professional archaeologists.

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

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

16 (11) "Historic archaeological resources" means those properties  
17 which are listed in or eligible for listing in the Washington State  
18 Register of Historic Places (RCW 27.34.220) or the National Register of  
19 Historic Places as defined in the National Historic Preservation Act of  
20 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C.  
21 Sec. 470) as now or hereafter amended.

22 **Sec. 504.** RCW 28A.215.110 and 1999 c 350 s 1 are each amended to  
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in  
25 this section apply throughout RCW 28A.215.100 through 28A.215.200 and  
26 28A.215.900 through 28A.215.908.

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

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

31 (3) "Eligible child" means a child not eligible for kindergarten  
32 whose family income is at or below one hundred ten percent of the  
33 federal poverty level, as published annually by the federal department  
34 of health and human services, and includes a child whose family is  
35 eligible for public assistance, and who is not a participant in a  
36 federal or state program providing comprehensive services and may  
37 include children who are eligible under rules adopted by the department  
38 if the number of such children equals not more than ten percent of the



1 total enrollment in the early childhood program. Priority for  
2 enrollment shall be given to children from families with the lowest  
3 income or to eligible children from families with multiple needs.

4 (4) "Approved programs" means those state-supported education and  
5 special assistance programs which are recognized by the department of  
6 community(~~(, trade, and economic)~~) development as meeting the minimum  
7 program rules adopted by the department to qualify under RCW  
8 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 and  
9 are designated as eligible for funding by the department under RCW  
10 28A.215.160 and 28A.215.180.

11 (5) "Comprehensive" means an assistance program that focuses on the  
12 needs of the child and includes education, health, and family support  
13 services.

14 (6) "Family support services" means providing opportunities for  
15 parents to:

- 16 (a) Actively participate in their child's early childhood program;
- 17 (b) Increase their knowledge of child development and parenting  
18 skills;
- 19 (c) Further their education and training;
- 20 (d) Increase their ability to use needed services in the community;
- 21 (e) Increase their self-reliance.

22 **Sec. 505.** RCW 28A.215.120 and 1994 c 166 s 4 are each amended to  
23 read as follows:

24 The department of community(~~(, trade, and economic)~~) development  
25 shall administer a state-supported early childhood education and  
26 assistance program to assist eligible children with educational,  
27 social, health, nutritional, and cultural development to enhance their  
28 opportunity for success in the common school system. Eligible children  
29 shall be admitted to approved early childhood programs to the extent  
30 that the legislature provides funds, and additional eligible children  
31 may be admitted to the extent that grants and contributions from  
32 community sources provide sufficient funds for a program equivalent to  
33 that supported by state funds.

34 **Sec. 506.** RCW 36.27.100 and 1995 c 399 s 41 are each amended to  
35 read as follows:

36 The legislature recognizes that, due to the magnitude or volume of  
37 offenses in a given area of the state, there is a recurring need for

1 supplemental assistance in the prosecuting of drug and drug-related  
2 offenses that can be directed to the area of the state with the  
3 greatest need for short-term assistance. A state-wide drug prosecution  
4 assistance program is created within the department of community(~~(~~  
5 ~~trade, and economic)~~) development to assist county prosecuting  
6 attorneys in the prosecution of drug and drug-related offenses.

7 **Sec. 507.** RCW 36.70A.030 and 1997 c 429 s 3 are each amended to  
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in  
10 this section apply throughout this chapter.

11 (1) "Adopt a comprehensive land use plan" means to enact a new  
12 comprehensive land use plan or to update an existing comprehensive land  
13 use plan.

14 (2) "Agricultural land" means land primarily devoted to the  
15 commercial production of horticultural, viticultural, floricultural,  
16 dairy, apiary, vegetable, or animal products or of berries, grain, hay,  
17 straw, turf, seed, Christmas trees not subject to the excise tax  
18 imposed by RCW 84.33.100 through 84.33.140, finfish in upland  
19 hatcheries, or livestock, and that has long-term commercial  
20 significance for agricultural production.

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

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

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

31 (6) "Department" means the department of community(~~(~~  
32 ~~economic)~~) development.

33 (7) "Development regulations" or "regulation" means the controls  
34 placed on development or land use activities by a county or city,  
35 including, but not limited to, zoning ordinances, critical areas  
36 ordinances, shoreline master programs, official controls, planned unit  
37 development ordinances, subdivision ordinances, and binding site plan  
38 ordinances together with any amendments thereto. A development

1 regulation does not include a decision to approve a project permit  
2 application, as defined in RCW 36.70B.020, even though the decision may  
3 be expressed in a resolution or ordinance of the legislative body of  
4 the county or city.

5 (8) "Forest land" means land primarily devoted to growing trees for  
6 long-term commercial timber production on land that can be economically  
7 and practically managed for such production, including Christmas trees  
8 subject to the excise tax imposed under RCW 84.33.100 through  
9 84.33.140, and that has long-term commercial significance. In  
10 determining whether forest land is primarily devoted to growing trees  
11 for long-term commercial timber production on land that can be  
12 economically and practically managed for such production, the following  
13 factors shall be considered: (a) The proximity of the land to urban,  
14 suburban, and rural settlements; (b) surrounding parcel size and the  
15 compatibility and intensity of adjacent and nearby land uses; (c) long-  
16 term local economic conditions that affect the ability to manage for  
17 timber production; and (d) the availability of public facilities and  
18 services conducive to conversion of forest land to other uses.

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

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

28 (11) "Minerals" include gravel, sand, and valuable metallic  
29 substances.

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

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

37 (14) "Rural character" refers to the patterns of land use and  
38 development established by a county in the rural element of its  
39 comprehensive plan:

1 (a) In which open space, the natural landscape, and vegetation  
2 predominate over the built environment;

3 (b) That foster traditional rural lifestyles, rural-based  
4 economies, and opportunities to both live and work in rural areas;

5 (c) That provide visual landscapes that are traditionally found in  
6 rural areas and communities;

7 (d) That are compatible with the use of the land by wildlife and  
8 for fish and wildlife habitat;

9 (e) That reduce the inappropriate conversion of undeveloped land  
10 into sprawling, low-density development;

11 (f) That generally do not require the extension of urban  
12 governmental services; and

13 (g) That are consistent with the protection of natural surface  
14 water flows and ground water and surface water recharge and discharge  
15 areas.

16 (15) "Rural development" refers to development outside the urban  
17 growth area and outside agricultural, forest, and mineral resource  
18 lands designated pursuant to RCW 36.70A.170. Rural development can  
19 consist of a variety of uses and residential densities, including  
20 clustered residential development, at levels that are consistent with  
21 the preservation of rural character and the requirements of the rural  
22 element. Rural development does not refer to agriculture or forestry  
23 activities that may be conducted in rural areas.

24 (16) "Rural governmental services" or "rural services" include  
25 those public services and public facilities historically and typically  
26 delivered at an intensity usually found in rural areas, and may include  
27 domestic water systems, fire and police protection services,  
28 transportation and public transit services, and other public utilities  
29 associated with rural development and normally not associated with  
30 urban areas. Rural services do not include storm or sanitary sewers,  
31 except as otherwise authorized by RCW 36.70A.110(4).

32 (17) "Urban growth" refers to growth that makes intensive use of  
33 land for the location of buildings, structures, and impermeable  
34 surfaces to such a degree as to be incompatible with the primary use of  
35 land for the production of food, other agricultural products, or fiber,  
36 or the extraction of mineral resources, rural uses, rural development,  
37 and natural resource lands designated pursuant to RCW 36.70A.170. A  
38 pattern of more intensive rural development, as provided in RCW  
39 36.70A.070(5)(d), is not urban growth. When allowed to spread over

1 wide areas, urban growth typically requires urban governmental  
2 services. "Characterized by urban growth" refers to land having urban  
3 growth located on it, or to land located in relationship to an area  
4 with urban growth on it as to be appropriate for urban growth.

5 (18) "Urban growth areas" means those areas designated by a county  
6 pursuant to RCW 36.70A.110.

7 (19) "Urban governmental services" or "urban services" include  
8 those public services and public facilities at an intensity  
9 historically and typically provided in cities, specifically including  
10 storm and sanitary sewer systems, domestic water systems, street  
11 cleaning services, fire and police protection services, public transit  
12 services, and other public utilities associated with urban areas and  
13 normally not associated with rural areas.

14 (20) "Wetland" or "wetlands" means areas that are inundated or  
15 saturated by surface water or ground water at a frequency and duration  
16 sufficient to support, and that under normal circumstances do support,  
17 a prevalence of vegetation typically adapted for life in saturated soil  
18 conditions. Wetlands generally include swamps, marshes, bogs, and  
19 similar areas. Wetlands do not include those artificial wetlands  
20 intentionally created from nonwetland sites, including, but not limited  
21 to, irrigation and drainage ditches, grass-lined swales, canals,  
22 detention facilities, wastewater treatment facilities, farm ponds, and  
23 landscape amenities, or those wetlands created after July 1, 1990, that  
24 were unintentionally created as a result of the construction of a road,  
25 street, or highway. Wetlands may include those artificial wetlands  
26 intentionally created from nonwetland areas created to mitigate  
27 conversion of wetlands.

28 **Sec. 508.** RCW 36.70A.040 and 1998 c 171 s 1 are each amended to  
29 read as follows:

30 (1) Each county that has both a population of fifty thousand or  
31 more and, until May 16, 1995, has had its population increase by more  
32 than ten percent in the previous ten years or, on or after May 16,  
33 1995, has had its population increase by more than seventeen 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  
35 comprehensive plan under this chapter and development regulations that  
36 are consistent with and implement the comprehensive plan on or before  
37 July 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(~~(, trade, and economic)~~) development of its  
11 need prior to the deadline for adopting both a comprehensive plan and  
12 development regulations.

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(~~(, trade, and economic)~~)  
32 development of its need prior to the deadline for adopting both a  
33 comprehensive plan and development 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(~~(, trade, and economic)~~)  
17 development of its need prior to the deadline for adopting both a  
18 comprehensive plan and 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 (7) Cities and counties planning under this chapter must amend the  
22 transportation element of the comprehensive plan to be in compliance  
23 with this chapter and chapter 47.80 RCW no later than December 31,  
24 2000.

25 **Sec. 509.** RCW 36.70A.131 and 1998 c 286 s 7 are each amended to  
26 read as follows:

27 As part of the review required by RCW 36.70A.130(1), a county or  
28 city shall review its mineral resource lands designations adopted  
29 pursuant to RCW 36.70A.170 and mineral resource lands development  
30 regulations adopted pursuant to RCW 36.70A.040 and 36.70A.060. In its  
31 review, the county or city shall take into consideration:

32 (1) New information made available since the adoption or last  
33 review of its designations or development regulations, including data  
34 available from the department of natural resources relating to mineral  
35 resource deposits; and

36 (2) New or modified model development regulations for mineral  
37 resource lands prepared by the department of natural resources, the



1 department of community(~~(, trade, and economic)~~) development, or the  
2 Washington state association of counties.

3 **Sec. 510.** RCW 39.84.090 and 1998 c 245 s 34 are each amended to  
4 read as follows:

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

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

16 (3) The department of community(~~(, trade, and economic)~~)  
17 development shall provide such advice and assistance to public  
18 corporations and municipalities which have created or may wish to  
19 create public corporations as the public corporations or municipalities  
20 request and the department of community(~~(, trade, and economic)~~)  
21 development considers appropriate.

22 **Sec. 511.** RCW 43.08.260 and 1997 c 319 s 2 are each amended to  
23 read as follows:

24 (1)(a) The legislature recognizes the ethical obligation of  
25 attorneys to represent clients without interference by third parties in  
26 the discharge of professional obligations to clients. However, to  
27 ensure the most beneficial use of state resources, the legislature  
28 finds that it is within the authority of the legislature to specify the  
29 categories of legal cases in which qualified legal aid programs may  
30 provide civil representation with state moneys. Accordingly, moneys  
31 appropriated for civil legal representation pursuant to this section  
32 shall not be used for legal representation that is either outside the  
33 scope of this section or prohibited by this section.

34 (b) Nothing in this section is intended to limit the authority of  
35 existing entities, including but not limited to the Washington state  
36 bar association, the public disclosure commission, the state auditor,

1 and the federal legal services corporation to resolve issues within  
2 their respective jurisdictions.

3 (2) Any money appropriated by the legislature from the public  
4 safety and education account pursuant to RCW 43.08.250 or from any  
5 other state fund or account for civil representation of indigent  
6 persons shall be used solely for the purpose of contracting with  
7 qualified legal aid programs for legal representation of indigent  
8 persons in matters relating to: (a) Domestic relations and family law  
9 matters, (b) public assistance and health care, (c) housing and  
10 utilities, (d) social security, (e) mortgage foreclosures, (f) home  
11 protection bankruptcies, (g) consumer fraud and unfair sales practices,  
12 (h) rights of residents of long-term care facilities, (i) wills,  
13 estates, and living wills, (j) elder abuse, and (k) guardianship.

14 (3) For purposes of this section, a "qualified legal aid program"  
15 means a not-for-profit corporation incorporated and operating  
16 exclusively in Washington which has received basic field funding for  
17 the provision of civil legal services to indigents from the federal  
18 legal services corporation or that has received funding for civil legal  
19 services for indigents under this section before July 1, 1997.

20 (4) The department of community(~~(, trade, and economic)~~)  
21 development shall establish a distribution formula based on the  
22 distribution by county of individuals with incomes below the official  
23 federal poverty level guidelines. When entering into a contract with  
24 a qualified legal services provider under this section, the department  
25 shall require the provider to provide legal services in a manner that  
26 maximizes geographic access in accordance with the formula established  
27 in this subsection (4).

28 (5) Funds distributed to qualified legal aid programs under this  
29 section may not be used directly or indirectly for:

30 (a) Lobbying.

31 (i) For purposes of this section, "lobbying" means any personal  
32 service, advertisement, telegram, telephone communication, letter,  
33 printed or written matter, or other device directly or indirectly  
34 intended to influence any member of congress or any other federal,  
35 state, or local nonjudicial official, whether elected or appointed:

36 (A) In connection with any act, bill, resolution, or similar  
37 legislation by the congress of the United States or by any state or  
38 local legislative body, or any administrative rule, rule-making

1 activity, standard, rate, or other enactment by any federal, state, or  
2 local administrative agency;

3 (B) In connection with any referendum, initiative, constitutional  
4 amendment, or any similar procedure of the congress, any state  
5 legislature, any local council, or any similar governing body acting in  
6 a legislative capacity; or

7 (C) In connection with inclusion of any provision in a legislative  
8 measure appropriating funds to, or defining or limiting the functions  
9 or authority of, the recipient of funds under this section.

10 (ii) "Lobbying" does not include the response of an employee of a  
11 legal aid program to a written request from a governmental agency, an  
12 elected or appointed official, or committee on a specific matter. This  
13 exception does not authorize communication with anyone other than the  
14 requesting party, or agent or employee of such agency, official, or  
15 committee.

16 (b) Grass roots lobbying. For purposes of this section, "grass  
17 roots lobbying" means preparation, production, or dissemination of  
18 information the purpose of which is to encourage the public at large,  
19 or any definable segment thereof, to contact legislators or their staff  
20 in support of or in opposition to pending or proposed legislation; or  
21 contribute to or participate in a demonstration, march, rally, lobbying  
22 campaign, or letter writing or telephone campaign for the purpose of  
23 influencing the course of pending or proposed legislation.

24 (c) Class action lawsuits.

25 (d) Participating in or identifying the program with prohibited  
26 political activities. For purposes of this section, "prohibited  
27 political activities" means (i) any activity directed toward the  
28 success or failure of a political party, a candidate for partisan or  
29 nonpartisan office, a partisan political group, or a ballot measure;  
30 (ii) advertising or contributing or soliciting financial support for or  
31 against any candidate, political group, or ballot measure; or (iii)  
32 voter registration or transportation activities.

33 (e) Representation in fee-generating cases. For purposes of this  
34 section, "fee-generating" means a case that might reasonably be  
35 expected to result in a fee for legal services if undertaken by a  
36 private attorney. The charging of a fee pursuant to subsection (6) of  
37 this section does not establish the fee-generating nature of a case.

38 A fee-generating case may be accepted when: (i) The case has been  
39 rejected by the local lawyer referral services or by two private

1 attorneys; (ii) neither the referral service nor two private attorneys  
2 will consider the case without payment of a consultation fee; (iii)  
3 after consultation with the appropriate representatives of the private  
4 bar, the program has determined that the type of case is one that  
5 private attorneys do not ordinarily accept, or do not accept without  
6 prepayment of a fee; or (iv) the director of the program or the  
7 director's designee has determined that referral of the case to the  
8 private bar is not possible because documented attempts to refer  
9 similar cases in the past have been futile, or because emergency  
10 circumstances compel immediate action before referral can be made, but  
11 the client is advised that, if appropriate and consistent with  
12 professional responsibility, referral will be attempted at a later  
13 time.

14 (f) Organizing any association, union, or federation, or  
15 representing a labor union. However, nothing in this subsection (5)(f)  
16 prohibits the provision of legal services to clients as otherwise  
17 permitted by this section.

18 (g) Representation of undocumented aliens.

19 (h) Picketing, demonstrations, strikes, or boycotts.

20 (i) Engaging in inappropriate solicitation. For purposes of this  
21 section, "inappropriate solicitation" means promoting the assertion of  
22 specific legal claims among persons who know of their rights to make a  
23 claim and who decline to do so. Nothing in this subsection precludes  
24 a legal services program or its employees from providing information  
25 regarding legal rights and responsibilities or providing information  
26 regarding the program's services and intake procedures through  
27 community legal education activities, responding to an individual's  
28 specific question about whether the individual should consult with an  
29 attorney or take legal action, or responding to an individual's  
30 specific request for information about the individual's legal rights or  
31 request for assistance in connection with a specific legal problem.

32 (j) Conducting training programs that: (i) Advocate particular  
33 public policies; (ii) encourage or facilitate political activities,  
34 labor or antilabor activities, boycotts, picketing, strikes, or  
35 demonstrations; or (iii) attempt to influence legislation or rule  
36 making. Nothing in this subsection (5)(j) precludes representation of  
37 clients as otherwise permitted by this section.

38 (6) The department may establish requirements for client  
39 participation in the provision of civil legal services under this

1 section, including but not limited to copayments and sliding fee  
2 scales.

3 (7)(a) Contracts entered into by the department of community(~~(~~  
4 ~~trade, and economic)~~) development with qualified legal services  
5 programs under this section must specify that the program's  
6 expenditures of moneys distributed under this section:

7 (i) Must be audited annually by an independent outside auditor.  
8 These audit results must be provided to the department of community(~~(~~  
9 ~~trade, and economic)~~) development; and

10 (ii) Are subject to audit by the state auditor.

11 (b)(i) Any entity auditing a legal services program under this  
12 section shall have access to all records of the legal services program  
13 to the full extent necessary to determine compliance with this section,  
14 with the exception of confidential information protected by the United  
15 States Constitution, the state Constitution, the attorney-client  
16 privilege, and applicable rules of attorney conduct.

17 (ii) The legal services program shall have a system allowing for  
18 production of case-specific information, including client eligibility  
19 and case type, to demonstrate compliance with this section, with the  
20 exception of confidential information protected by the United States  
21 Constitution, the state Constitution, the attorney-client privilege,  
22 and applicable rules of attorney conduct. Such information shall be  
23 available to any entity that audits the program.

24 (8) The department of community(~~(~~~~trade, and economic)~~)  
25 development must recover or withhold amounts determined by an audit to  
26 have been used in violation of this section.

27 (9) The department of community(~~(~~~~trade, and economic)~~)  
28 development may adopt rules to implement this section.

29 **Sec. 512.** RCW 43.21A.612 and 1995 c 399 s 68 are each amended to  
30 read as follows:

31 Before the director shall construct said steam generating facility  
32 within the state, or make application for any permit, license or other  
33 right necessary thereto, the director shall give notice thereof by  
34 publishing once a week for four consecutive weeks in a newspaper of  
35 general circulation in the county or counties in which such project is  
36 located a statement of intention setting forth the general nature,  
37 extent and location of the project. If any public utility in the state  
38 or any operating agency desires to construct such facility, such

1 utility or operating agency shall notify the director thereof within  
2 ten days after the last date of publication of such notice. If the  
3 director determines that it is in the best public interest that the  
4 director proceed with such construction rather than the public utility  
5 or operating agency, the director shall so notify the director of  
6 community(~~(, trade, and economic)~~) development, who shall set a date  
7 for hearing thereon. If after considering the evidence introduced the  
8 director of community(~~(, trade, and economic)~~) development finds that  
9 the public utility or operating agency making the request intends to  
10 immediately proceed with such construction and is financially capable  
11 of carrying out such construction and further finds that the plan of  
12 such utility or operating agency is equally well adapted to serve the  
13 public interest, the director shall enter an order so finding and such  
14 order shall divest the director of authority to proceed further with  
15 such construction or acquisition until such time as the other public  
16 utility or agency voluntarily causes an assignment of its right or  
17 interest in the project to the director or fails to procure any further  
18 required governmental permit, license or authority or having procured  
19 such, has the same revoked or withdrawn, in accordance with the laws  
20 and regulations of such governmental entity, in which event the  
21 director shall have the same authority to proceed as though the  
22 director had originally entered an order so authorizing the director to  
23 proceed. If, after considering the evidence introduced, the director  
24 of community(~~(, trade, and economic)~~) development finds that the public  
25 utility or agency making the request does not intend to immediately  
26 proceed with such construction or acquisition or is not financially  
27 capable of carrying out such construction or acquisition, or finds that  
28 the plan of such utility or operating agency is not equally well  
29 adapted to serve the public interest, the director shall then enter an  
30 order so finding and authorizing the director to proceed with the  
31 construction or acquisition of the facility.

32 **Sec. 513.** RCW 43.21C.110 and 1997 c 429 s 47 are each amended to  
33 read as follows:

34 It shall be the duty and function of the department of ecology:

35 (1) To adopt and amend thereafter rules of interpretation and  
36 implementation of this chapter, subject to the requirements of chapter  
37 34.05 RCW, for the purpose of providing uniform rules and guidelines to  
38 all branches of government including state agencies, political

1 subdivisions, public and municipal corporations, and counties. The  
2 proposed rules shall be subject to full public hearings requirements  
3 associated with rule promulgation. Suggestions for modifications of  
4 the proposed rules shall be considered on their merits, and the  
5 department shall have the authority and responsibility for full and  
6 appropriate independent promulgation and adoption of rules, assuring  
7 consistency with this chapter as amended and with the preservation of  
8 protections afforded by this chapter. The rule-making powers  
9 authorized in this section shall include, but shall not be limited to,  
10 the following phases of interpretation and implementation of this  
11 chapter:

12 (a) Categories of governmental actions which are not to be  
13 considered as potential major actions significantly affecting the  
14 quality of the environment, including categories pertaining to  
15 applications for water right permits pursuant to chapters 90.03 and  
16 90.44 RCW. The types of actions included as categorical exemptions in  
17 the rules shall be limited to those types which are not major actions  
18 significantly affecting the quality of the environment. The rules  
19 shall provide for certain circumstances where actions which potentially  
20 are categorically exempt require environmental review. An action that  
21 is categorically exempt under the rules adopted by the department may  
22 not be conditioned or denied under this chapter.

23 (b) Rules for criteria and procedures applicable to the  
24 determination of when an act of a branch of government is a major  
25 action significantly affecting the quality of the environment for which  
26 a detailed statement is required to be prepared pursuant to RCW  
27 43.21C.030.

28 (c) Rules and procedures applicable to the preparation of detailed  
29 statements and other environmental documents, including but not limited  
30 to rules for timing of environmental review, obtaining comments, data  
31 and other information, and providing for and determining areas of  
32 public participation which shall include the scope and review of draft  
33 environmental impact statements.

34 (d) Scope of coverage and contents of detailed statements assuring  
35 that such statements are simple, uniform, and as short as practicable;  
36 statements are required to analyze only reasonable alternatives and  
37 probable adverse environmental impacts which are significant, and may  
38 analyze beneficial impacts.

1 (e) Rules and procedures for public notification of actions taken  
2 and documents prepared.

3 (f) Definition of terms relevant to the implementation of this  
4 chapter including the establishment of a list of elements of the  
5 environment. Analysis of environmental considerations under RCW  
6 43.21C.030(2) may be required only for those subjects listed as  
7 elements of the environment (or portions thereof). The list of  
8 elements of the environment shall consist of the "natural" and "built"  
9 environment. The elements of the built environment shall consist of  
10 public services and utilities (such as water, sewer, schools, fire and  
11 police protection), transportation, environmental health (such as  
12 explosive materials and toxic waste), and land and shoreline use  
13 (including housing, and a description of the relationships with land  
14 use and shoreline plans and designations, including population).

15 (g) Rules for determining the obligations and powers under this  
16 chapter of two or more branches of government involved in the same  
17 project significantly affecting the quality of the environment.

18 (h) Methods to assure adequate public awareness of the preparation  
19 and issuance of detailed statements required by RCW 43.21C.030(2)(c).

20 (i) To prepare rules for projects setting forth the time limits  
21 within which the governmental entity responsible for the action shall  
22 comply with the provisions of this chapter.

23 (j) Rules for utilization of a detailed statement for more than one  
24 action and rules improving environmental analysis of nonproject  
25 proposals and encouraging better interagency coordination and  
26 integration between this chapter and other environmental laws.

27 (k) Rules relating to actions which shall be exempt from the  
28 provisions of this chapter in situations of emergency.

29 (l) Rules relating to the use of environmental documents in  
30 planning and decision making and the implementation of the substantive  
31 policies and requirements of this chapter, including procedures for  
32 appeals under this chapter.

33 (m) Rules and procedures that provide for the integration of  
34 environmental review with project review as provided in RCW 43.21C.240.  
35 The rules and procedures shall be jointly developed with the department  
36 of community(~~, trade, and economic~~) development and shall be  
37 applicable to the preparation of environmental documents for actions in  
38 counties, cities, and towns planning under RCW 36.70A.040. The rules  
39 and procedures shall also include procedures and criteria to analyze



1 planned actions under RCW 43.21C.031(2) and revisions to the rules  
2 adopted under this section to ensure that they are compatible with the  
3 requirements and authorizations of chapter 347, Laws of 1995, as  
4 amended by chapter 429, Laws of 1997. Ordinances or procedures adopted  
5 by a county, city, or town to implement the provisions of chapter 347,  
6 Laws of 1995 prior to the effective date of rules adopted under this  
7 subsection (1)(m) shall continue to be effective until the adoption of  
8 any new or revised ordinances or procedures that may be required. If  
9 any revisions are required as a result of rules adopted under this  
10 subsection (1)(m), those revisions shall be made within the time limits  
11 specified in RCW 43.21C.120.

12 (2) In exercising its powers, functions, and duties under this  
13 section, the department may:

14 (a) Consult with the state agencies and with representatives of  
15 science, industry, agriculture, labor, conservation organizations,  
16 state and local governments, and other groups, as it deems advisable;  
17 and

18 (b) Utilize, to the fullest extent possible, the services,  
19 facilities, and information (including statistical information) of  
20 public and private agencies, organizations, and individuals, in order  
21 to avoid duplication of effort and expense, overlap, or conflict with  
22 similar activities authorized by law and performed by established  
23 agencies.

24 (3) Rules adopted pursuant to this section shall be subject to the  
25 review procedures of chapter 34.05 RCW.

26 **Sec. 514.** RCW 43.63B.010 and 1998 c 124 s 6 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) "Authorized representative" means an employee of a state  
31 agency, city, or county acting on behalf of the department.

32 (2) "Certified manufactured home installer" means a person who is  
33 in the business of installing mobile or manufactured homes and who has  
34 been issued a certificate by the department as provided in this  
35 chapter.

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

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

3 (5) "Manufactured home" means a single-family dwelling built in  
4 accordance with the department of housing and urban development  
5 manufactured home construction and safety standards act, which is a  
6 national, preemptive building code.

7 (6) "Mobile or manufactured home installation" means all on-site  
8 work necessary for the installation of a manufactured home, including:

9 (a) Construction of the foundation system;

10 (b) Installation of the support piers and earthquake resistant  
11 bracing system;

12 (c) Required connection to foundation system and support piers;

13 (d) Skirting;

14 (e) Connections to the on-site water and sewer systems that are  
15 necessary for the normal operation of the home; and

16 (f) Extension of the pressure relief valve for the water heater.

17 (7) "Manufactured home standards" means the manufactured home  
18 construction and safety standards as promulgated by the United States  
19 department of housing and urban development (HUD).

20 (8) "Mobile home" means a factory-built dwelling built prior to  
21 June 15, 1976, to standards other than the HUD code, and acceptable  
22 under applicable state codes in effect at the time of construction or  
23 introduction of the home into the state. Mobile homes have not been  
24 built since introduction of the HUD manufactured home construction and  
25 safety standards act.

26 (9) "Training course" means the education program administered by  
27 the department, or the education course administered by an approved  
28 educational provider, as a prerequisite to taking the examination for  
29 certification.

30 (10) "Approved educational provider" means an organization approved  
31 by the department to provide education and training of manufactured  
32 home installers and local inspectors.

33 **Sec. 515.** RCW 43.132.030 and 1995 c 399 s 80 are each amended to  
34 read as follows:

35 The director of financial management is hereby empowered to  
36 designate the director of community(~~(, trade, and economic))~~  
37 development as the official responsible for the preparation of fiscal  
38 notes authorized and required by this chapter. It is the intent of the

1 legislature that when necessary the resources of other state agencies,  
2 appropriate legislative staffs, and the various associations of local  
3 government may be employed in the development of such fiscal notes.

4 **Sec. 516.** RCW 43.155.020 and 1996 c 168 s 2 are each amended to  
5 read as follows:

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

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

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

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

16 (4) "Local governments" means cities, towns, counties, special  
17 purpose districts, and any other municipal corporations or quasi-  
18 municipal corporations in the state excluding school districts and port  
19 districts.

20 (5) "Public works project" means a project of a local government  
21 for the planning, acquisition, construction, repair, reconstruction,  
22 replacement, rehabilitation, or improvement of streets and roads,  
23 bridges, water systems, or storm and sanitary sewage systems and solid  
24 waste facilities, including recycling facilities.

25 (6) "Solid waste or recycling project" means remedial actions  
26 necessary to bring abandoned or closed landfills into compliance with  
27 regulatory requirements and the repair, restoration, and replacement of  
28 existing solid waste transfer, recycling facilities, and landfill  
29 projects limited to the opening of landfill cells that are in existing  
30 and permitted landfills.

31 (7) "Technical assistance" means training and other services  
32 provided to local governments to: (a) Help such local governments  
33 plan, apply, and qualify for loans and financing guarantees from the  
34 board, and (b) help local governments improve their ability to plan  
35 for, finance, acquire, construct, repair, replace, rehabilitate, and  
36 maintain public facilities.

1       **Sec. 517.** RCW 43.168.020 and 1999 c 164 s 502 are each amended to  
2 read as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

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

7       (2) "Director" means the director of community(~~(, trade, and~~  
8 ~~economic)) development.~~

9       (3) "Distressed area" means: (a) A rural county; (b) a county  
10 which has an unemployment rate which is twenty percent above the state  
11 average for the immediately previous three years; (c) a county that has  
12 a median household income that is less than seventy-five percent of the  
13 state median household income for the previous three years; (d) a  
14 metropolitan statistical area, as defined by the office of federal  
15 statistical policy and standards, United States department of commerce,  
16 in which the average level of unemployment for the calendar year  
17 immediately preceding the year in which an application is filed under  
18 this chapter exceeds the average state unemployment for such calendar  
19 year by twenty percent; (e) an area within a county, which area: (i)  
20 Is composed of contiguous census tracts; (ii) has a minimum population  
21 of five thousand persons; (iii) has at least seventy percent of its  
22 families and unrelated individuals with incomes below eighty percent of  
23 the county's median income for families and unrelated individuals; and  
24 (iv) has an unemployment rate which is at least forty percent higher  
25 than the county's unemployment rate; or (f) a county designated as a  
26 rural natural resources impact area under RCW 43.31.601 if an  
27 application is filed by July 1, 1997. For purposes of this definition,  
28 "families and unrelated individuals" has the same meaning that is  
29 ascribed to that term by the federal department of housing and urban  
30 development in its regulations authorizing action grants for economic  
31 development and neighborhood revitalization projects.

32       (4) "Fund" means the rural Washington loan fund.

33       (5) "Local development organization" means a nonprofit organization  
34 which is organized to operate within an area, demonstrates a commitment  
35 to a long-standing effort for an economic development program, and  
36 makes a demonstrable effort to assist in the employment of unemployed  
37 or underemployed residents in an area.

38       (6) "Project" means the establishment of a new or expanded business  
39 in an area which when completed will provide employment opportunities.

1 "Project" also means the retention of an existing business in an area  
2 which when completed will provide employment opportunities.

3 (7) "Rural county" means a county with a population density of  
4 fewer than one hundred persons per square mile as determined by the  
5 office of financial management.

6 **Sec. 518.** RCW 43.168.031 and 1995 c 399 s 92 are each amended to  
7 read as follows:

8 The Washington state development loan fund committee shall be  
9 terminated on June 30, 1994, and its powers and duties transferred to  
10 the director of the department of community(~~, trade, and economic~~)  
11 development.

12 **Sec. 519.** RCW 43.168.040 and 1987 c 461 s 3 are each amended to  
13 read as follows:

14 Subject to the restrictions contained in this chapter, the  
15 (~~committee~~) director is authorized to approve applications of local  
16 governments for federal community development block grant funds which  
17 the local governments would use to make loans to finance business  
18 projects within their jurisdictions. Applications approved by the  
19 (~~committee~~) director under this chapter shall conform to applicable  
20 federal requirements and shall be approved based upon the  
21 recommendations of the director of the department of trade and economic  
22 development.

23 **Sec. 520.** RCW 43.168.050 and 1993 c 512 s 12 are each amended to  
24 read as follows:

25 (1) The (~~committee~~) director may only approve an application  
26 providing a loan for a project which the (~~committee~~) director finds:

27 (a) Will result in the creation of employment opportunities, the  
28 maintenance of threatened employment, or development or expansion of  
29 business ownership by minorities and women;

30 (b) Has been approved by the director as conforming to federal  
31 rules and regulations governing the spending of federal community  
32 development block grant funds;

33 (c) Will be of public benefit and for a public purpose, and that  
34 the benefits, including increased or maintained employment, improved  
35 standard of living, the employment of disadvantaged workers, and

1 development or expansion of business ownership by minorities and women,  
2 will primarily accrue to residents of the area;

3 (d) Will probably be successful;

4 (e) Would probably not be completed without the loan because other  
5 capital or financing at feasible terms is unavailable or the return on  
6 investment is inadequate.

7 (2) The ((committee)) director shall, subject to federal block  
8 grant criteria, give higher priority to economic development projects  
9 that contain provisions for child care.

10 (3) The ((committee)) director may not approve an application if it  
11 fails to provide for adequate reporting or disclosure of financial data  
12 to the ((committee)) director. The ((committee)) director may require  
13 an annual or other periodic audit of the project books.

14 (4) The ((committee)) director may require that the project be  
15 managed in whole or in part by a local development organization and may  
16 prescribe a management fee to be paid to such organization by the  
17 recipient of the loan or grant.

18 (5)(a) Except as provided in (b) of this subsection, the  
19 ((committee)) director shall not approve any application which would  
20 result in a loan or grant in excess of three hundred fifty thousand  
21 dollars.

22 (b) The ((committee)) director may approve an application which  
23 results in a loan or grant of up to seven hundred thousand dollars if  
24 the application has been approved by the director.

25 (6) The ((committee)) director shall fix the terms and rates  
26 pertaining to its loans.

27 (7) Should there be more demand for loans than funds available for  
28 lending, the ((committee)) director shall provide loans for those  
29 projects which will lead to the greatest amount of employment or  
30 benefit to a community. In determining the "greatest amount of  
31 employment or benefit" the ((committee)) director shall also consider  
32 the employment which would be saved by its loan and the benefit  
33 relative to the community, not just the total number of new jobs or  
34 jobs saved.

35 (8) To the extent permitted under federal law the ((committee))  
36 director shall require applicants to provide for the transfer of all  
37 payments of principal and interest on loans to the rural Washington  
38 ((state-development)) loan fund created under this chapter. Under  
39 circumstances where the federal law does not permit the ((committee))

1 director to require such transfer, the ((committee)) director shall  
2 give priority to applications where the applicants on their own  
3 volition make commitments to provide for the transfer.

4 (9) The ((committee)) director shall not approve any application to  
5 finance or help finance a shopping mall.

6 (10) For loans not made to minority and women-owned businesses, the  
7 ((committee)) director shall make at least eighty percent of the  
8 appropriated funds available to projects located in distressed areas,  
9 and may make up to twenty percent available to projects located in  
10 areas not designated as distressed. For loans not made to minority and  
11 women-owned businesses, the ((committee)) director shall not make funds  
12 available to projects located in areas not designated as distressed if  
13 the fund's net worth is less than seven million one hundred thousand  
14 dollars.

15 (11) If an objection is raised to a project on the basis of unfair  
16 business competition, the ((committee)) director shall evaluate the  
17 potential impact of a project on similar businesses located in the  
18 local market area. A grant may be denied by the ((committee)) director  
19 if a project is not likely to result in a net increase in employment  
20 within a local market area.

21 (12) For loans to minority and women-owned businesses who do not  
22 meet the credit criteria, the ((committee)) director may consider  
23 nontraditional credit standards to offset past discrimination that has  
24 precluded full participation of minority or women-owned businesses in  
25 the economy. For applicants with high potential who do not meet the  
26 credit criteria, the ((committee)) director shall consider developing  
27 alternative borrowing methods. For applicants denied loans due to  
28 credit problems, the ((committee)) director shall provide financial  
29 counseling within available resources and provide referrals to credit  
30 rehabilitation services. In circumstances of competing applications,  
31 priority shall be given to members of eligible groups which previously  
32 have been least served by this fund.

33 **Sec. 521.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to  
34 read as follows:

35 (1) There is hereby established a public body corporate and  
36 politic, with perpetual corporate succession, to be known as the  
37 Washington state housing finance commission. The commission is an  
38 instrumentality of the state exercising essential government functions

1 and, for purposes of the code, acts as a constituted authority on  
2 behalf of the state when it issues bonds pursuant to this chapter. The  
3 commission is a "public body" within the meaning of RCW 39.53.010.

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

5 (a) The state treasurer, ex officio;

6 (b) The director of community(~~(, trade, and economic)~~) development,  
7 ex officio;

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

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

13 (e) A representative of labor interests, appointed by the governor,  
14 with the consent of the senate, after consultation with representatives  
15 of organized labor;

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

18 (g) Five members of the public appointed by the governor, with the  
19 consent of the senate, on the basis of geographic distribution and  
20 their expertise in housing, real estate, finance, energy efficiency, or  
21 construction, one of whom shall be appointed by the governor as chair  
22 of the commission and who shall serve on the commission and as chair of  
23 the commission at the pleasure of the governor.

24 The term of the persons appointed by the governor, other than the  
25 chair, shall be four years from the date of their appointment, except  
26 that the terms of three of the initial appointees shall be for two  
27 years from the date of their appointment. The governor shall designate  
28 the appointees who will serve the two-year terms. An appointee may be  
29 removed by the governor for cause pursuant to RCW 43.06.070 and  
30 43.06.080. The governor shall fill any vacancy in an appointed  
31 position by appointment for the remainder of the unexpired term. If  
32 the department of community development is abolished, the resulting  
33 vacancy shall be filled by a state official who shall be appointed to  
34 the commission by the governor. If this official occupies an office or  
35 position for which senate confirmation is not required, then his or her  
36 appointment to the commission shall be subject to the consent of the  
37 senate. The members of the commission shall be compensated in  
38 accordance with RCW 43.03.240 and may be reimbursed, solely from the  
39 funds of the commission, for expenses incurred in the discharge of



1 their duties under this chapter, subject to the provisions of RCW  
2 43.03.050 and 43.03.060. A majority of the commission constitutes a  
3 quorum. Designees shall be appointed in such manner and shall exercise  
4 such powers as are specified by the rules of the commission.

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

10 **Sec. 522.** RCW 43.180.200 and 1995 c 399 s 99 are each amended to  
11 read as follows:

12 For purposes of the code:

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

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

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

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

24 (5) In order to take advantage of the maximum amount of tax exempt  
25 bonds for housing financing available pursuant to the code, any state  
26 ceiling with respect to housing shall be allocated in accordance with  
27 the following formula:

28 (a) Eighty percent of the state ceiling shall be allocated to the  
29 commission and twenty percent shall be allocated to the other issuing  
30 authorities in the state.

31 (b) The allocation to the issuing authorities other than the  
32 commission shall be distributed to such issuing authorities in amounts  
33 as determined following public notice by the department of community(~~7~~  
34 ~~trade, and economic~~) development pursuant to rules promulgated by it.  
35 The distribution shall be in response to applications received from  
36 such issuing authorities and shall be based on the following factors:  
37 (i) The amount of housing to be made available by such applicant; (ii)  
38 the population within the jurisdiction of the applicant; (iii)

1 coordination with other applicable federal and state housing programs;  
2 (iv) the likelihood of implementing the proposed financing during that  
3 year; and (v) consistency with the plan of the commission. On or  
4 before February 1<sup>st</sup> of each year, the department of community(~~(, trade,~~  
5 ~~and economic)~~) development shall distribute the state ceiling  
6 allocation among such issuing authorities and any unused portion shall  
7 be added to the allocation of the commission. Each issuing authority  
8 other than the commission shall confirm its allocation distribution by  
9 providing to the department of community(~~(, trade, and economic)~~)  
10 development no later than June 1<sup>st</sup> a copy of an executed bond purchase  
11 contract or alternative documentation deemed sufficient by the  
12 commission to evidence the reasonable likelihood of the allocation  
13 distribution being fully used. Any portion of such allocation not so  
14 confirmed shall be added to the allocation of the commission on July  
15 1<sup>st</sup>. Prior to July 1<sup>st</sup>, the commission shall provide written notice of  
16 the allocation decrease to the affected issuing authority. The  
17 reallocation shall not limit the authority of the commission to assign  
18 a portion of its allocation pursuant to subsection (5)(c) of this  
19 section.

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

22 **Sec. 523.** RCW 43.180.220 and 1994 c 235 s 1 are each amended to  
23 read as follows:

24 The commission, in cooperation with the department of community(~~(, trade,~~  
25 ~~and economic)~~) development, and the state investment board,  
26 shall develop and implement a housing finance program that:

27 (1) Provides subsidized or unsubsidized mortgage financing for  
28 single-family home ownership, including a single condominium unit,  
29 located in the state of Washington;

30 (2) Requests the state investment board to make investments, within  
31 its policies and investment guidelines, in mortgage-backed securities  
32 that are collateralized by loans made within the state of Washington;  
33 and

34 (3) Provides flexible loan underwriting guidelines, including but  
35 not limited to provisions that will allow reduced downpayment  
36 requirements for the purchaser.

1       **Sec. 524.** RCW 43.185.020 and 1995 c 399 s 101 are each amended to  
2 read as follows:

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

6       **Sec. 525.** RCW 43.185A.010 and 1995 c 399 s 102 are each amended to  
7 read as follows:

8       Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout this chapter.

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

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

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

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

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

26       **Sec. 526.** RCW 43.185B.010 and 1995 c 399 s 104 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) "Affordable housing" means residential housing that is rented  
31 or owned by a person or household whose monthly housing costs,  
32 including utilities other than telephone, do not exceed thirty percent  
33 of the household's monthly income.

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

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

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

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

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

18 **Sec. 527.** RCW 43.190.030 and 1997 c 194 s 1 are each amended to  
19 read as follows:

20 There is created the office of the state long-term care ombudsman.  
21 The department of community(~~(, trade, and economic)~~) development shall  
22 contract with a private nonprofit organization to provide long-term  
23 care ombudsman services as specified under, and consistent with, the  
24 federal older Americans act as amended, federal mandates, the goals of  
25 the state, and the needs of its citizens. The department of  
26 community(~~(, trade, and economic)~~) development shall ensure that all  
27 program and staff support necessary to enable the ombudsman to  
28 effectively protect the interests of residents, patients, and clients  
29 of all long-term care facilities is provided by the nonprofit  
30 organization that contracts to provide long-term care ombudsman  
31 services. The department of community(~~(, trade, and economic)~~)  
32 development shall adopt rules to carry out this chapter and the long-  
33 term care ombudsman provisions of the federal older Americans act, as  
34 amended, and applicable federal regulations. The long-term care  
35 ombudsman program shall have the following powers and duties:

36 (1) To provide services for coordinating the activities of long-  
37 term care ombudsmen throughout the state;

1 (2) Carry out such other activities as the department of  
2 community(~~(, trade, and economic)~~) development deems appropriate;

3 (3) Establish procedures consistent with RCW 43.190.110 for  
4 appropriate access by long-term care ombudsmen to long-term care  
5 facilities and patients' records, including procedures to protect the  
6 confidentiality of the records and ensure that the identity of any  
7 complainant or resident will not be disclosed without the written  
8 consent of the complainant or resident, or upon court order;

9 (4) Establish a state-wide uniform reporting system to collect and  
10 analyze data relating to complaints and conditions in long-term care  
11 facilities for the purpose of identifying and resolving significant  
12 problems, with provision for submission of such data to the department  
13 of social and health services and to the federal department of health  
14 and human services, or its successor agency, on a regular basis; and

15 (5) Establish procedures to assure that any files maintained by  
16 ombudsman programs shall be disclosed only at the discretion of the  
17 ombudsman having authority over the disposition of such files, except  
18 that the identity of any complainant or resident of a long-term care  
19 facility shall not be disclosed by such ombudsman unless:

20 (a) Such complainant or resident, or the complainant's or  
21 resident's legal representative, consents in writing to such  
22 disclosure; or

23 (b) Such disclosure is required by court order.

24 **Sec. 528.** RCW 43.280.020 and 1996 c 123 s 3 are each amended to  
25 read as follows:

26 There is established in the department of community(~~(, trade, and~~  
27 ~~economic)~~) development a grant program to enhance the funding for  
28 treating the victims of sex offenders. Activities that can be funded  
29 through this grant program are limited to those that:

30 (1) Provide effective treatment to victims of sex offenders;

31 (2) Increase access to and availability of treatment for victims of  
32 sex offenders, particularly if from underserved populations; and

33 (3) Create or build on efforts by existing community programs,  
34 coordinate those efforts, or develop cooperative efforts or other  
35 initiatives to make the most effective use of resources to provide  
36 treatment services to these victims.

37 Funding shall be given to those applicants that emphasize providing  
38 stable, victim-focused sexual abuse services and possess the

1 qualifications to provide core services, as defined in RCW 70.125.030.  
2 Funds for specialized services, as defined in RCW 70.125.030, shall be  
3 disbursed through the request for proposal or request for  
4 qualifications process.

5 **Sec. 529.** RCW 43.280.060 and 1996 c 123 s 5 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) To aid the department of community(~~(, trade, and economic)~~)  
11 development in making its funding determinations, the department shall  
12 form a peer review committee comprised of individuals who are  
13 knowledgeable or experienced in the management or delivery of treatment  
14 services to victims of sex offenders. The peer review committee shall  
15 advise the department on the extent to which each eligible applicant  
16 meets the treatment and management standards, as developed by the  
17 department. The department shall consider this advice in making  
18 awards.

19 (3) Activities funded under this section may be considered for  
20 funding in future years, but shall be considered under the same terms  
21 and criteria as new activities. Funding under this chapter shall not  
22 constitute an obligation by the state of Washington to provide ongoing  
23 funding.

24 **Sec. 530.** RCW 43.280.080 and 1995 c 241 s 1 are each amended to  
25 read as follows:

26 The office of crime victims advocacy is established in the  
27 department of community(~~(, trade, and economic)~~) development. The  
28 office shall assist communities in planning and implementing services  
29 for crime victims, advocate on behalf of crime victims in obtaining  
30 needed services and resources, and advise local and state governments  
31 on practices, policies, and priorities that impact crime victims. In  
32 addition, the office shall administer grant programs for sexual assault  
33 treatment and prevention services, as authorized in this chapter.

34 **Sec. 531.** RCW 43.280.090 and 1995 c 269 s 2102 are each amended to  
35 read as follows:

1 The director of the department of community(~~(, trade, and~~  
2 ~~economic~~)) development may establish ad hoc advisory committees, as  
3 necessary, to obtain advice and guidance regarding the office of crime  
4 victims advocacy program.

5 **Sec. 532.** RCW 43.330.110 and 1993 c 280 s 14 are each amended to  
6 read as follows:

7 (1) The department of community development shall maintain an  
8 active effort to help communities, families, and individuals build and  
9 maintain capacity to meet housing needs in Washington state. The  
10 department shall facilitate partnerships among the many entities  
11 related to housing issues and leverage a variety of resources and  
12 services to produce comprehensive, cost-effective, and innovative  
13 housing solutions.

14 (2) The department shall assist in the production, development,  
15 rehabilitation, and operation of owner-occupied or rental housing for  
16 very low, low, and moderate-income persons; operate programs to assist  
17 home ownership, offer housing services, and provide emergency,  
18 transitional, and special needs housing services; and qualify as a  
19 participating state agency for all programs of the federal department  
20 of housing and urban development or its successor. The department  
21 shall develop or assist local governments in developing housing plans  
22 required by the state or federal government.

23 (3) The department shall coordinate and administer energy  
24 assistance and residential energy conservation and rehabilitation  
25 programs of the federal and state government through nonprofit  
26 organizations, local governments, and housing authorities.

27 **Sec. 533.** RCW 43.330.130 and 1993 c 280 s 16 are each amended to  
28 read as follows:

29 (1) The department of community development shall coordinate  
30 services to communities that are directed to the poor and disadvantaged  
31 through private and public nonprofit organizations and units of general  
32 purpose local governments. The department shall coordinate these  
33 programs using, to the extent possible, integrated case management  
34 methods, with other community and economic development efforts that  
35 promote self-sufficiency.

36 (2) These services may include, but not be limited to,  
37 comprehensive education services to preschool children from low-income

1 families, providing for human service needs and advocacy, promoting  
2 volunteerism and citizen service as a means for accomplishing local  
3 community and economic development goals, coordinating and providing  
4 emergency food assistance to distribution centers and needy  
5 individuals, and providing for human service needs through community-  
6 based organizations.

7 (3) The department shall provide local communities and at-risk  
8 individuals with programs that provide community protection and assist  
9 in developing strategies to reduce substance abuse. The department  
10 shall administer programs that develop collaborative approaches to  
11 prevention, intervention, and interdiction programs. The department  
12 shall administer programs that support crime victims, address youth and  
13 domestic violence problems, provide indigent defense for low-income  
14 persons, border town disputes, and administer family services and  
15 programs to promote the state's policy as provided in RCW 74.14A.025.

16 ~~((4) The department shall provide fire protection and emergency  
17 management services to support and strengthen local capacity for  
18 controlling risk to life, property, and community vitality that may  
19 result from fires, emergencies, and disasters.))~~

20 **Sec. 534.** RCW 43.330.210 and 1999 c 384 s 4 are each amended to  
21 read as follows:

22 The developmental disabilities endowment governing board is  
23 established to design and administer the developmental disabilities  
24 endowment. To the extent funds are appropriated for this purpose, the  
25 director of the department of community~~((, trade, and economic))~~  
26 development shall provide staff and administrative support to the  
27 governing board.

28 (1) The governing board shall consist of seven members as follows:

29 (a) Three of the members, who shall be appointed by the governor,  
30 shall be persons who have demonstrated expertise and leadership in  
31 areas such as finance, actuarial science, management, business, or  
32 public policy.

33 (b) Three members of the board, who shall be appointed by the  
34 governor, shall be persons who have demonstrated expertise and  
35 leadership in areas such as business, developmental disabilities  
36 service design, management, or public policy, and shall be family  
37 members of persons with developmental disabilities.



1 (c) The seventh member of the board, who shall serve as chair of  
2 the board, shall be appointed by the remaining six members of the  
3 board.

4 (2) Members of the board shall serve terms of four years and may be  
5 appointed for successive terms of four years at the discretion of the  
6 appointing authority. However, the governor may stagger the terms of  
7 the initial six members of the board so that approximately one-fourth  
8 of the members' terms expire each year.

9 (3) Members of the board shall be compensated for their service  
10 under RCW 43.03.240 and shall be reimbursed for travel expenses as  
11 provided in RCW 43.03.050 and 43.03.060.

12 (4) The board shall meet periodically as specified by the call of  
13 the chair, or a majority of the board.

14 **Sec. 535.** RCW 46.12.295 and 1995 c 399 s 117 are each amended to  
15 read as follows:

16 The department of (~~licensing~~) community, trade, and economic  
17 development shall transfer all titling functions pertaining to mobile  
18 homes to the housing division of the department of community(~~, trade,~~  
19 ~~and economic~~) development by July 1, (~~1991~~) 2000. The department of  
20 (~~licensing~~) community, trade, and economic development shall transfer  
21 all books, records, files, and documents pertaining to mobile home  
22 titling to the department of community(~~, trade, and economic~~)  
23 development. The directors of the departments may immediately take  
24 such steps as are necessary to ensure that (~~chapter 176, Laws of~~  
25 ~~1990~~) this section is implemented (~~on June 7, 1990~~) July 1, 2000.

26 **Sec. 536.** RCW 54.16.285 and 1995 c 399 s 144 are each amended to  
27 read as follows:

28 (1) A district providing utility service for residential space  
29 heating shall not terminate such utility service between November 15<sup>th</sup>  
30 through March 15<sup>th</sup> if the customer:

31 (a) Notifies the utility of the inability to pay the bill,  
32 including a security deposit. This notice should be provided within  
33 five business days of receiving a payment overdue notice unless there  
34 are extenuating circumstances. If the customer fails to notify the  
35 utility within five business days and service is terminated, the  
36 customer can, by paying reconnection charges, if any, and fulfilling

1 the requirements of this section, receive the protections of this  
2 chapter;

3 (b) Provides self-certification of household income for the prior  
4 twelve months to a grantee of the department of community(~~(, trade, and~~  
5 ~~economic)) development which administers federally funded energy  
6 assistance programs. The grantee shall determine that the household  
7 income does not exceed the maximum allowed for eligibility under the  
8 state's plan for low-income energy assistance under 42 U.S.C. 8624 and  
9 shall provide a dollar figure that is seven percent of household  
10 income. The grantee may verify information provided in the self-  
11 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<sup>th</sup> and to pay for continued utility service. If  
22 the past due bill is not paid by the following October 15<sup>th</sup>, the  
23 customer shall not be eligible for protections under this chapter until  
24 the past due bill is paid. The plan shall not require monthly payments  
25 in 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<sup>th</sup> through March 15<sup>th</sup>. A customer may  
28 agree to pay a higher percentage during this period, but shall not be  
29 in default unless payment during this period is less than seven percent  
30 of monthly income plus one-twelfth of any arrearage accrued from the  
31 date 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 (2) 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 (3) All districts providing utility service for residential space  
20 heating shall offer residential customers the option of a budget  
21 billing or equal payment plan. The budget billing or equal payment  
22 plan shall be offered low-income customers eligible under the state's  
23 plan for low-income energy assistance prepared in accordance with 42  
24 U.S.C. 8624(C)(1) without limiting availability to certain months of  
25 the year, without regard to the length of time the customer has  
26 occupied the premises, and without regard to whether the customer is  
27 the tenant or owner of the premises occupied.

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

31 **Sec. 537.** RCW 54.52.010 and 1995 c 399 s 145 are each amended to  
32 read as follows:

33 A public utility district may include along with, or as part of its  
34 regular customer billings, a request for voluntary contributions to  
35 assist qualified low-income residential customers of the district in  
36 paying their electricity bills. All funds received by the district in  
37 response to such requests shall be transmitted to the grantee of the  
38 department of community(~~(, trade, and economic)~~) development which

1 administers federally funded energy assistance programs for the state  
2 in the district's service area or to a charitable organization within  
3 the district's service area. All such funds shall be used solely to  
4 supplement assistance to low-income residential customers of the  
5 district in paying their electricity bills. The grantee or charitable  
6 organization shall be responsible to determine which of the district's  
7 customers are qualified for low-income assistance and the amount of  
8 assistance to be provided to those who are qualified.

9       **Sec. 538.** RCW 54.52.020 and 1995 c 399 s 146 are each amended to  
10 read as follows:

11       All assistance provided under this chapter shall be disbursed by  
12 the grantee or charitable organization. Where possible the public  
13 utility district will be paid on behalf of the customer by the grantee  
14 or the charitable organization. When direct vendor payment is not  
15 feasible, a check will be issued jointly payable to the customer and  
16 the public utility district. The availability of funds for assistance  
17 to a district's low-income customers as a result of voluntary  
18 contributions shall not reduce the amount of assistance for which the  
19 district's customers are eligible under the federally funded energy  
20 assistance programs administered by the grantee of the department of  
21 community(~~(, trade, and economic)~~) development within the district's  
22 service area. The grantee or charitable organization shall provide the  
23 district with a quarterly report on January 15th, April 15th, July  
24 15th, and October 15th which includes information concerning the total  
25 amount of funds received from the district, the names of all recipients  
26 of assistance from these funds, the amount received by each recipient,  
27 and the amount of funds received from the district currently on hand  
28 and available for future low-income assistance.

29       **Sec. 539.** RCW 57.46.010 and 1996 c 230 s 1401 are each amended to  
30 read as follows:

31       A district may include along with, or as part of its regular  
32 customer billings, a request for voluntary contributions to assist  
33 qualified low-income residential customers of the district in paying  
34 their district bills. All funds received by the district in response  
35 to such requests shall be transmitted to the grantee of the department  
36 of community(~~(, trade, and economic)~~) development which administers  
37 federally funded energy assistance programs for the state in the

1 district's service area or to a charitable organization within the  
2 district's service area. All such funds shall be used solely to  
3 supplement assistance to low-income residential customers of the  
4 district in paying their district bills. The grantee or charitable  
5 organization shall be responsible to determine which of the district's  
6 customers are qualified for low-income assistance and the amount of  
7 assistance to be provided to those who are qualified.

8 **Sec. 540.** RCW 57.46.020 and 1996 c 230 s 1402 are each amended to  
9 read as follows:

10 All assistance provided under this chapter shall be disbursed by  
11 the grantee or charitable organization. Where possible the district  
12 shall be paid on behalf of the customer by the grantee or the  
13 charitable organization. When direct vendor payment is not feasible,  
14 a check shall be issued jointly payable to the customer and the  
15 district. The availability of funds for assistance to a district's  
16 low-income customers as a result of voluntary contributions shall not  
17 reduce the amount of assistance for which the district's customers are  
18 eligible under the federally funded energy assistance programs  
19 administered by the grantee of the department of community(~~(, trade,~~  
20 ~~and economic~~)) development within the district's service area. The  
21 grantee or charitable organization shall provide the district with a  
22 quarterly report on January 15th, April 15th, July 15th, and October  
23 15th which includes information concerning the total amount of funds  
24 received from the district, the names of all recipients of assistance  
25 from these funds, the amount received by each recipient, and the amount  
26 of funds received from the district currently on hand and available for  
27 future low-income assistance.

28 **Sec. 541.** RCW 59.18.440 and 1997 c 452 s 17 are each amended to  
29 read as follows:

30 (1) Any city, town, county, or municipal corporation that is  
31 required to develop a comprehensive plan under RCW 36.70A.040(1) is  
32 authorized to require, after reasonable notice to the public and a  
33 public hearing, property owners to provide their portion of reasonable  
34 relocation assistance to low-income tenants upon the demolition,  
35 substantial rehabilitation whether due to code enforcement or any other  
36 reason, or change of use of residential property, or upon the removal  
37 of use restrictions in an assisted-housing development. No city, town,

1 county, or municipal corporation may require property owners to provide  
2 relocation assistance to low-income tenants, as defined in this  
3 chapter, upon the demolition, substantial rehabilitation, upon the  
4 change of use of residential property, or upon the removal of use  
5 restrictions in an assisted-housing development, except as expressly  
6 authorized herein or when authorized or required by state or federal  
7 law. As used in this section, "assisted housing development" means a  
8 multifamily rental housing development that either receives government  
9 assistance and is defined as federally assisted housing in RCW  
10 59.28.020, or that receives other federal, state, or local government  
11 assistance and is subject to use restrictions.

12 (2) As used in this section, "low-income tenants" means tenants  
13 whose combined total income per dwelling unit is at or below fifty  
14 percent of the median income, adjusted for family size, in the county  
15 where the tenants reside.

16 The department of community(~~(, trade, and economic)~~) development  
17 shall adopt rules defining county median income in accordance with the  
18 definitions promulgated by the federal department of housing and urban  
19 development.

20 (3) A requirement that property owners provide relocation  
21 assistance shall include the amounts of such assistance to be provided  
22 to low-income tenants. In determining such amounts, the jurisdiction  
23 imposing the requirement shall evaluate, and receive public testimony  
24 on, what relocation expenses displaced tenants would reasonably incur  
25 in that jurisdiction including:

26 (a) Actual physical moving costs and expenses;

27 (b) Advance payments required for moving into a new residence such  
28 as the cost of first and last month's rent and security and damage  
29 deposits;

30 (c) Utility connection fees and deposits; and

31 (d) Anticipated additional rent and utility costs in the residence  
32 for one year after relocation.

33 (4)(a) Relocation assistance provided to low-income tenants under  
34 this section shall not exceed two thousand dollars for each dwelling  
35 unit displaced by actions of the property owner under subsection (1) of  
36 this section. A city, town, county, or municipal corporation may make  
37 future annual adjustments to the maximum amount of relocation  
38 assistance required under this subsection in order to reflect any  
39 changes in the housing component of the consumer price index as

1 published by the United States department of labor, bureau of labor  
2 statistics.

3 (b) The property owner's portion of any relocation assistance  
4 provided to low-income tenants under this section shall not exceed one-  
5 half of the required relocation assistance under (a) of this subsection  
6 in cash or services.

7 (c) The portion of relocation assistance not covered by the  
8 property owner under (b) of this subsection shall be paid by the city,  
9 town, county, or municipal corporation authorized to require relocation  
10 assistance under subsection (1) of this section. The relocation  
11 assistance may be paid from proceeds collected from the excise tax  
12 imposed under RCW 82.46.010.

13 (5) A city, town, county, or municipal corporation requiring the  
14 provision of relocation assistance under this section shall adopt  
15 policies, procedures, or regulations to implement such requirement.  
16 Such policies, procedures, or regulations shall include provisions for  
17 administrative hearings to resolve disputes between tenants and  
18 property owners relating to relocation assistance or unlawful detainer  
19 actions during relocation, and shall require a decision within thirty  
20 days of a request for a hearing by either a tenant or property owner.

21 Judicial review of an administrative hearing decision relating to  
22 relocation assistance may be had by filing a petition, within ten days  
23 of the decision, in the superior court in the county where the  
24 residential property is located. Judicial review shall be confined to  
25 the record of the administrative hearing and the court may reverse the  
26 decision only if the administrative findings, inferences, conclusions,  
27 or decision is:

28 (a) In violation of constitutional provisions;

29 (b) In excess of the authority or jurisdiction of the  
30 administrative hearing officer;

31 (c) Made upon unlawful procedure or otherwise is contrary to law;  
32 or

33 (d) Arbitrary and capricious.

34 (6) Any city, town, county, or municipal corporation may require  
35 relocation assistance, under the terms of this section, for otherwise  
36 eligible tenants whose living arrangements are exempted from the  
37 provisions of this chapter under RCW 59.18.040(3) and if the living  
38 arrangement is considered to be a rental or lease not defined as a  
39 retail sale under RCW 82.04.050.

1 (7)(a) Persons who move from a dwelling unit prior to the  
2 application by the owner of the dwelling unit for any governmental  
3 permit necessary for the demolition, substantial rehabilitation, or  
4 change of use of residential property or prior to any notification or  
5 filing required for condominium conversion shall not be entitled to the  
6 assistance authorized by this section.

7 (b) Persons who move into a dwelling unit after the application for  
8 any necessary governmental permit or after any required condominium  
9 conversion notification or filing shall not be entitled to the  
10 assistance authorized by this section if such persons receive written  
11 notice from the property owner prior to taking possession of the  
12 dwelling unit that specifically describes the activity or condition  
13 that may result in their temporary or permanent displacement and  
14 advises them of their ineligibility for relocation assistance.

15 **Sec. 542.** RCW 59.21.010 and 1998 c 124 s 1 are each amended to  
16 read as follows:

17 Unless the context clearly requires otherwise, the definitions in  
18 this section apply throughout this chapter.

19 (1) "Director" means the director of the department of community(~~(~~  
20 ~~trade, and economic~~)) development.

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

23 (3) "Fund" means the mobile home park relocation fund established  
24 under RCW 59.21.050.

25 (4) "Mobile home park" or "park" means real property that is rented  
26 or held out for rent to others for the placement of two or more mobile  
27 homes for the primary purpose of production of income, except where the  
28 real property is rented or held out for rent for seasonal recreational  
29 purpose only and is not intended for year-round occupancy.

30 (5) "Landlord" or "park-owner" means the owner of the mobile home  
31 park that is being closed at the time relocation assistance is  
32 provided.

33 (6) "Relocate" means to remove the mobile home from the mobile home  
34 park being closed.

35 (7) "Relocation assistance" means the monetary assistance provided  
36 under this chapter.



1       **Sec. 543.** RCW 59.22.020 and 1995 c 399 s 155 are each amended to  
2 read as follows:

3       The following definitions shall apply throughout this chapter  
4 unless the context clearly requires otherwise:

5       (1) "Account" means the mobile home affairs account created under  
6 RCW 59.22.070.

7       (2) "Affordable" means that, where feasible, low-income residents  
8 should not pay more than thirty percent of their monthly income for  
9 housing costs.

10       (3) "Conversion costs" includes the cost of acquiring the mobile  
11 home park, the costs of planning and processing the conversion, the  
12 costs of any needed repairs or rehabilitation, and any expenditures  
13 required by a government agency or lender for the project.

14       (4) "Department" means the department of community(~~(, trade, and~~  
15 ~~economic)) development.~~

16       (5) "Fee" means the mobile home title transfer fee imposed under  
17 RCW 59.22.080.

18       (6) "Fund" or "park purchase account" means the mobile home park  
19 purchase account created pursuant to RCW 59.22.030.

20       (7) "Housing costs" means the total cost of owning, occupying, and  
21 maintaining a mobile home and a lot or space in a mobile home park.

22       (8) "Individual interest in a mobile home park" means any interest  
23 which is fee ownership or a lesser interest which entitles the holder  
24 to occupy a lot or space in a mobile home park for a period of not less  
25 than either fifteen years or the life of the holder. Individual  
26 interests in a mobile home park include, but are not limited to, the  
27 following:

28       (a) Ownership of a lot or space in a mobile home park or  
29 subdivision;

30       (b) A membership or shares in a stock cooperative, or a limited  
31 equity housing cooperative; or

32       (c) Membership in a nonprofit mutual benefit corporation which  
33 owns, operates, or owns and operates the mobile home park.

34       (9) "Low-income resident" means an individual or household who  
35 resided in the mobile home park prior to application for a loan  
36 pursuant to this chapter and with an annual income at or below eighty  
37 percent of the median income for the county of standard metropolitan  
38 statistical area of residence. Net worth shall be considered in the

1 calculation of income with the exception of the resident's mobile/  
2 manufactured home which is used as their primary residence.

3 (10) "Low-income spaces" means those spaces in a mobile home park  
4 operated by a resident organization which are occupied by low-income  
5 residents.

6 (11) "Mobile home park" means a mobile home park, as defined in RCW  
7 59.20.030(~~(+4)~~), or a manufactured home park subdivision as defined by  
8 RCW 59.20.030(~~(+6)~~) created by the conversion to resident ownership of  
9 a mobile home park.

10 (12) "Resident organization" means a group of mobile home park  
11 residents who have formed a nonprofit corporation, cooperative  
12 corporation, or other entity or organization for the purpose of  
13 acquiring the mobile home park in which they reside and converting the  
14 mobile home park to resident ownership. The membership of a resident  
15 organization shall include at least two-thirds of the households  
16 residing in the mobile home park at the time of application for  
17 assistance from the department.

18 (13) "Resident ownership" means, depending on the context, either  
19 the ownership, by a resident organization, as defined in this section,  
20 of an interest in a mobile home park which entitles the resident  
21 organization to control the operations of the mobile home park for a  
22 term of no less than fifteen years, or the ownership of individual  
23 interests in a mobile home park, or both.

24 (14) "Landlord" shall have the same meaning as it does in RCW  
25 59.20.030.

26 (15) "Manufactured housing" means residences constructed on one or  
27 more chassis for transportation, and which bear an insignia issued by  
28 a state or federal regulatory agency indication compliance with all  
29 applicable construction standards of the United States department of  
30 housing and urban development.

31 (16) "Mobile home" shall have the same meaning as it does in RCW  
32 46.04.302.

33 (17) "Mobile home lot" shall have the same meaning as it does in  
34 RCW 59.20.030.

35 (18) "Tenant" means a person who rents a mobile home lot for a term  
36 of one month or longer and owns the mobile home on the lot.

37 **Sec. 544.** RCW 59.22.090 and 1998 c 245 s 105 are each amended to  
38 read as follows:

1 (1) A manufactured housing task force is established to study and  
2 make recommendations concerning the structure state government should  
3 use to regulate manufactured housing in this state. In conducting this  
4 study, the task force shall review the structures used in other states,  
5 including those states with a commission structure. The task force  
6 shall consider the report prepared by the department of licensing, the  
7 department of labor and industries, and the department of community(~~(~~  
8 ~~trade, and economic)~~) development on consolidating mobile home-related  
9 functions in conducting its study. The task force may not consider any  
10 form of mobile home rent control, but shall consider mobile home park  
11 siting and density regulatory issues.

12 (2) The task force shall terminate on December 31, 1992.

13 (3) The task force shall consist of the following members:

14 (a) Two members of the house of representatives appointed by the  
15 speaker of the house of representatives, from different political  
16 caucuses;

17 (b) Two members of the senate appointed by the president of the  
18 senate, from different political caucuses;

19 (c) Two members who represent mobile home park owners, appointed by  
20 the governor;

21 (d) Two members who represent mobile home owners, appointed by the  
22 governor;

23 (e) One member who represents mobile home manufacturers, appointed  
24 by the governor;

25 (f) One member who represents mobile home dealers, appointed by the  
26 governor;

27 (g) One member who represents mobile home transporters, appointed  
28 by the governor;

29 (h) One member who represents local building officials, appointed  
30 by the governor;

31 (i) One member who is either an elected or appointed government  
32 official of a county with a population of one hundred thousand or more  
33 persons, appointed by the governor;

34 (j) One member who is either an elected or appointed government  
35 official of a county with a population of less than one hundred  
36 thousand persons, appointed by the governor;

37 (k) One member who is either an elected or appointed government  
38 official of a city with a population of thirty-five thousand persons,  
39 appointed by the governor;

1 (l) One member who is either an elected or appointed government  
2 official of a city with a population of less than thirty-five thousand  
3 persons, appointed by the governor;

4 (m) One member who represents local health officials, appointed by  
5 the governor; and

6 (n) The director, or the director's designee from the department of  
7 community(~~(, trade, and economic)~~) development, the department of  
8 licensing, the department of labor and industries, and the attorney  
9 general's office. The designees shall be nonvoting, ex officio members  
10 of the task force.

11 (4) The members of the task force shall select the chair or co-  
12 chairs of the task force.

13 (5) Staff assistance for the task force will be provided by  
14 legislative staff and staff from the agencies or offices listed in  
15 subsection (3)(n) of this section.

16 **Sec. 545.** RCW 59.28.040 and 1995 c 399 s 160 are each amended to  
17 read as follows:

18 All owners of federally assisted housing shall, at least twelve  
19 months before the expiration of the rental assistance contract or  
20 prepayment of a mortgage or loan, serve a written notice of the  
21 anticipated expiration or prepayment date on each tenant household  
22 residing in the housing, on the clerk of the city, or county if in an  
23 unincorporated area, in which the property is located, and on the  
24 department of community(~~(, trade, and economic)~~) development, by  
25 regular and certified mail.

26 **Sec. 546.** RCW 59.28.050 and 1995 c 399 s 161 are each amended to  
27 read as follows:

28 This chapter shall not in any way prohibit an owner of federally  
29 assisted housing from terminating a rental assistance contract or  
30 prepaying a mortgage or loan. The requirement in this chapter for  
31 notice shall not be construed as conferring any new or additional  
32 regulatory power upon the city or county clerk or upon the department  
33 of community(~~(, trade, and economic)~~) development.

34 **Sec. 547.** RCW 59.28.060 and 1995 c 399 s 162 are each amended to  
35 read as follows:

1 The notice to tenants required by RCW 59.28.040 shall state the  
2 date of expiration or prepayment and the effect, if any, that the  
3 expiration or prepayment will have upon the tenants' rent and other  
4 terms of their rental agreement.

5 The notice to the city or county clerk and to the department of  
6 community(~~(, trade, and economic)~~) development required by RCW  
7 59.28.040 shall state: (1) The name, location, and project number of  
8 the federally assisted housing and the type of assistance received from  
9 the federal government; (2) the number and size of units; (3) the age,  
10 race, family size, and estimated incomes of the tenants who will be  
11 affected by the prepayment of the loan or mortgage or expiration of the  
12 federal assistance contract; (4) the projected rent increases for each  
13 affected tenant; and (5) the anticipated date of prepayment of the loan  
14 or mortgage or expiration of the federal assistance contract.

15 **Sec. 548.** RCW 70.94.537 and 1997 c 250 s 5 are each amended to  
16 read as follows:

17 (1) A twenty-eight member state commute trip reduction task force  
18 is established as follows:

19 (a) The secretary of the department of transportation or the  
20 secretary's designee who shall serve as chair;

21 (b) The director of the department of ecology or the director's  
22 designee;

23 (c) The director of the department of community(~~(, trade, and~~  
24 ~~economic)~~) development or the director's designee;

25 (d) The director of the department of general administration or the  
26 director's designee;

27 (e) Three representatives from counties appointed by the governor  
28 from a list of at least six recommended by the Washington state  
29 association of counties;

30 (f) Three representatives from cities and towns appointed by the  
31 governor from a list of at least six recommended by the association of  
32 Washington cities;

33 (g) Three representatives from transit agencies appointed by the  
34 governor from a list of at least six recommended by the Washington  
35 state transit association;

36 (h) Twelve representatives of employers at or owners of major  
37 worksites in Washington appointed by the governor from a list  
38 recommended by the association of Washington business or other state-

1 wide business associations representing major employers, provided that  
2 every affected county shall have at least one representative; and

3 (i) Three citizens appointed by the governor.

4 Members of the commute trip reduction task force shall serve  
5 without compensation but shall be reimbursed for travel expenses as  
6 provided in RCW 43.03.050 and 43.03.060. Members appointed by the  
7 governor shall be compensated in accordance with RCW 43.03.220. The  
8 task force has all powers necessary to carry out its duties as  
9 prescribed by this chapter. The task force shall be dissolved on July  
10 1, 2006.

11 (2) By March 1, 1992, the commute trip reduction task force shall  
12 establish guidelines for commute trip reduction plans. The guidelines  
13 are intended to ensure consistency in commute trip reduction plans and  
14 goals among jurisdictions while fairly taking into account differences  
15 in employment and housing density, employer size, existing and  
16 anticipated levels of transit service, special employer circumstances,  
17 and other factors the task force determines to be relevant. The  
18 guidelines shall include:

19 (a) Criteria for establishing commute trip reduction zones;

20 (b) Methods and information requirements for determining base year  
21 values of the proportion of single-occupant vehicle commute trips and  
22 the commute trip vehicle miles traveled per employee and progress  
23 toward meeting commute trip reduction plan goals;

24 (c) Model commute trip reduction ordinances;

25 (d) Methods for assuring consistency in the treatment of employers  
26 who have worksites subject to the requirements of this chapter in more  
27 than one jurisdiction;

28 (e) An appeals process by which major employers, who as a result of  
29 special characteristics of their business or its locations would be  
30 unable to meet the requirements of a commute trip reduction plan, may  
31 obtain a waiver or modification of those requirements and criteria for  
32 determining eligibility for waiver or modification;

33 (f) Methods to ensure that employers shall receive full credit for  
34 the results of transportation demand management efforts and commute  
35 trip reduction programs which have been implemented by major employers  
36 prior to the base year;

37 (g) Alternative commute trip reduction goals for major employers  
38 which cannot meet the goals of this chapter because of the unique  
39 nature of their business;

1 (h) Alternative commute trip reduction goals for major employers  
2 whose worksites change and who contribute substantially to traffic  
3 congestion in a trip reduction zone; and

4 (i) Methods to insure that employers receive credit for scheduling  
5 changes enacted pursuant to the criteria identified in RCW  
6 70.94.527(11).

7 (3) The task force shall work with jurisdictions, major employers,  
8 and other parties to develop and implement a public awareness campaign  
9 designed to increase the effectiveness of local commute trip reduction  
10 programs and support achievement of the objectives identified in this  
11 chapter.

12 (4) The task force shall assess the commute trip reduction options  
13 available to employers other than major employers and make  
14 recommendations to the legislature by October 1, 1992. The  
15 recommendations shall include the minimum size of employer who shall be  
16 required to implement trip reduction programs and the appropriate  
17 methods those employers can use to accomplish trip reduction goals.

18 (5) The task force shall review progress toward implementing  
19 commute trip reduction plans and programs and the costs and benefits of  
20 commute trip reduction plans and programs and shall make  
21 recommendations to the legislature by December 1, 1995, December 1,  
22 1999, December 1, 2001, December 1, 2003, and December 1, 2005. In  
23 assessing the costs and benefits, the task force shall consider the  
24 costs of not having implemented commute trip reduction plans and  
25 programs. The task force shall examine other transportation demand  
26 management programs nationally and incorporate its findings into its  
27 recommendations to the legislature. The recommendations shall address  
28 the need for continuation, modification, or termination or any or all  
29 requirements of this chapter. The recommendations made December 1,  
30 1995, shall include recommendations regarding extension of the  
31 requirements of this chapter to employers with fifty or more full-time  
32 employees at a single worksite who begin their regular work day between  
33 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous  
34 months.

35 **Sec. 549.** RCW 70.114A.070 and 1995 c 220 s 7 are each amended to  
36 read as follows:

37 The department of community(~~(, trade, and economic))~~ development  
38 shall contract with private, nonprofit corporations to provide

1 technical assistance to any private individual or nonprofit  
2 organization wishing to construct temporary or permanent worker  
3 housing. The assistance may include information on state and local  
4 application and approval procedures, information or assistance in  
5 applying for federal, state, or local financial assistance, including  
6 tax incentives, information on cost-effective housing designs, or any  
7 other assistance the department of community(~~(, trade, and economic)~~)  
8 development may deem helpful in obtaining the active participation of  
9 private individuals or groups in constructing or operating temporary or  
10 permanent worker housing.

11 **Sec. 550.** RCW 70.119A.170 and 1997 c 218 s 4 are each amended to  
12 read as follows:

13 (1) A drinking water assistance account is created in the state  
14 treasury. Such subaccounts as are necessary to carry out the purposes  
15 of this chapter are permitted to be established within the account.  
16 The purpose of the account is to allow the state to use any federal  
17 funds that become available to states from congress to fund a state  
18 revolving loan fund program as part of the reauthorization of the  
19 federal safe drinking water act. Expenditures from the account may  
20 only be made by the secretary, the public works board, or the  
21 department of community(~~(, trade, and economic)~~) development, after  
22 appropriation. Moneys in the account may only be used, consistent with  
23 federal law, to assist water systems to provide safe drinking water  
24 through a program administered through the department of health, the  
25 public works board, and the department of community(~~(, trade, and  
26 economic)~~) development and for other activities authorized under  
27 federal law. Money may be placed in the account from the proceeds of  
28 bonds when authorized by the legislature, transfers from other state  
29 funds or accounts, federal capitalization grants or other financial  
30 assistance, all repayments of moneys borrowed from the account, all  
31 interest payments made by borrowers from the account or otherwise  
32 earned on the account, or any other lawful source. All interest earned  
33 on moneys deposited in the account, including repayments, shall remain  
34 in the account and may be used for any eligible purpose. Moneys in the  
35 account may only be used to assist local governments and water systems  
36 to provide safe and reliable drinking water, for other services and  
37 assistance authorized by federal law to be funded from these federal  
38 funds, and to administer the program.



1 (2) The department and the public works board shall establish and  
2 maintain a program to use the moneys in the drinking water assistance  
3 account as provided by the federal government under the safe drinking  
4 water act. The department and the public works board, in consultation  
5 with purveyors, local governments, local health jurisdictions,  
6 financial institutions, commercial construction interests, other state  
7 agencies, and other affected and interested parties, shall by January  
8 1, 1999, adopt final joint rules and requirements for the provision of  
9 financial assistance to public water systems as authorized under  
10 federal law. Prior to the effective date of the final rules, the  
11 department and the public works board may establish and utilize  
12 guidelines for the sole purpose of ensuring the timely procurement of  
13 financial assistance from the federal government under the safe  
14 drinking water act, but such guidelines shall be converted to rules by  
15 January 1, 1999. The department and the public works board shall make  
16 every reasonable effort to ensure the state's receipt and disbursement  
17 of federal funds to eligible public water systems as quickly as  
18 possible after the federal government has made them available. By  
19 December 15, 1997, the department and the public works board shall  
20 provide a report to the appropriate committees of the legislature  
21 reflecting the input from the affected interests and parties on the  
22 status of the program. The report shall include significant issues and  
23 concerns, the status of rule making and guidelines, and a plan for the  
24 adoption of final rules.

25 (3) If the department, public works board, or any other department,  
26 agency, board, or commission of state government participates in  
27 providing service under this section, the administering entity shall  
28 endeavor to provide cost-effective and timely services. Mechanisms to  
29 provide cost-effective and timely services include: (a) Adopting  
30 federal guidelines by reference into administrative rules; (b) using  
31 existing management mechanisms rather than creating new administrative  
32 structures; (c) investigating the use of service contracts, either with  
33 other governmental entities or with nongovernmental service providers;  
34 (d) the use of joint or combined financial assistance applications; and  
35 (e) any other method or practice designed to streamline and expedite  
36 the delivery of services and financial assistance.

37 (4) The department shall have the authority to establish assistance  
38 priorities and carry out oversight and related activities, other than  
39 financial administration, with respect to assistance provided with

1 federal funds. The department, the public works board, and the  
2 department of community(~~(, trade, and economic))~~ development shall  
3 jointly develop, with the assistance of water purveyors and other  
4 affected and interested parties, a memorandum of understanding setting  
5 forth responsibilities and duties for each of the parties. The  
6 memorandum of understanding at a minimum, shall include:

7 (a) Responsibility for developing guidelines for providing  
8 assistance to public water systems and related oversight prioritization  
9 and oversight responsibilities including requirements for  
10 prioritization of loans or other financial assistance to public water  
11 systems;

12 (b) Department submittal of preapplication information to the  
13 public works board for review and comment;

14 (c) Department submittal of a prioritized list of projects to the  
15 public works board for determination of:

16 (i) Financial capability of the applicant; and

17 (ii) Readiness to proceed, or the ability of the applicant to  
18 promptly commence the project;

19 (d) A process for determining consistency with existing water  
20 resource planning and management, including coordinated water supply  
21 plans, regional water resource plans, and comprehensive plans under the  
22 growth management act, chapter 36.70A RCW;

23 (e) A determination of:

24 (i) Least-cost solutions, including consolidation and restructuring  
25 of small systems, where appropriate, into more economical units;

26 (ii) The provision of regional facilities;

27 (iii) Projects and activities that facilitate compliance with the  
28 federal safe drinking water act; and

29 (iv) Projects and activities that are intended to achieve the  
30 public health objectives of federal and state drinking water laws;

31 (f) Implementation of water conservation and other demand  
32 management measures consistent with state guidelines for water  
33 utilities;

34 (g) Assistance for the necessary planning and engineering to assure  
35 that consistency, coordination, and proper professional review are  
36 incorporated into projects or activities proposed for funding;

37 (h) Minimum standards for water system capacity, financial  
38 viability, and water system planning;

1 (i) Testing and evaluation of the water quality of the state's  
2 public water system to assure that priority for financial assistance is  
3 provided to systems and areas with threats to public health from  
4 contaminated supplies and reduce in appropriate cases the substantial  
5 increases in costs and rates that customers of small systems would  
6 otherwise incur under the monitoring and testing requirements of the  
7 federal safe drinking water act;

8 (j) Coordination, to the maximum extent possible, with other state  
9 programs that provide financial assistance to public water systems and  
10 state programs that address existing or potential water quality or  
11 drinking contamination problems;

12 (k) Definitions of "affordability" and "disadvantaged community"  
13 that are consistent with these and similar terms in use by other state  
14 or federal assistance programs;

15 (l) Criteria for the financial assistance program for public water  
16 systems, which shall include, but are not limited to:

17 (i) Determining projects addressing the most serious risk to human  
18 health;

19 (ii) Determining the capacity of the system to effectively manage  
20 its resources, including meeting state financial viability criteria;  
21 and

22 (iii) Determining the relative benefit to the community served; and

23 (m) Ensure that each agency fulfills the audit, accounting, and  
24 reporting requirements under federal law for its portion of the  
25 administration of this program.

26 (5) The department and the public works board shall begin the  
27 process to disburse funds no later than October 1, 1997, and shall  
28 adopt such rules as are necessary under chapter 34.05 RCW to administer  
29 the program by January 1, 1999.

30 **Sec. 551.** RCW 70.125.030 and 1999 c 45 s 6 are each amended to  
31 read as follows:

32 As used in this chapter and unless the context indicates otherwise:

33 (1) "Core services" means treatment services for victims of sexual  
34 assault including information and referral, crisis intervention,  
35 medical advocacy, legal advocacy, support, and system coordination.

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

1 (3) "Law enforcement agencies" means police and sheriff's  
2 departments of this state.

3 (4) "Personal representative" means a friend, relative, attorney,  
4 or employee or volunteer from a community sexual assault program or  
5 specialized treatment service provider.

6 (5) "Rape crisis center" means a community-based social service  
7 agency which provides services to victims of sexual assault.

8 (6) "Community sexual assault program" means a community-based  
9 social service agency that is qualified to provide and provides core  
10 services to victims of sexual assault.

11 (7) "Sexual assault" means one or more of the following:

12 (a) Rape or rape of a child;

13 (b) Assault with intent to commit rape or rape of a child;

14 (c) Incest or indecent liberties;

15 (d) Child molestation;

16 (e) Sexual misconduct with a minor;

17 (f) Custodial sexual misconduct;

18 (g) Crimes with a sexual motivation; or

19 (h) An attempt to commit any of the aforementioned offenses.

20 (8) "Specialized services" means treatment services for victims of  
21 sexual assault including support groups, therapy, specialized sexual  
22 assault medical examination, and prevention education to potential  
23 victims of sexual assault.

24 (9) "Victim" means any person who suffers physical and/or mental  
25 anguish as a proximate result of a sexual assault.

26 **Sec. 552.** RCW 70.164.020 and 1995 c 399 s 199 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.

37 (4) "Low income" means household income that is at or below one  
38 hundred twenty-five percent of the federally established poverty level.

1 (5) "Nonutility sponsor" means any sponsor other than a public  
2 service company, municipality, public utility district, mutual or  
3 cooperative, furnishing gas or electricity used to heat low-income  
4 residences.

5 (6) "Residence" means a dwelling unit as defined by the department.

6 (7) "Sponsor" means any entity that submits a proposal under RCW  
7 70.164.040, including but not limited to any local community action  
8 agency, community service agency, or any other participating agency or  
9 any public service company, municipality, public utility district,  
10 mutual or cooperative, or any combination of such entities that jointly  
11 submits a proposal.

12 (8) "Sponsor match" means the share, if any, of the cost of  
13 weatherization to be paid by the sponsor.

14 (9) "Weatherization" means materials or measures, and their  
15 installation, that are used to improve the thermal efficiency of a  
16 residence.

17 (10) "Weatherizing agency" means any approved department grantee or  
18 any public service company, municipality, public utility district,  
19 mutual or cooperative, or other entity that bears the responsibility  
20 for ensuring the performance of weatherization of residences under this  
21 chapter and has been approved by the department.

22 **Sec. 553.** RCW 70.190.010 and 1996 c 132 s 2 are each amended to  
23 read as follows:

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

26 (1) "Administrative costs" means the costs associated with  
27 procurement; payroll processing; personnel functions; management;  
28 maintenance and operation of space and property; data processing and  
29 computer services; accounting; budgeting; auditing; indirect costs; and  
30 organizational planning, consultation, coordination, and training.

31 (2) "Assessment" has the same meaning as provided in RCW 43.70.010.

32 (3) "At-risk" children are children who engage in or are victims of  
33 at-risk behaviors.

34 (4) "At-risk behaviors" means violent delinquent acts, teen  
35 substance abuse, teen pregnancy and male parentage, teen suicide  
36 attempts, dropping out of school, child abuse or neglect, and domestic  
37 violence.

1 (5) "Community public health and safety networks" or "networks"  
2 means the organizations authorized under RCW 70.190.060.

3 (6) "Comprehensive plan" means a two-year plan that examines  
4 available resources and unmet needs for a county or multicounty area,  
5 barriers that limit the effective use of resources, and a plan to  
6 address these issues that is broadly supported by local residents.

7 (7) "Participating state agencies" means the office of the  
8 superintendent of public instruction, the department of social and  
9 health services, the department of health, the employment security  
10 department, the department of community(~~(, trade, and economic)~~)  
11 development, and such other departments as may be specifically  
12 designated by the governor.

13 (8) "Family policy council" or "council" means the superintendent  
14 of public instruction, the secretary of social and health services, the  
15 secretary of health, the commissioner of the employment security  
16 department, and the director of the department of community(~~(, trade,~~  
17 ~~and economic)~~) development or their designees, one legislator from each  
18 caucus of the senate and house of representatives, and one  
19 representative of the governor.

20 (9) "Fiduciary interest" means (a) the right to compensation from  
21 a health, educational, social service, or justice system organization  
22 that receives public funds, or (b) budgetary or policy-making authority  
23 for an organization listed in (a) of this subsection. A person who  
24 acts solely in an advisory capacity and receives no compensation from  
25 a health, educational, social service, or justice system organization,  
26 and who has no budgetary or policy-making authority is deemed to have  
27 no fiduciary interest in the organization.

28 (10) "Outcome" or "outcome based" means defined and measurable  
29 outcomes used to evaluate progress in reducing the rate of at-risk  
30 children and youth through reducing risk factors and increasing  
31 protective factors.

32 (11) "Matching funds" means an amount no less than twenty-five  
33 percent of the amount budgeted for a network. The network's matching  
34 funds may be in-kind goods and services. Funding sources allowable for  
35 match include appropriate federal or local levy funds, private  
36 charitable funding, and other charitable giving. Basic education funds  
37 shall not be used as a match. State general funds shall not be used as  
38 a match for violence reduction and drug enforcement account funds  
39 created under RCW 69.50.520.

1 (12) "Policy development" has the same meaning as provided in RCW  
2 43.70.010.

3 (13) "Protective factors" means those factors determined by the  
4 department of health to be empirically associated with behaviors that  
5 contribute to socially acceptable and healthy nonviolent behaviors.  
6 Protective factors include promulgation, identification, and acceptance  
7 of community norms regarding appropriate behaviors in the area of  
8 delinquency, early sexual activity, alcohol and substance abuse,  
9 educational opportunities, employment opportunities, and absence of  
10 crime.

11 (14) "Risk factors" means those factors determined by the  
12 department of health to be empirically associated with at-risk  
13 behaviors that contribute to violence.

14 **Sec. 554.** RCW 80.28.010 and 1995 c 399 s 211 are each amended to  
15 read as follows:

16 (1) All charges made, demanded or received by any gas company,  
17 electrical company or water company for gas, electricity or water, or  
18 for any service rendered or to be rendered in connection therewith,  
19 shall be just, fair, reasonable and sufficient.

20 (2) Every gas company, electrical company and water company shall  
21 furnish and supply such service, instrumentalities and facilities as  
22 shall be safe, adequate and efficient, and in all respects just and  
23 reasonable.

24 (3) All rules and regulations issued by any gas company, electrical  
25 company or water company, affecting or pertaining to the sale or  
26 distribution of its product, shall be just and reasonable.

27 (4) Utility service for residential space heating shall not be  
28 terminated between November 15<sup>th</sup> through March 15<sup>th</sup> if the customer:

29 (a) Notifies the utility of the inability to pay the bill,  
30 including a security deposit. This notice should be provided within  
31 five business days of receiving a payment overdue notice unless there  
32 are extenuating circumstances. If the customer fails to notify the  
33 utility within five business days and service is terminated, the  
34 customer can, by paying reconnection charges, if any, and fulfilling  
35 the requirements of this section, receive the protections of this  
36 chapter;

37 (b) Provides self-certification of household income for the prior  
38 twelve months to a grantee of the department of community(~~, trade, and~~

1 economic)) development which administers federally funded energy  
2 assistance programs. The grantee shall determine that the household  
3 income does not exceed the maximum allowed for eligibility under the  
4 state's plan for low-income energy assistance under 42 U.S.C. 8624 and  
5 shall provide a dollar figure that is seven percent of household  
6 income. The grantee may verify information provided in the self-  
7 certification;

8 (c) Has applied for home heating assistance from applicable  
9 government and private sector organizations and certifies that any  
10 assistance received will be applied to the current bill and future  
11 utility bills;

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

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

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

31 (5) The utility shall:

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

35 (b) Assist the customer in fulfilling the requirements under this  
36 section;

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



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

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

14 (6) A payment plan implemented under this section is consistent  
15 with RCW 80.28.080.

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

25 (8) Every gas company, electrical company and water company shall  
26 construct and maintain such facilities in connection with the  
27 manufacture and distribution of its product as will be efficient and  
28 safe to its employees and the public.

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

32 (10) In establishing rates or charges for water service, water  
33 companies as defined in RCW 80.04.010 may consider the achievement of  
34 water conservation goals and the discouragement of wasteful water use  
35 practices.

36 **Sec. 555.** RCW 82.14.330 and 1998 c 321 s 13 (Referendum Bill No.  
37 49) are each amended to read as follows:

1 (1) Beginning in fiscal year 2000, the state treasurer shall  
2 transfer into the municipal criminal justice assistance account for  
3 distribution under this section from the general fund the sum of four  
4 million six hundred thousand dollars divided into four equal deposits  
5 occurring on July 1<sup>st</sup>, October 1<sup>st</sup>, January 1<sup>st</sup>, and April 1<sup>st</sup>. For  
6 each fiscal year thereafter, the state treasurer shall increase the  
7 total transfer by the fiscal growth factor, as defined in RCW  
8 43.135.025, forecast for that fiscal year by the office of financial  
9 management in November of the preceding year. The moneys deposited in  
10 the municipal criminal justice assistance account for distribution  
11 under this section, less any moneys appropriated for purposes under  
12 subsection (4) of this section, shall be distributed to the cities of  
13 the state as follows:

14 (a) Twenty percent appropriated for distribution shall be  
15 distributed to cities with a three-year average violent crime rate for  
16 each one thousand in population in excess of one hundred fifty percent  
17 of the state-wide three-year average violent crime rate for each one  
18 thousand in population. The three-year average violent crime rate  
19 shall be calculated using the violent crime rates for each of the  
20 preceding three years from the annual reports on crime in Washington  
21 state as published by the Washington association of sheriffs and police  
22 chiefs. Moneys shall be distributed under this subsection (1)(a)  
23 ratably based on population as last determined by the office of  
24 financial management, but no city may receive more than one dollar per  
25 capita. Moneys remaining undistributed under this subsection at the  
26 end of each calendar year shall be distributed to the criminal justice  
27 training commission to reimburse participating city law enforcement  
28 agencies with ten or fewer full-time commissioned patrol officers the  
29 cost of temporary replacement of each officer who is enrolled in basic  
30 law enforcement training, as provided in RCW 43.101.200.

31 (b) Sixteen percent shall be distributed to cities ratably based on  
32 population as last determined by the office of financial management,  
33 but no city may receive less than one thousand dollars.

34 The moneys deposited in the municipal criminal justice assistance  
35 account for distribution under this subsection shall be distributed at  
36 such times as distributions are made under RCW 82.44.150.

37 Moneys distributed under this subsection shall be expended  
38 exclusively for criminal justice purposes and shall not be used to  
39 replace or supplant existing funding. Criminal justice purposes are

1 defined as activities that substantially assist the criminal justice  
2 system, which may include circumstances where ancillary benefit to the  
3 civil justice system occurs, and which includes domestic violence  
4 services such as those provided by domestic violence programs,  
5 community advocates, and legal advocates, as defined in RCW 70.123.020.  
6 Existing funding for purposes of this subsection is defined as calendar  
7 year 1989 actual operating expenditures for criminal justice purposes.  
8 Calendar year 1989 actual operating expenditures for criminal justice  
9 purposes exclude the following: Expenditures for extraordinary events  
10 not likely to reoccur, changes in contract provisions for criminal  
11 justice services, beyond the control of the local jurisdiction  
12 receiving the services, and major nonrecurring capital expenditures.

13 (2) In addition to the distributions under subsection (1) of this  
14 section:

15 (a) Fourteen percent shall be distributed to cities that have  
16 initiated innovative law enforcement strategies, including alternative  
17 sentencing and crime prevention programs. No city may receive more  
18 than one dollar per capita under this subsection (2)(a).

19 (b) Twenty percent shall be distributed to cities that have  
20 initiated programs to help at-risk children or child abuse victim  
21 response programs. No city may receive more than fifty cents per  
22 capita under this subsection (2)(b).

23 (c) Twenty percent shall be distributed to cities that have  
24 initiated programs designed to reduce the level of domestic violence  
25 within their jurisdictions or to provide counseling for domestic  
26 violence victims. No city may receive more than fifty cents per capita  
27 under this subsection (2)(c).

28 (d) Ten percent shall be distributed to cities that contract with  
29 another governmental agency for a majority of the city's law  
30 enforcement services.

31 Moneys distributed under this subsection shall be distributed to  
32 those cities that submit funding requests under this subsection to the  
33 department of community(~~(, trade, and economic)~~) development based on  
34 criteria developed under RCW 82.14.335. Allocation of funds shall be  
35 in proportion to the population of qualified jurisdictions, but the  
36 distribution to a city shall not exceed the amount of funds requested.  
37 Cities shall submit requests for program funding to the department of  
38 community(~~(, trade, and economic)~~) development by November 1<sup>st</sup> of each  
39 year for funding the following year. The department shall certify to

1 the state treasurer the cities eligible for funding under this  
2 subsection and the amount of each allocation.

3 The moneys deposited in the municipal criminal justice assistance  
4 account for distribution under this subsection, less any moneys  
5 appropriated for purposes under subsection (4) of this section, shall  
6 be distributed at the times as distributions are made under RCW  
7 82.44.150. Moneys remaining undistributed under this subsection at the  
8 end of each calendar year shall be distributed to the criminal justice  
9 training commission to reimburse participating city law enforcement  
10 agencies with ten or fewer full-time commissioned patrol officers the  
11 cost of temporary replacement of each officer who is enrolled in basic  
12 law enforcement training, as provided in RCW 43.101.200.

13 If a city is found by the state auditor to have expended funds  
14 received under this subsection in a manner that does not comply with  
15 the criteria under which the moneys were received, the city shall be  
16 ineligible to receive future distributions under this subsection until  
17 the use of the moneys are justified to the satisfaction of the director  
18 or are repaid to the state general fund. The director may allow  
19 noncomplying use of moneys received under this subsection upon a  
20 showing of hardship or other emergent need.

21 (3) Notwithstanding other provisions of this section, the  
22 distributions to any city that substantially decriminalizes or repeals  
23 its criminal code after July 1, 1990, and that does not reimburse the  
24 county for costs associated with criminal cases under RCW 3.50.800 or  
25 3.50.805(2), shall be made to the county in which the city is located.

26 (4) Not more than five percent of the funds deposited to the  
27 municipal criminal justice assistance account shall be available for  
28 appropriations for enhancements to the state patrol crime laboratory  
29 system and the continuing costs related to these enhancements. Funds  
30 appropriated from this account for such enhancements shall not supplant  
31 existing funds from the state general fund.

32 **Sec. 556.** RCW 82.14.335 and 1995 c 399 s 213 are each amended to  
33 read as follows:

34 The department of community(~~(, trade, and economic)~~) development  
35 shall adopt criteria to be used in making grants to cities under RCW  
36 82.14.330(2). In developing the criteria, the department shall create  
37 a temporary advisory committee consisting of the director of  
38 community(~~(, trade, and economic)~~) development, two representatives

1 nominated by the association of Washington cities, and two  
2 representatives nominated by the Washington association of sheriffs and  
3 police chiefs.

4 **Sec. 557.** RCW 90.71.020 and 1998 c 246 s 14 are each amended to  
5 read as follows:

6 (1) The Puget Sound action team is created. The action team shall  
7 consist of: The directors of the departments of ecology; agriculture;  
8 natural resources; fish and wildlife; and community(~~(, trade, and~~  
9 ~~economic~~)) development; the secretaries of the departments of health  
10 and transportation; the director of the parks and recreation  
11 commission; the director of the interagency committee for outdoor  
12 recreation; the administrative officer of the conservation commission  
13 designated in RCW 89.08.050; one person representing cities, appointed  
14 by the governor; one person representing counties, appointed by the  
15 governor; one person representing federally recognized tribes,  
16 appointed by the governor; and the chair of the action team. The  
17 action team shall also include the following ex officio nonvoting  
18 members: The regional director of the United States environmental  
19 protection agency; the regional administrator of the national marine  
20 fisheries service; and the regional supervisor of the United States  
21 fish and wildlife service. The members representing cities and  
22 counties shall each be reimbursed for travel expenses as provided in  
23 RCW 43.03.050 and 43.03.060.

24 (2) The action team shall:

25 (a) Prepare a Puget Sound work plan and budget for inclusion in the  
26 governor's biennial budget;

27 (b) Coordinate monitoring and research programs as provided in RCW  
28 90.71.060;

29 (c) Work under the direction of the action team chair as provided  
30 in RCW 90.71.040;

31 (d) Coordinate permitting requirements as necessary to expedite  
32 permit issuance for any local watershed plan developed pursuant to  
33 rules adopted under this chapter;

34 (e) Identify and resolve any policy or rule conflicts that may  
35 exist between one or more agencies represented on the action team;

36 (f) Periodically amend the Puget Sound management plan;

1 (g) Enter into, amend, and terminate contracts with individuals,  
2 corporations, or research institutions for the purposes of this  
3 chapter;

4 (h) Receive such gifts, grants, and endowments, in trust or  
5 otherwise, for the use and benefit of the purposes of the action team.  
6 The action team may expend the same or any income therefrom according  
7 to the terms of the gifts, grants, or endowments;

8 (i) Promote extensive public participation, and otherwise seek to  
9 broadly disseminate information concerning Puget Sound;

10 (j) Receive and expend funding from other public agencies;

11 (k) To reduce costs and improve efficiency, review by December 1,  
12 1996, all requirements for reports and documentation from state  
13 agencies and local governments specified in the plan for the purpose of  
14 eliminating and consolidating reporting requirements; and

15 (l) Beginning in December 1998, and every two years thereafter,  
16 submit a report to the appropriate policy and fiscal committees of the  
17 legislature that describes and evaluates the successes and shortcomings  
18 of the current work plan relative to the priority problems identified  
19 for each geographic area of Puget Sound.

20 (3) By July 1, 1996, the action team shall begin developing its  
21 initial work plan, which shall include the coordination of necessary  
22 support staff.

23 (4) The action team shall incorporate, to the maximum extent  
24 possible, the recommendations of the council regarding amendments to  
25 the Puget Sound management plan and the work plan.

26 (5) All proceedings of the action team are subject to the open  
27 public meetings act under chapter 42.30 RCW.

28 **PART VI**  
29 **MISCELLANEOUS**

30 NEW SECTION. **Sec. 601.** Part headings used in this act are not any  
31 part of the law.

32 NEW SECTION. **Sec. 602.** Sections 201 through 205 and 221 through  
33 225 of this act are each added to chapter 43.31 RCW.

34 NEW SECTION. **Sec. 603.** Section 318 of this act expires December  
35 31, 2000.

1        NEW SECTION.   **Sec. 604.**   Sections 101 through 126, 201 through 228,  
2   301 through 350, 401 through 414, 501 through 557, and 601 of this act  
3   take effect July 1, 2000.

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