
SENATE BILL 6696

State of Washington

56th Legislature

2000 Regular Session

By Senator Patterson; by request of Department of Community, Trade, and Economic Development

Read first time 01/24/2000. Referred to Committee on State & Local Government.

1 AN ACT Relating to correcting obsolete references to the department
2 of community, trade, and economic development; amending RCW 19.27.150,
3 19.27.097, 19.27.190, 27.34.310, 28A.300.160, 28B.06.030, 34.05.330,
4 35.02.260, 35.21.300, 35.21.687, 35.21.779, 36.34.137, 39.44.210,
5 39.44.230, 43.19.1920, 43.19.19201, 43.20A.037, 43.22.495, 43.70.530,
6 43.70.540, 43.79.201, 43.133.030, 43.133.050, 43.150.040, 43.280.011,
7 43.280.070, 43.310.020, 43.330.125, 43.330.135, 47.12.064, 47.50.090,
8 47.76.230, 53.36.030, 59.24.020, 59.24.050, 59.24.060, 66.08.195,
9 66.08.198, 67.38.070, 68.60.030, 70.05.125, 70.95.260, 70.95.265,
10 70.95.810, 70.105.020, 72.09.055, 72.65.210, 74.08A.010, 74.14B.060,
11 79A.30.050, 79A.50.100, 84.36.560, 88.02.053, 90.03.247, 19.27A.020,
12 19.29A.010, 28B.38.020, 28B.38.050, 43.17.065, 43.20A.750, 43.31.805,
13 43.63A.230, 43.88.093, 50.38.030, 67.28.8001, 43.06.115, 43.21J.030,
14 43.157.010, 43.157.030, 46.16.340, 43.220.070, 90.56.100, and
15 90.56.280; reenacting and amending RCW 43.105.020; reenacting RCW
16 48.50.040; creating new sections; decodifying RCW 35.22.660, 35.22.680,
17 35A.63.149, 35A.63.210, 36.32.520, 36.32.560, 36.70.675, 36.70.755,
18 70.95H.005, 70.95H.007, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.050,
19 70.95H.800, 70.95H.900, and 70.95H.901; repealing RCW 43.31.409,
20 43.168.010, 43.168.055, 43.168.060, 43.168.070, 43.168.090, 43.168.100,

1 43.168.110, 43.168.120, 43.168.130, 43.168.140, 43.168.150, and
2 43.168.900; and providing a contingent effective date.

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

4 **PART 1**

5 **REFERENCES TO DEPARTMENT OF COMMUNITY DEVELOPMENT**

6 **Sec. 101.** RCW 19.27.150 and 1995 c 399 s 10 are each amended to
7 read as follows:

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

13 **Sec. 102.** RCW 19.27.097 and 1995 c 399 s 9 are each amended to
14 read as follows:

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

27 (2) Within counties not required or not choosing to plan pursuant
28 to RCW 36.70A.040, the county and the state may mutually determine
29 those areas in the county in which the requirements of subsection (1)
30 of this section shall not apply. The departments of health and ecology
31 shall coordinate on the implementation of this section. Should the
32 county and the state fail to mutually determine those areas to be
33 designated pursuant to this subsection, the county may petition the
34 department of community(~~(, trade, and economic)~~) development to mediate
35 or, if necessary, make the determination.

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

6 **Sec. 103.** RCW 19.27.190 and 1996 c 186 s 501 are each amended to
7 read as follows:

8 (1)(a) Not later than January 1, 1991, the state building code
9 council, in consultation with the department of community(~~(, trade, and~~
10 ~~economic~~)) development, shall establish interim requirements for the
11 maintenance of indoor air quality in newly constructed residential
12 buildings. In establishing the interim requirements, the council shall
13 take into consideration differences in heating fuels and heating system
14 types. These requirements shall be in effect July 1, 1991, through
15 June 30, 1993.

16 (b) The interim requirements for new electrically space heated
17 residential buildings shall include ventilation standards which provide
18 for mechanical ventilation in areas of the residence where water vapor
19 or cooking odors are produced. The ventilation shall be exhausted to
20 the outside of the structure. The ventilation standards shall further
21 provide for the capacity to supply outside air to each bedroom and the
22 main living area through dedicated supply air inlet locations in walls,
23 or in an equivalent manner. At least one exhaust fan in the home shall
24 be controlled by a dehumidistat or clock timer to ensure that
25 sufficient whole house ventilation is regularly provided as needed.

26 (c)(i) For new single family residences with electric space heating
27 systems, zero lot line homes, each unit in a duplex, and each attached
28 housing unit in a planned unit development, the ventilation standards
29 shall include fifty cubic feet per minute of effective installed
30 ventilation capacity in each bathroom and one hundred cubic feet per
31 minute of effective installed ventilation capacity in each kitchen.

32 (ii) For other new residential units with electric space heating
33 systems the ventilation standards may be satisfied by the installation
34 of two exhaust fans with a combined effective installed ventilation
35 capacity of two hundred cubic feet per minute.

36 (iii) Effective installed ventilation capacity means the capability
37 to deliver the specified ventilation rates for the actual design of the

1 ventilation system. Natural ventilation and infiltration shall not be
2 considered acceptable substitutes for mechanical ventilation.

3 (d) For new residential buildings that are space heated with other
4 than electric space heating systems, the interim standards shall be
5 designed to result in indoor air quality equivalent to that achieved
6 with the interim ventilation standards for electric space heated homes.

7 (e) The interim requirements for all newly constructed residential
8 buildings shall include standards for indoor air quality pollutant
9 source control, including the following requirements: All structural
10 panel components of the residence shall comply with appropriate
11 standards for the emission of formaldehyde; the back-drafting of
12 combustion by-products from combustion appliances shall be minimized
13 through the use of dampers, vents, outside combustion air sources, or
14 other appropriate technologies; and, in areas of the state where
15 monitored data indicate action is necessary to inhibit indoor radon gas
16 concentrations from exceeding appropriate health standards, entry of
17 radon gas into homes shall be minimized through appropriate foundation
18 construction measures.

19 (2) No later than January 1, 1993, the state building code council,
20 in consultation with the department of community(~~(, trade, and~~
21 ~~economic~~)) development, shall establish final requirements for the
22 maintenance of indoor air quality in newly constructed residences to be
23 in effect beginning July 1, 1993. For new electrically space heated
24 residential buildings, these requirements shall maintain indoor air
25 quality equivalent to that provided by the mechanical ventilation and
26 indoor air pollutant source control requirements included in the
27 February 7, 1989, Bonneville power administration record of decision
28 for the environmental impact statement on new energy efficient homes
29 programs (DOE/EIS-0127F) built with electric space heating. In
30 residential units other than single family, zero lot line, duplexes,
31 and attached housing units in planned unit developments, ventilation
32 requirements may be satisfied by the installation of two exhaust fans
33 with a combined effective installed ventilation capacity of two hundred
34 cubic feet per minute. For new residential buildings that are space
35 heated with other than electric space heating systems, the standards
36 shall be designed to result in indoor air quality equivalent to that
37 achieved with the ventilation and source control standards for electric
38 space heated homes. In establishing the final requirements, the

1 council shall take into consideration differences in heating fuels and
2 heating system types.

3 **Sec. 104.** RCW 27.34.310 and 1995 c 399 s 15 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise, the following
6 definitions apply throughout RCW 27.34.320.

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

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

12 (3) "Office" means the office of archaeology and historic
13 preservation within the department of community(~~(, trade, and~~
14 ~~economic)) development.~~

15 **Sec. 105.** RCW 28A.300.160 and 1995 c 399 s 21 are each amended to
16 read as follows:

17 (1) The office of the superintendent of public instruction shall be
18 the lead agency and shall assist the department of social and health
19 services, the department of community(~~(, trade, and economic))~~
20 development, and school districts in establishing a coordinated primary
21 prevention program for child abuse and neglect.

22 (2) In developing the program, consideration shall be given to the
23 following:

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

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

28 (ii) Culturally and linguistically appropriate to the population
29 served;

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

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

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

35 (i) Physical and behavioral indicators of abuse;

36 (ii) Crisis counseling techniques;

37 (iii) Community resources;

- 1 (iv) Rights and responsibilities regarding reporting;
2 (v) School district procedures to facilitate reporting and apprise
3 supervisors and administrators of reports; and
4 (vi) Caring for a child's needs after a report is made;
5 (c) Training for licensed day care providers and parents that
6 includes:
7 (i) Positive child guidance techniques;
8 (ii) Physical and behavioral indicators of abuse;
9 (iii) Recognizing and providing safe, quality day care;
10 (iv) Community resources;
11 (v) Rights and responsibilities regarding reporting; and
12 (vi) Caring for the abused or neglected child;
13 (d) Training for children that includes:
14 (i) The right of every child to live free of abuse;
15 (ii) How to disclose incidents of abuse and neglect;
16 (iii) The availability of support resources and how to obtain help;
17 (iv) Child safety training and age-appropriate self-defense
18 techniques; and
19 (v) A period for crisis counseling and reporting immediately
20 following the completion of each children's workshop in a school
21 setting which maximizes the child's privacy and sense of safety.
22 (3) The primary prevention program established under this section
23 shall be a voluntary program and shall not be part of the basic program
24 of education.
25 (4) Parents shall be given notice of the primary prevention program
26 and may refuse to have their children participate in the program.

27 **Sec. 106.** RCW 28B.06.030 and 1995 c 335 s 303 are each amended to
28 read as follows:

29 (1) The state board for community and technical colleges, in
30 consultation with the department of community(~~(, trade, and economic)~~)
31 development, the department of social and health services, the
32 superintendent of public instruction, and community-based, nonprofit
33 providers of adult literacy services, shall develop an adult literacy
34 program to serve eligible parents as defined under RCW ((~~28A.610.020~~)
35 28B.06.020). The program shall give priority to serving parents with
36 children who have not yet enrolled in school or are in grades
37 kindergarten through three.

1 (2) In addition to providing basic skills instruction to eligible
2 parents, the program may include other program components which may
3 include transportation, child care, and such other directly necessary
4 activities as may be necessary to accomplish the purposes of this
5 chapter.

6 (3) Parents who elect to participate in training or work programs,
7 as a condition of receiving public assistance, shall have the hours
8 spent in parent participation programs, conducted as part of a federal
9 head start program, or the state early childhood education and
10 assistance program under RCW 28A.215.100 through 28A.215.200 and
11 28A.215.900 through 28A.215.908, or parent literacy programs under this
12 chapter, counted toward the fulfillment of their work and training
13 obligation for the receipt of public assistance.

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

17 (5) The state board for community and technical colleges shall
18 adopt rules as necessary to carry out the purposes of this chapter.

19 **Sec. 107.** RCW 34.05.330 and 1998 c 280 s 5 are each amended to
20 read as follows:

21 (1) Any person may petition an agency requesting the adoption,
22 amendment, or repeal of any rule. The office of financial management
23 shall prescribe by rule the format for such petitions and the procedure
24 for their submission, consideration, and disposition and provide a
25 standard form that may be used to petition any agency. Within sixty
26 days after submission of a petition, the agency shall either (a) deny
27 the petition in writing, stating (i) its reasons for the denial,
28 specifically addressing the concerns raised by the petitioner, and,
29 where appropriate, (ii) the alternative means by which it will address
30 the concerns raised by the petitioner, or (b) initiate rule-making
31 proceedings in accordance with RCW 34.05.320.

32 (2) If an agency denies a petition to repeal or amend a rule
33 submitted under subsection (1) of this section, and the petition
34 alleges that the rule is not within the intent of the legislature or
35 was not adopted in accordance with all applicable provisions of law,
36 the person may petition for review of the rule by the joint
37 administrative rules review committee under RCW 34.05.655.

1 (3) If an agency denies a petition to repeal or amend a rule
2 submitted under subsection (1) of this section, the petitioner, within
3 thirty days of the denial, may appeal the denial to the governor. The
4 governor shall immediately file notice of the appeal with the code
5 reviser for publication in the Washington state register. Within
6 forty-five days after receiving the appeal, the governor shall either
7 (a) deny the petition in writing, stating (i) his or her reasons for
8 the denial, specifically addressing the concerns raised by the
9 petitioner, and, (ii) where appropriate, the alternative means by which
10 he or she will address the concerns raised by the petitioner; (b) for
11 agencies listed in RCW 43.17.010, direct the agency to initiate rule-
12 making proceedings in accordance with this chapter; or (c) for agencies
13 not listed in RCW 43.17.010, recommend that the agency initiate rule-
14 making proceedings in accordance with this chapter. The governor's
15 response to the appeal shall be published in the Washington state
16 register and copies shall be submitted to the chief clerk of the house
17 of representatives and the secretary of the senate.

18 (4) In petitioning for repeal or amendment of a rule under this
19 section, a person is encouraged to address, among other concerns:

20 (a) Whether the rule is authorized;

21 (b) Whether the rule is needed;

22 (c) Whether the rule conflicts with or duplicates other federal,
23 state, or local laws;

24 (d) Whether alternatives to the rule exist that will serve the same
25 purpose at less cost;

26 (e) Whether the rule applies differently to public and private
27 entities;

28 (f) Whether the rule serves the purposes for which it was adopted;

29 (g) Whether the costs imposed by the rule are unreasonable;

30 (h) Whether the rule is clearly and simply stated;

31 (i) Whether the rule is different than a federal law applicable to
32 the same activity or subject matter without adequate justification; and

33 (j) Whether the rule was adopted according to all applicable
34 provisions of law.

35 (5) The department of community(~~(, trade, and economic)~~)
36 development and the office of financial management shall coordinate
37 efforts among agencies to inform the public about the existence of this
38 rules review process.

1 (6) The office of financial management shall initiate the rule
2 making required by subsection (1) of this section by September 1, 1995.

3 **Sec. 108.** RCW 35.02.260 and 1995 c 399 s 34 are each amended to
4 read as follows:

5 The department of community(~~(, trade, and economic)~~) development
6 shall identify federal, state, and local agencies that should receive
7 notification that a new city or town is about to incorporate and shall
8 assist newly formed cities and towns during the interim period before
9 the official date of incorporation in providing such notification to
10 the identified agencies.

11 **Sec. 109.** RCW 35.21.300 and 1995 c 399 s 36 are each amended to
12 read as follows:

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

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

25 (a) Notifies the utility of the inability to pay the bill,
26 including a security deposit. This notice should be provided within
27 five business days of receiving a payment overdue notice unless there
28 are extenuating circumstances. If the customer fails to notify the
29 utility within five business days and service is terminated, the
30 customer can, by paying reconnection charges, if any, and fulfilling
31 the requirements of this section, receive the protections of this
32 chapter;

33 (b) Provides self-certification of household income for the prior
34 twelve months to a grantee of the department of community(~~(, trade, and~~
35 ~~economic)~~) development which administers federally funded energy
36 assistance programs. The grantee shall determine that the household
37 income does not exceed the maximum allowed for eligibility under the

1 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
2 shall provide a dollar figure that is seven percent of household
3 income. The grantee may verify information in the self-certification;

4 (c) Has applied for home heating assistance from applicable
5 government and private sector organizations and certifies that any
6 assistance received will be applied to the current bill and future
7 utility bills;

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

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

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

27 (3) The utility shall:

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

31 (b) Assist the customer in fulfilling the requirements under this
32 section;

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

36 (d) Be permitted to disconnect service if the customer fails to
37 honor the payment program. Utilities may continue to disconnect
38 service for those practices authorized by law other than for nonpayment
39 as provided for in this section. Customers who qualify for payment

1 plans under this section who default on their payment plans and are
2 disconnected can be reconnected and maintain the protections afforded
3 under this chapter by paying reconnection charges, if any, and by
4 paying all amounts that would have been due and owing under the terms
5 of the applicable payment plan, absent default, on the date on which
6 service is reconnected; and

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

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

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

21 **Sec. 110.** RCW 35.21.687 and 1995 c 399 s 37 are each amended to
22 read as follows:

23 (1) Every city and town, including every code city operating under
24 Title 35A RCW, shall identify and catalog real property owned by the
25 city or town that is no longer required for its purposes and is
26 suitable for the development of affordable housing for very low-income,
27 low-income, and moderate-income households as defined in RCW
28 43.63A.510. The inventory shall include the location, approximate
29 size, and current zoning classification of the property. Every city
30 and town shall provide a copy of the inventory to the department of
31 community(~~(, trade, and economic)~~) development by November 1, 1993,
32 with inventory revisions each November 1st thereafter.

33 (2) By November 1st of each year, beginning in 1994, every city and
34 town, including every code city operating under Title 35A RCW, shall
35 purge the inventory of real property of sites that are no longer
36 available for the development of affordable housing. The inventory
37 revision shall also contain a list of real property that has become

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

3 **Sec. 111.** RCW 35.21.779 and 1995 c 399 s 39 are each amended to
4 read as follows:

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

12 (2) A city or town seeking to enter into fire protection contract
13 negotiations shall provide written notification to the department of
14 community(~~(, trade, and economic)~~) development and the state agencies
15 or institutions that own property within the jurisdiction, of its
16 intent to contract for fire protection services. Where there are
17 multiple state agencies located within a single jurisdiction, a city
18 may choose to notify only the department of community(~~(, trade, and~~
19 ~~economic)~~) development, which in turn shall notify the agencies or
20 institution that own property within the jurisdiction of the city's
21 intent to contract for fire protection services. Any such notification
22 shall be based on the valuation procedures, based on commonly accepted
23 standards, adopted by the department of community(~~(, trade, and~~
24 ~~economic)~~) development in consultation with the department of general
25 administration and the association of Washington cities.

26 (3) The department of community(~~(, trade, and economic)~~)
27 development shall review any such notification to ensure that the
28 valuation procedures and results are accurate. The department will
29 notify each affected city or town and state agency or institution of
30 the results of their review within thirty days of receipt of
31 notification.

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

37 (5) In the event of notification by one of the parties that an
38 agreement cannot be reached on the terms and conditions of a fire

1 protection contract, the director of the department of community(~~(~~
2 ~~trade, and economic~~)) development shall mediate a resolution of the
3 disagreement. In the event of a continued impasse, the director of the
4 department of community(~~(~~~~trade, and economic~~)) development shall
5 recommend a resolution.

6 (6) If the parties reject the recommendation of the director and an
7 impasse continues, the director shall direct the parties to
8 arbitration. The parties shall agree on a neutral arbitrator, and the
9 fees and expenses of the arbitrator shall be shared equally between the
10 parties. The arbitration shall be a final offer, total arbitration,
11 with the arbitrator empowered only to pick the final offer of one of
12 the parties or the recommended resolution by the director of the
13 department of community(~~(~~~~trade, and economic~~)) development. The
14 decision of the arbitrator shall be final, binding, and nonappealable
15 on the parties.

16 (7) The provisions of this section shall not apply if a city or
17 town and a state agency or institution have contracted pursuant to RCW
18 35.21.775.

19 (8) The provisions of this section do not apply to cities and towns
20 not meeting the conditions in subsection (1) of this section. Cities
21 and towns not meeting the conditions of subsection (1) of this section
22 may enter into contracts pursuant to RCW 35.21.775.

23 **Sec. 112.** RCW 36.34.137 and 1993 c 461 s 5 are each amended to
24 read as follows:

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

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

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

3 **Sec. 113.** RCW 39.44.210 and 1995 c 399 s 54 are each amended to
4 read as follows:

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

18 For each state or local government bond issued, the issuer's bond
19 counsel promptly shall provide to the underwriter or to the department
20 of community(~~(, trade, and economic~~)) development information on the
21 amount of any fees charged for services rendered with regard to the
22 bond issue.

23 Each local government that issues any type of bond shall make a
24 report annually to the department of community(~~(, trade, and economic~~))
25 development that includes a summary of all the outstanding bonds of the
26 local government as of the first day of January in that year. Such
27 report shall distinguish the outstanding bond issues on the basis of
28 the type of bond, as defined in RCW 39.44.200, and shall report the
29 local government's outstanding indebtedness compared to any applicable
30 limitations on indebtedness, including RCW 35.42.200, 39.30.010, and
31 39.36.020.

32 **Sec. 114.** RCW 39.44.230 and 1995 c 399 s 55 are each amended to
33 read as follows:

34 The department of community(~~(, trade, and economic~~)) development
35 may adopt rules (~~(and regulations)~~) pursuant to the administrative
36 procedure act to require (1) the submission of bond issuance
37 information by underwriters and bond counsel to the department of

1 community(~~(, trade, and economic)~~) development in a timely manner and
2 (2) the submission of additional information on bond issues by state
3 and local governments, including summaries of outstanding bond issues.

4 **Sec. 115.** RCW 43.19.1920 and 1995 c 399 s 63 are each amended to
5 read as follows:

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

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

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

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

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

26 **Sec. 116.** RCW 43.19.19201 and 1995 c 399 s 64 are each amended to
27 read as follows:

28 (1) The department of general administration shall identify and
29 catalog real property that is no longer required for department
30 purposes and is suitable for the development of affordable housing for
31 very low-income, low-income, and moderate-income households as defined
32 in RCW 43.63A.510. The inventory shall include the location,
33 approximate size, and current zoning classification of the property.
34 The department of general administration shall provide a copy of the
35 inventory to the department of community(~~(, trade, and economic)~~)
36 development by November 1, 1993, and every November 1st thereafter.

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

8 **Sec. 117.** RCW 43.20A.037 and 1995 c 399 s 65 are each amended to
9 read as follows:

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

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

24 **Sec. 118.** RCW 43.22.495 and 1995 c 399 s 69 are each amended to
25 read as follows:

26 Beginning on July 1, (~~(1991)~~) 2000, the department of community(~~(, trade, and economic)~~)
27 development shall be responsible for performing
28 all the consumer complaint and related functions of the state
29 administrative agency that are required for purposes of complying with
30 the regulations established by the federal department of housing and
31 urban development for manufactured housing, including the preparation
32 and submission of the state administrative plan.

33 The department of community(~~(, trade, and economic)~~) development
34 may enter into state or local interagency agreements to coordinate site
35 inspection activities with record monitoring and complaint handling.
36 The interagency agreement may also provide for the reimbursement for
37 cost of work that an agency performs. The department may include other

1 related areas in any interagency agreements which are necessary for the
2 efficient provision of services.

3 The directors of the department of community(~~(, trade, and~~
4 ~~economic))~~ development and the department of labor and industries shall
5 immediately take such steps as are necessary to ensure that chapter
6 176, Laws of 1990 is implemented on June 7, 1990.

7 **Sec. 119.** RCW 43.70.530 and 1998 c 245 s 75 are each amended to
8 read as follows:

9 The department of health, the department of social and health
10 services, the department of community(~~(, trade, and economic))~~
11 development, the superintendent of public instruction, and the
12 employment security department shall, collectively and collaboratively,
13 develop a plan for a home health visitor program that shall have as its
14 primary purpose the prevention of child abuse and neglect through the
15 provision of selected educational and supportive services to high risk
16 parents of newborns.

17 (1) The program shall: (a) Be community-based; (b) include early
18 hospital-based screening to identify high risk parents of newborns; (c)
19 provide for an effective, in-home outreach and support program for high
20 risk parents of newborns that involves: (i) Frequent home visits, (ii)
21 parent training on early childhood development, parenting, and the
22 stress factors that lead to abuse and neglect, and (iii) referrals to
23 needed social and health services; and (d) demonstrate effective
24 coordination among current community-based programs that may also serve
25 high risk parents and their infants, including child abuse prevention
26 programs, first steps, second steps, the early childhood education and
27 assistance program, the healthy kids program, child welfare services,
28 the women, infants, and children program, the high priority infant
29 tracking program, the birth to six program, local and state public
30 health prevention and early intervention services, and other services
31 as identified.

32 (2) The plan shall: (a) Include an estimate and a description of
33 the high risk groups to be served; (b) detail the screening process and
34 mechanisms to be used to identify high risk parents; (c) detail the
35 services to be included in the in-home program; (d) describe staffing
36 that may include the use of teams of professionals, paraprofessionals,
37 and volunteers; (e) describe how the program will be evaluated,
38 including the measurable outcomes to be achieved; and (f) provide an

1 estimate of the costs to fully implement the program state-wide, and
2 for possible consideration, a series of pilot projects with a phased-in
3 schedule.

4 **Sec. 120.** RCW 43.70.540 and 1995 c 399 s 76 are each amended to
5 read as follows:

6 The legislature recognizes that the state patrol, the office of the
7 administrator for the courts, the sheriffs' and police chiefs'
8 association, the department of social and health services, the
9 department of community(~~(, trade, and economic)~~) development, the
10 sentencing guidelines commission, the department of corrections, and
11 the superintendent of public instruction each have comprehensive data
12 and analysis capabilities that have contributed greatly to our current
13 understanding of crime and violence, and their causes.

14 The legislature finds, however, that a single health-oriented
15 agency must be designated to provide consistent guidelines to all these
16 groups regarding the way in which their data systems collect this
17 important data. It is not the intent of the legislature by RCW
18 43.70.545 to transfer data collection requirements from existing
19 agencies or to require the addition of major new data systems. It is
20 rather the intent to make only the minimum required changes in existing
21 data systems to increase compatibility and comparability, reduce
22 duplication, and to increase the usefulness of data collected by these
23 agencies in developing more accurate descriptions of violence.

24 **Sec. 121.** RCW 43.79.201 and 1995 c 399 s 77 are each amended to
25 read as follows:

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

36 (2) If feasible, not less than one-half of all income to the
37 charitable, educational, penal, and reformatory institutions account

1 shall be appropriated for the purpose of providing housing, including
2 repair and renovation of state institutions, for persons who are
3 mentally ill, developmentally disabled, or youth who are blind, deaf,
4 or otherwise disabled. If moneys are appropriated for community-based
5 housing, the moneys shall be appropriated to the department of
6 community(~~(, trade, and economic)~~) development for the housing
7 assistance program under chapter 43.185 RCW.

8 **Sec. 122.** RCW 43.105.020 and 1999 c 285 s 1 and 1999 c 80 s 1 are
9 each reenacted and amended to read as follows:

10 As used in this chapter, unless the context indicates otherwise,
11 the following definitions shall apply:

12 (1) "Department" means the department of information services;

13 (2) "Board" means the information services board;

14 (3) "Local governments" includes all municipal and quasi municipal
15 corporations and political subdivisions, and all agencies of such
16 corporations and subdivisions authorized to contract separately;

17 (4) "Director" means the director of the department;

18 (5) "Purchased services" means services provided by a vendor to
19 accomplish routine, continuing, and necessary functions. This term
20 includes, but is not limited to, services acquired for equipment
21 maintenance and repair, operation of a physical plant, security,
22 computer hardware and software installation and maintenance, data
23 entry, keypunch services, programming services, and computer time-
24 sharing;

25 (6) "Backbone network" means the shared high-density portions of
26 the state's telecommunications transmission facilities. It includes
27 specially conditioned high-speed communications carrier lines,
28 multiplexors, switches associated with such communications lines, and
29 any equipment and software components necessary for management and
30 control of the backbone network;

31 (7) "Telecommunications" means the transmission of information by
32 wire, radio, optical cable, electromagnetic, or other means;

33 (8) "Information processing" means the electronic capture,
34 collection, storage, manipulation, transmission, retrieval, and
35 presentation of information in the form of data, text, voice, or image
36 and includes telecommunications and office automation functions;

37 (9) "Information services" means data processing,
38 telecommunications, and office automation;

1 (10) "Equipment" means the machines, devices, and transmission
2 facilities used in information processing, such as computers, word
3 processors, terminals, telephones, and cables;

4 (11) "Information technology portfolio" or "portfolio" means a
5 strategic management process documenting relationships between agency
6 missions and information technology investments;

7 (12) "Oversight" means a process of comprehensive risk analysis and
8 management designed to ensure optimum use of information technology
9 resources;

10 (13) "Proprietary software" means that software offered for sale or
11 license;

12 (14) "Video telecommunications" means the electronic
13 interconnection of two or more sites for the purpose of transmitting
14 and/or receiving visual and associated audio information. Video
15 telecommunications shall not include existing public television
16 broadcast stations as currently designated by the department of
17 community(~~(, trade, and economic)~~) development under chapter 43.330
18 RCW;

19 (15) "K-20 educational network board" or "K-20 board" means the K-
20 20 educational network board created in RCW 43.105.800;

21 (16) "K-20 network technical steering committee" or "committee"
22 means the K-20 network technical steering committee created in RCW
23 43.105.810;

24 (17) "K-20 network" means the network established in RCW
25 43.105.820;

26 (18) "Educational sectors" means those institutions of higher
27 education, school districts, and educational service districts that use
28 the network for distance education, data transmission, and other uses
29 permitted by the K-20 board.

30 **Sec. 123.** RCW 43.133.030 and 1995 c 399 s 81 are each amended to
31 read as follows:

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

1 **Sec. 124.** RCW 43.133.050 and 1995 c 399 s 82 are each amended to
2 read as follows:

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

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

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

12 **Sec. 125.** RCW 43.150.040 and 1995 c 399 s 84 are each amended to
13 read as follows:

14 The governor may establish a state-wide center for volunteerism and
15 citizen service within the department of community(~~(, trade, and~~
16 ~~economic)~~) development and appoint an executive administrator, who may
17 employ such staff as necessary to carry out the purposes of this
18 chapter. The provisions of chapter 41.06 RCW do not apply to the
19 executive administrator and the staff.

20 **Sec. 126.** RCW 43.280.011 and 1996 c 123 s 1 are each amended to
21 read as follows:

22 The Washington state sexual assault services advisory committee
23 issued a report to the department of community, trade, and economic
24 development and the department of social and health services in June of
25 1995. The committee made several recommendations to improve the
26 delivery of services to victims of sexual abuse and assault: (1)
27 Consolidate the administration and funding of sexual assault and abuse
28 services in one agency instead of splitting those functions between the
29 department of social and health services and the department of
30 community, trade, and economic development; (2) adopt a funding
31 allocation plan to pool all funds for sexual assault services and to
32 distribute them across the state to ensure the delivery of core and
33 specialized services; (3) establish service, data collection, and
34 management standards and outcome measurements for recipients of grants;
35 and (4) create a data collection system to gather pertinent data
36 concerning the delivery of sexual assault services to victims.

1 The legislature approves the recommendations of the advisory
2 committee and consolidates the functions and funding for sexual assault
3 services in the department of community(~~(, trade, and economic)~~)
4 development to implement the advisory committee's recommendations.

5 The legislature does not intend to effect a reduction in service
6 levels within available funding by transferring department of social
7 and health services' powers and duties to the department of
8 community(~~(, trade, and economic)~~) development. At a minimum, the
9 department of community(~~(, trade, and economic)~~) development shall
10 distribute the same percentage of the services it provides victims of
11 sexual assault and abuse, pursuant to RCW 43.280.020, 70.125.080, and
12 74.14B.060, to children as were distributed to children through these
13 programs in fiscal year 1996.

14 **Sec. 127.** RCW 43.280.070 and 1995 c 399 s 115 are each amended to
15 read as follows:

16 The department of community(~~(, trade, and economic)~~) development
17 may receive such gifts, grants, and endowments from public or private
18 sources as may be made from time to time, in trust or otherwise, for
19 the use and benefit of the purposes of this chapter and expend the same
20 or any income therefrom according to the terms of the gifts, grants, or
21 endowments.

22 **Sec. 128.** RCW 43.310.020 and 1995 c 399 s 116 are each amended to
23 read as follows:

24 (1) The department of community(~~(, trade, and economic)~~)
25 development may recommend existing programs or contract with either
26 school districts or community organizations, or both, through a request
27 for proposal process for the development, administration, and
28 implementation in the county of community-based gang risk prevention
29 and intervention pilot programs.

30 (2) Proposals by the school district for gang risk prevention and
31 intervention pilot program grant funding shall begin with school years
32 no sooner than the 1994-95 session, and last for a duration of two
33 years.

34 (3) The school district or community organization proposal shall
35 include:

36 (a) A description of the program goals, activities, and curriculum.
37 The description of the program goals shall include a list of measurable

1 objectives for the purpose of evaluation by the department of
2 community(~~(, trade, and economic)~~) development. To the extent
3 possible, proposals shall contain empirical data on current problems,
4 such as drop-out rates and occurrences of violence on and off campus by
5 school-age individuals.

6 (b) A description of the individual school or schools and the
7 geographic area to be affected by the program.

8 (c) A demonstration of broad-based support for the program from
9 business and community organizations.

10 (d) A clear description of the experience, expertise, and other
11 qualifications of the community organizations to conduct an effective
12 prevention and intervention program in cooperation with a school or a
13 group of schools.

14 (e) A proposed budget for expenditure of the grant.

15 (4) Grants awarded under this section may not be used for the
16 administrative costs of the school district or the individual school.

17 **Sec. 129.** RCW 43.330.125 and 1995 c 347 s 430 are each amended to
18 read as follows:

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

22 **Sec. 130.** RCW 43.330.135 and 1995 c 13 s 1 are each amended to
23 read as follows:

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

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

32 (a) The organization must provide state-wide support, development,
33 and enhancement of court-appointed special advocate programs that offer
34 guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and
35 13.34.100;

36 (b) All guardians ad litem working under court-appointed special
37 advocate programs supported, developed, or enhanced by the organization

1 must be volunteers and may not receive payment for services rendered
2 pursuant to the program. The organization may include paid positions
3 that are exclusively administrative in nature, in keeping with the
4 scope and purpose of this section; and

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

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

12 **Sec. 131.** RCW 47.12.064 and 1995 c 399 s 121 are each amended to
13 read as follows:

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

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

28 **Sec. 132.** RCW 47.50.090 and 1995 c 399 s 124 are each amended to
29 read as follows:

30 (1) The department shall develop, adopt, and maintain an access
31 control classification system for all routes on the state highway
32 system, the purpose of which shall be to provide for the implementation
33 and continuing applications of the provision of this chapter.

34 (2) The principal component of the access control classification
35 system shall be access management standards, the purpose of which shall
36 be to provide specific minimum standards to be adhered to in the
37 planning for and approval of access to state highways.

1 (3) The control classification system shall be developed consistent
2 with the following:

3 (a) The department shall, no later than January 1, 1993, adopt
4 rules setting forth procedures governing the implementation of the
5 access control classification system required by this chapter. The
6 rule shall provide for input from the entities described in (b) of this
7 subsection as well as for public meetings to discuss the access control
8 classification system. Nothing in this chapter shall affect the
9 validity of the department's existing or subsequently adopted rules
10 concerning access to the state highway system. Such rules shall remain
11 in effect until repealed or replaced by the rules required by this
12 chapter.

13 (b) The access control classification system shall be developed in
14 cooperation with counties, cities and towns, the department of
15 community(~~(, trade, and economic)~~) development, regional transportation
16 planning organizations, and other local governmental entities, and for
17 city streets designated as state highways pursuant to chapter 47.24
18 RCW, adopted with the concurrence of the city design standards
19 committee.

20 (c) The rule required by this section shall provide that assignment
21 of a road segment to a specific access category be made in
22 consideration of the following criteria:

23 (i) Local land use plans and zoning, as set forth in comprehensive
24 plans;

25 (ii) The current functional classification as well as potential
26 future functional classification of each road on the state highway
27 system;

28 (iii) Existing and projected traffic volumes;

29 (iv) Existing and projected state, local, and metropolitan planning
30 organization transportation plans and needs;

31 (v) Drainage requirements;

32 (vi) The character of lands adjoining the highway;

33 (vii) The type and volume of traffic requiring access;

34 (viii) Other operational aspects of access;

35 (ix) The availability of reasonable access by way of county roads
36 and city streets to a state highway; and

37 (x) The cumulative effect of existing and projected connections on
38 the state highway system's ability to provide for the safe and
39 efficient movement of people and goods within the state.

1 (d) Access management standards shall include, but not be limited
2 to, connection location standards, safety factors, design and
3 construction standards, desired levels of service, traffic control
4 devices, and effective maintenance of the roads. The standards shall
5 also contain minimum requirements for the spacing of connections,
6 intersecting streets, roads, and highways.

7 (e) An access control category shall be assigned to each segment of
8 the state highway system by July 1, 1993.

9 **Sec. 133.** RCW 47.76.230 and 1995 c 380 s 4 are each amended to
10 read as follows:

11 (1) The department of transportation shall continue its
12 responsibility for the development and implementation of the state rail
13 plan and programs, and the utilities and transportation commission
14 shall continue its responsibility for intrastate rates, service, and
15 safety issues.

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

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

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

25 (b) Assistance in the formation of county rail districts and port
26 districts; and

27 (c) Feasibility studies for rail service continuation and/or rail
28 service assistance.

29 (4) With funding authorized by the legislature, the department of
30 transportation, in collaboration with the department of community(~~tr~~
31 ~~trade,~~ and ~~economic~~) development, and local economic development
32 agencies, and other interested public and private organizations, shall
33 develop a cooperative process to conduct community and business
34 information programs and to regularly disseminate information on rail
35 matters.

36 **Sec. 134.** RCW 53.36.030 and 1996 c 66 s 1 are each amended to read
37 as follows:

1 (1)(a) Except as provided in (b) of this subsection, a port
2 district may at any time contract indebtedness or borrow money for
3 district purposes and may issue general obligation bonds therefor not
4 exceeding an amount, together with any existing indebtedness of the
5 district not authorized by the voters, of one-fourth of one percent of
6 the value of the taxable property in the district.

7 (b) Port districts having less than eight hundred million dollars
8 in value of taxable property during 1991 may at any time contract
9 indebtedness or borrow money for port district purposes and may issue
10 general obligation bonds therefor not exceeding an amount, combined
11 with existing indebtedness of the district not authorized by the
12 voters, of three-eighths of one percent of the value of the taxable
13 property in the district. Prior to contracting for any indebtedness
14 authorized by this subsection (1)(b), the port district must have a
15 comprehensive plan for harbor improvements or industrial development
16 and a long-term financial plan approved by the department of
17 community(~~(, trade, and economic)~~) development. The department of
18 community(~~(, trade, and economic)~~) development is immune from any
19 liability for its part in reviewing or approving port district's
20 improvement or development plans, or financial plans. Any indebtedness
21 authorized by this subsection (1)(b) may be used only to acquire or
22 construct a facility, and, prior to contracting for such indebtedness,
23 the port district must have a lease contract for a minimum of five
24 years for the facility to be acquired or constructed by the debt.

25 (2) With the assent of three-fifths of the voters voting thereon at
26 a general or special port election called for that purpose, a port
27 district may contract indebtedness or borrow money for district
28 purposes and may issue general obligation bonds therefor provided the
29 total indebtedness of the district at any such time shall not exceed
30 three-fourths of one percent of the value of the taxable property in
31 the district.

32 (3) In addition to the indebtedness authorized under subsections
33 (1) and (2) of this section, port districts having less than two
34 hundred million dollars in value of taxable property and operating a
35 municipal airport may at any time contract indebtedness or borrow money
36 for airport capital improvement purposes and may issue general
37 obligation bonds therefor not exceeding an additional one-eighth of one
38 percent of the value of the taxable property in the district without
39 authorization by the voters; and, with the assent of three-fifths of

1 the voters voting thereon at a general or special port election called
2 for that purpose, may contract indebtedness or borrow money for airport
3 capital improvement purposes and may issue general obligation bonds
4 therefor for an additional three-eighths of one percent provided the
5 total indebtedness of the district for all port purposes at any such
6 time shall not exceed one and one-fourth percent of the value of the
7 taxable property in the district.

8 (4) Any port district may issue general district bonds evidencing
9 any indebtedness, payable at any time not exceeding fifty years from
10 the date of the bonds. Any contract for indebtedness or borrowed money
11 authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years.
12 The bonds shall be issued and sold in accordance with chapter 39.46
13 RCW.

14 (5) Elections required under this section shall be held as provided
15 in RCW 39.36.050.

16 (6) For the purpose of this section, "indebtedness of the district"
17 shall not include any debt of a county-wide district with a population
18 less than twenty-five hundred people when the debt is secured by a
19 mortgage on property leased to the federal government; and the term
20 "value of the taxable property" shall have the meaning set forth in RCW
21 39.36.015.

22 (7) This section does not apply to a loan made under a loan
23 agreement under chapter 39.69 RCW, and a computation of indebtedness
24 under this chapter must exclude the amount of a loan under such a loan
25 agreement.

26 **Sec. 135.** RCW 59.24.020 and 1995 c 399 s 157 are each amended to
27 read as follows:

28 (1) The department of community(~~(, trade, and economic)~~)
29 development shall establish the rental security deposit guarantee
30 program. Through this program the department of community(~~(, trade,~~
31 ~~and economic)~~) development shall provide grants and technical
32 assistance to local governments or nonprofit corporations, including
33 local housing authorities as defined in RCW 35.82.030, who operate
34 emergency housing shelters or transitional housing programs. The
35 grants are to be used for the payment of residential rental security
36 deposits under this chapter. The technical assistance is to help the
37 local government or nonprofit corporation apply for grants and carry
38 out the program. In order to be eligible for grants under this

1 program, the recipient local government or nonprofit corporation shall
2 provide fifteen percent of the total amount needed for the security
3 deposit. The security deposit may include last month's rent where such
4 rent is required as a normal practice by the landlord.

5 (2) The grants and matching funds shall be placed by the recipient
6 local government or nonprofit corporation in a revolving loan fund and
7 deposited in a bank or savings institution in an account that is
8 separate from all other funds of the recipient. The funds and interest
9 earned on these funds shall be utilized only as collateral to guarantee
10 the payment of a security deposit required by a residential rental
11 property owner as a condition for entering into a rental agreement with
12 a prospective tenant.

13 (3) Prospective tenants who are eligible to participate in the
14 rental security deposit guarantee program shall be limited to homeless
15 persons or families who are residing in an emergency shelter or
16 transitional housing operated by a local government or a nonprofit
17 corporation, or to families who are temporarily residing in a park,
18 car, or are otherwise without adequate shelter. The local government
19 or nonprofit corporation shall make a determination regarding the
20 person's or family's eligibility to participate in this program and a
21 determination that a local rental unit is available for occupation. A
22 determination of eligibility shall include, but is not limited to: (a)
23 A determination that the person or family is homeless or is in
24 transitional housing; (b) a verification of income and that the person
25 or family can reasonably make the monthly rental payment; and (c) a
26 determination that the person or family does not have the financial
27 resources to make the rental security deposit.

28 **Sec. 136.** RCW 59.24.050 and 1995 c 399 s 158 are each amended to
29 read as follows:

30 The department of community(~~(, trade, and economic)~~) development
31 may adopt rules to implement this chapter, including but not limited
32 to: (1) The eligibility of and the application process for local
33 governments and nonprofit corporations; (2) the criteria by which
34 grants and technical assistance shall be provided to local governments
35 and nonprofit corporations; and (3) the criteria local governments and
36 nonprofit corporations shall use in entering into contracts with
37 tenants and rental property owners.

1 **Sec. 137.** RCW 59.24.060 and 1995 c 399 s 159 are each amended to
2 read as follows:

3 The department of community(~~(, trade, and economic)~~) development
4 may receive such gifts, grants, or endowments from public or private
5 sources, as may be made from time to time, in trust or otherwise, to be
6 used by the department of community(~~(, trade, and economic)~~)
7 development for its programs, including the rental security deposit
8 guarantee program. Funds from the housing trust fund, chapter 43.185
9 RCW, up to one hundred thousand dollars, may be used for the rental
10 security deposit guarantee program by the department of community(~~(,
11 trade, and economic)~~) development, local governments, and nonprofit
12 organizations, provided all the requirements of this chapter and
13 chapter 43.185 RCW are met.

14 **Sec. 138.** RCW 66.08.195 and 1995 c 159 s 2 are each amended to
15 read as follows:

16 For the purposes of this chapter:

17 (1) "Border area" means any incorporated city or town located
18 within seven miles of the Washington-Canadian border or any
19 unincorporated area that is a point of land surrounded on three sides
20 by saltwater and adjacent to the Canadian border.

21 (2) "Border area per-capita law-enforcement spending" equals total
22 per capita expenditures in a border area on: Law enforcement operating
23 costs, court costs, law enforcement-related insurance, and detention
24 expenses, minus funds allocated to a border area under RCW 66.08.190
25 and 66.08.196.

26 (3) "Border-crossing traffic total" means the number of vehicles,
27 vessels, and aircraft crossing into the United States through a United
28 States customs service border crossing that enter into the border area
29 during a federal fiscal year, using border crossing statistics and
30 criteria included in guidelines adopted by the department of
31 community(~~(, trade, and economic)~~) development.

32 (4) "Border-related crime statistic" means the sum of infractions
33 and citations issued, and arrests of persons permanently residing
34 outside Washington state in a border area during a calendar year.

35 **Sec. 139.** RCW 66.08.198 and 1995 c 159 s 4 are each amended to
36 read as follows:

1 The department of community(~~(, trade, and economic)~~) development
2 shall develop guidelines to determine the figures used under the three
3 distribution factors defined in RCW 66.08.195. At the request of any
4 border community, the department may review these guidelines once every
5 three years.

6 **Sec. 140.** RCW 67.38.070 and 1995 c 399 s 167 are each amended to
7 read as follows:

8 The comprehensive cultural arts, stadium and convention plan
9 adopted by the district shall be reviewed by the department of
10 community(~~(, trade, and economic)~~) development to determine:

11 (1) Whether the plan will enhance the progress of the state and
12 provide for the general welfare of the population; and

13 (2) Whether such plan is eligible for matching federal funds.

14 After reviewing the comprehensive cultural arts, stadium and
15 convention plan, the department of community(~~(, trade, and economic)~~)
16 development shall have sixty days in which to approve such plan and to
17 certify to the state treasurer that such district shall be eligible to
18 receive funds. To be approved a plan shall provide for coordinated
19 cultural arts, stadium and convention planning, and be consistent with
20 the public cultural arts, stadium and convention coordination criteria
21 in a manner prescribed by chapter 35.60 RCW. In the event such
22 comprehensive plan is disapproved and ruled ineligible to receive
23 funds, the department of community(~~(, trade, and economic)~~) development
24 shall provide written notice to the district within thirty days as to
25 the reasons for such plan's disapproval and such ineligibility. The
26 district may resubmit such plan upon reconsideration and correction of
27 such deficiencies cited in such notice of disapproval.

28 **Sec. 141.** RCW 68.60.030 and 1995 c 399 s 168 are each amended to
29 read as follows:

30 (1)(a) The archaeological and historical division of the department
31 of community(~~(, trade, and economic)~~) development may grant by
32 nontransferable certificate authority to maintain and protect an
33 abandoned cemetery upon application made by a preservation organization
34 which has been incorporated for the purpose of restoring, maintaining,
35 and protecting an abandoned cemetery. Such authority shall be limited
36 to the care, maintenance, restoration, protection, and historical

1 preservation of the abandoned cemetery, and shall not include authority
2 to make burials, unless specifically granted by the cemetery board.

3 (b) Those preservation and maintenance corporations that are
4 granted authority to maintain and protect an abandoned cemetery shall
5 be entitled to hold and possess burial records, maps, and other
6 historical documents as may exist. Maintenance and preservation
7 corporations that are granted authority to maintain and protect an
8 abandoned cemetery shall not be liable to those claiming burial rights,
9 ancestral ownership, or to any other person or organization alleging to
10 have control by any form of conveyance not previously recorded at the
11 county auditor's office within the county in which the abandoned
12 cemetery exists. Such organizations shall not be liable for any
13 reasonable alterations made during restoration work on memorials,
14 roadways, walkways, features, plantings, or any other detail of the
15 abandoned cemetery.

16 (c) Should the maintenance and preservation corporation be
17 dissolved, the archaeological and historical division of the department
18 of community(~~(, trade, and economic)~~) development shall revoke the
19 certificate of authority.

20 (d) Maintenance and preservation corporations that are granted
21 authority to maintain and protect an abandoned cemetery may establish
22 care funds pursuant to chapter 68.44 RCW, and shall report in
23 accordance with chapter 68.44 RCW to the state cemetery board.

24 (2) Except as provided in subsection (1) of this section, the
25 department of community(~~(, trade, and economic)~~) development may, in
26 its sole discretion, authorize any Washington nonprofit corporation
27 that is not expressly incorporated for the purpose of restoring,
28 maintaining, and protecting an abandoned cemetery, to restore,
29 maintain, and protect one or more abandoned cemeteries. The
30 authorization may include the right of access to any burial records,
31 maps, and other historical documents, but shall not include the right
32 to be the permanent custodian of original records, maps, or documents.
33 This authorization shall be granted by a nontransferable certificate of
34 authority. Any nonprofit corporation authorized and acting under this
35 subsection is immune from liability to the same extent as if it were a
36 preservation organization holding a certificate of authority under
37 subsection (1) of this section.

38 (3) The department of community(~~(, trade, and economic)~~)
39 development shall establish standards and guidelines for granting

1 certificates of authority under subsections (1) and (2) of this section
2 to assure that any restoration, maintenance, and protection activities
3 authorized under this subsection are conducted and supervised in an
4 appropriate manner.

5 **Sec. 142.** RCW 70.05.125 and 1998 c 266 s 1 are each amended to
6 read as follows:

7 (1) The county public health account is created in the state
8 treasury. Funds deposited in the county public health account shall be
9 distributed by the state treasurer to each local public health
10 jurisdiction based upon amounts certified to it by the department of
11 community(~~(, trade, and economic)~~) development in consultation with the
12 Washington state association of counties. The account shall include
13 funds distributed under RCW (~~(82.44.110 and)~~) 82.14.200(8) and such
14 funds as are appropriated to the account from the health services
15 account under RCW 43.72.900, the public health services account under
16 RCW 43.72.902, and such other funds as the legislature may appropriate
17 to it.

18 (2)(a) The director of the department of community(~~(, trade, and~~
19 ~~economic)~~) development shall certify the amounts to be distributed to
20 each local public health jurisdiction using 1995 as the base year of
21 actual city contributions to local public health.

22 (b) Only if funds are available and in an amount no greater than
23 available funds under RCW 82.14.200(8), the department of community(~~(,~~
24 ~~trade, and economic)~~) development shall adjust the amount certified
25 under (a) of this subsection to compensate for any annexation of an
26 area with fifty thousand residents or more to any city as a result of
27 a petition during calendar year 1996 or 1997, or for any city that
28 became newly incorporated as a result of an election during calendar
29 year 1994 or 1995. The amount to be adjusted shall be equal to the
30 amount which otherwise would have been lost to the health jurisdiction
31 due to the annexation or incorporation as calculated using the
32 jurisdiction's 1995 funding formula.

33 (c) The county treasurer shall certify the actual 1995 city
34 contribution to the department. Funds in excess of the base shall be
35 distributed proportionately among the health jurisdictions based on
36 incorporated population figures as last determined by the office of
37 financial management.

1 (3) Moneys distributed under this section shall be expended
2 exclusively for local public health purposes.

3 **Sec. 143.** RCW 70.95.260 and 1995 c 399 s 189 are each amended to
4 read as follows:

5 The department shall in addition to its other powers and duties:

6 (1) Cooperate with the appropriate federal, state, interstate and
7 local units of government and with appropriate private organizations in
8 carrying out the provisions of this chapter.

9 (2) Coordinate the development of a solid waste management plan for
10 all areas of the state in cooperation with local government, the
11 department of community(~~(, trade, and economic)~~) development, and other
12 appropriate state and regional agencies. The plan shall relate to
13 solid waste management for twenty years in the future and shall be
14 reviewed biennially, revised as necessary, and extended so that
15 perpetually the plan shall look to the future for twenty years as a
16 guide in carrying out a state coordinated solid waste management
17 program. The plan shall be developed into a single integrated document
18 and shall be adopted no later than October 1990. The plan shall be
19 revised regularly after its initial completion so that local
20 governments revising local comprehensive solid waste management plans
21 can take advantage of the data and analysis in the state plan.

22 (3) Provide technical assistance to any person as well as to
23 cities, counties, and industries.

24 (4) Initiate, conduct, and support research, demonstration
25 projects, and investigations, and coordinate research programs
26 pertaining to solid waste management systems.

27 (5) Develop state-wide programs to increase public awareness of and
28 participation in tire recycling, and to stimulate and encourage local
29 private tire recycling centers and public participation in tire
30 recycling.

31 (6) May, under the provisions of the Administrative Procedure Act,
32 chapter 34.05 RCW, as now or hereafter amended, from time to time
33 promulgate such rules (~~(and regulations)~~) as are necessary to carry out
34 the purposes of this chapter.

35 **Sec. 144.** RCW 70.95.265 and 1995 c 399 s 190 are each amended to
36 read as follows:

1 The department shall work closely with the department of
2 community(~~(, trade, and economic)~~) development, the department of
3 general administration, and with other state departments and agencies,
4 the Washington state association of counties, the association of
5 Washington cities, and business associations, to carry out the
6 objectives and purposes of chapter 41, Laws of 1975-'76 2nd ex. sess.

7 **Sec. 145.** RCW 70.95.810 and 1998 c 245 s 132 are each amended to
8 read as follows:

9 (1) In order to establish the feasibility of composting food and
10 yard wastes, the department shall provide funds, as available, to local
11 governments submitting a proposal to compost such wastes.

12 (2) The department, in cooperation with the department of
13 community(~~(, trade, and economic)~~) development, may approve an
14 application if the project can demonstrate the essential parameters for
15 successful composting, including, but not limited to, cost-
16 effectiveness, handling and safety requirements, and current and
17 potential markets.

18 **Sec. 146.** RCW 70.105.020 and 1994 c 264 s 42 are each amended to
19 read as follows:

20 The department after notice and public hearing shall:

21 (1) Adopt regulations designating as extremely hazardous wastes
22 subject to the provisions of this chapter those substances which
23 exhibit characteristics consistent with the definition provided in RCW
24 70.105.010(6);

25 (2) Adopt and may revise when appropriate, minimum standards and
26 regulations for disposal of extremely hazardous wastes to protect
27 against hazards to the public, and to the environment. Before adoption
28 of such standards and regulations, the department shall consult with
29 appropriate agencies of interested local governments and secure
30 technical assistance from the department of agriculture, the department
31 of social and health services, the department of fish and wildlife, the
32 department of natural resources, the department of labor and
33 industries, and the department of community(~~(, trade, and economic)~~)
34 development, through the director of fire protection.

35 **Sec. 147.** RCW 72.09.055 and 1995 c 399 s 202 are each amended to
36 read as follows:

1 (1) The department shall identify and catalog real property that is
2 no longer required for department purposes and is suitable for the
3 development of affordable housing for very low-income, low-income, and
4 moderate-income households as defined in RCW 43.63A.510. The inventory
5 shall include the location, approximate size, and current zoning
6 classification of the property. The department shall provide a copy of
7 the inventory to the department of community(~~(, trade, and economic)~~)
8 development by November 1, 1993, and every November 1st thereafter.

9 (2) By November 1st of each year, beginning in 1994, the department
10 shall purge the inventory of real property of sites that are no longer
11 available for the development of affordable housing. The department
12 shall include an updated listing of real property that has become
13 available since the last update. As used in this section, "real
14 property" means buildings, land, or buildings and land.

15 **Sec. 148.** RCW 72.65.210 and 1998 c 245 s 142 are each amended to
16 read as follows:

17 (1) The department shall establish, by rule, inmate eligibility
18 standards for participation in the work release program.

19 (2) The department shall:

20 (a) Conduct an annual examination of each work release facility and
21 its security procedures;

22 (b) Investigate and set standards for the inmate supervision
23 policies of each work release facility;

24 (c) Establish physical standards for future work release structures
25 to ensure the safety of inmates, employees, and the surrounding
26 communities;

27 (d) Evaluate its recordkeeping of serious infractions to determine
28 if infractions are properly and consistently assessed against inmates
29 eligible for work release;

30 (e) The department shall establish a written treatment plan best
31 suited to the inmate's needs, cost, and the relationship of community
32 placement and community corrections officers to a system of case
33 management;

34 (f) Adopt a policy to encourage businesses employing work release
35 inmates to contact the appropriate work release facility whenever an
36 inmate is absent from his or her work schedule. The department of
37 corrections shall provide each employer with written information and

1 instructions on who should be called if a work release employee is
2 absent from work or leaves the job site without authorization; and

3 (g) Develop a siting policy, in conjunction with cities, counties,
4 community groups, and the department of community(~~(, trade, and~~
5 ~~economic~~)) development for the establishment of additional work release
6 facilities. Such policy shall include at least the following elements:
7 (i) Guidelines for appropriate site selection of work-release
8 facilities; (ii) notification requirements to local government and
9 community groups of intent to site a work release facility; and (iii)
10 guidelines for effective community relations by the work release
11 program operator.

12 The department shall comply with the requirements of this section
13 by July 1, 1990.

14 **Sec. 149.** RCW 74.08A.010 and 1997 c 58 s 103 are each amended to
15 read as follows:

16 (1) A family that includes an adult who has received temporary
17 assistance for needy families for sixty months after July 27, 1997,
18 shall be ineligible for further temporary assistance for needy families
19 assistance.

20 (2) For the purposes of applying the rules of this section, the
21 department shall count any month in which an adult family member
22 received a temporary assistance for needy families cash assistance
23 grant unless the assistance was provided when the family member was a
24 minor child and not the head of the household or married to the head of
25 the household.

26 (3) The department shall refer recipients who require specialized
27 assistance to appropriate department programs, crime victims' programs
28 through the department of community(~~(, trade, and~~
29 ~~economic~~)) development, or the crime victims' compensation program of the
30 department of labor and industries.

31 (4) The department may exempt a recipient and the recipient's
32 family from the application of subsection (1) of this section by reason
33 of hardship or if the recipient meets the family violence options of
34 section 402(A)(7) of Title IVA of the federal social security act as
35 amended by P.L. 104-193. The number of recipients and their families
36 exempted from subsection (1) of this section for a fiscal year shall
37 not exceed twenty percent of the average monthly number of recipients

1 and their families to which assistance is provided under the temporary
2 assistance for needy families program.

3 (5) The department shall not exempt a recipient and his or her
4 family from the application of subsection (1) of this section until
5 after the recipient has received fifty-two months of assistance under
6 this chapter.

7 **Sec. 150.** RCW 74.14B.060 and 1996 c 123 s 8 are each amended to
8 read as follows:

9 (1) Treatment services for children who have been sexually
10 assaulted must be designed and delivered in a manner that accommodates
11 their unique developmental needs and also considers the impact of
12 family dynamics on treatment issues. In addition, the complexity of
13 the civil and criminal justice systems requires that children who are
14 involved receive appropriate consideration and attention that
15 recognizes their unique vulnerability in a system designed primarily
16 for adults.

17 (2) The department of community(~~(, trade, and economic)~~)
18 development shall provide, subject to available funds, comprehensive
19 sexual assault services to sexually abused children and their families.
20 The department shall provide treatment services by qualified,
21 registered, certified, or licensed professionals on a one-to-one or
22 group basis as may be deemed appropriate.

23 (3) Funds appropriated under this section shall be provided solely
24 for contracts or direct purchase of specific treatment services from
25 community organizations and private service providers for child victims
26 of sexual assault and sexual abuse. Funds shall be disbursed through
27 the request for proposal or request for qualifications process.

28 (4) As part of the request for proposal or request for
29 qualifications process the department of community(~~(, trade, and
30 economic)~~) development shall ensure that there be no duplication of
31 services with existing programs including the crime victims'
32 compensation program as provided in chapter 7.68 RCW. The department
33 shall also ensure that victims exhaust private insurance benefits
34 available to the child victim before providing services to the child
35 victim under this section.

36 **Sec. 151.** RCW 79A.30.050 and 1995 c 200 s 6 are each amended to
37 read as follows:

1 (1) If the authority and state agencies find it mutually beneficial
2 to do so, they are authorized to collaborate and cooperate on projects
3 of shared interest. Agencies authorized to collaborate with the
4 authority include but are not limited to: The commission for
5 activities and projects related to public recreation; the department of
6 agriculture for projects related to the equine agricultural industry;
7 the department of community(~~(, trade, and economic)~~) development with
8 respect to community and economic development and tourism issues
9 associated with development of the state horse park; Washington State
10 University with respect to opportunities for animal research,
11 education, and extension; the department of ecology with respect to
12 opportunities for making the state horse park's waste treatment
13 facilities a demonstration model for the handling of waste to protect
14 water quality; and with local community colleges with respect to
15 programs related to horses, economic development, business, and
16 tourism.

17 (2) The authority shall cooperate with 4-H clubs, pony clubs, youth
18 groups, and local park departments to provide youth recreational
19 activities. The authority shall also provide for preferential use of
20 an area of the horse park facility for youth and the disabled at
21 nominal cost.

22 **Sec. 152.** RCW 79A.50.100 and 1995 c 399 s 209 are each amended to
23 read as follows:

24 (1) A public hearing may be held prior to any withdrawal of state
25 trust lands and shall be held prior to any revocation of withdrawal or
26 modification of withdrawal of state trust lands used for recreational
27 purposes by the department of natural resources or by other state
28 agencies.

29 (2) The department shall cause notice of the withdrawal, revocation
30 of withdrawal or modification of withdrawal of state trust lands as
31 described in subsection (1) of this section to be published by
32 advertisement once a week for four weeks prior to the public hearing in
33 at least one newspaper published and of general circulation in the
34 county or counties in which the state trust lands are situated, and by
35 causing a copy of said notice to be posted in a conspicuous place in
36 the department's Olympia office, in the district office in which the
37 land is situated, and in the office of the county auditor in the county
38 where the land is situated thirty days prior to the public hearing.

1 The notice shall specify the time and place of the public hearing and
2 shall describe with particularity each parcel of state trust lands
3 involved in said hearing.

4 (3) The board of natural resources shall administer the hearing
5 according to its prescribed rules and regulations.

6 (4) The board of natural resources shall determine the most
7 beneficial use or combination of uses of the state trust lands. Its
8 decision will be conclusive as to the matter: PROVIDED, HOWEVER, That
9 said decisions as to uses shall conform to applicable state plans and
10 policy guidelines adopted by the department of community(~~(, trade, and~~
11 ~~economic~~)) development.

12 **Sec. 153.** RCW 84.36.560 and 1999 c 203 s 1 are each amended to
13 read as follows:

14 (1) The real and personal property owned or used by a nonprofit in
15 providing rental housing for very low-income households is exempt from
16 taxation if:

17 (a) The benefit of the exemption inures to the nonprofit
18 organization, association, or corporation;

19 (b) At least seventy-five percent of the occupied dwelling units in
20 the rental housing are occupied by very low-income households; and

21 (c) The rental housing was insured, financed, or assisted in whole
22 or in part through:

23 (i) A federal or state housing program administered by the
24 department of community(~~(, trade, and economic~~)) development; or

25 (ii) An affordable housing levy authorized under RCW 84.52.105.

26 (2) If less than seventy-five percent of the dwelling units are
27 occupied by very low-income households, the rental housing used to
28 provide housing for very low-income households is eligible for a
29 partial exemption on the real property and a total exemption of the
30 housing's personal property as follows:

31 (a) The partial exemption shall be allowed for each dwelling unit
32 in the rental housing occupied by very low-income households.

33 (b) The amount of exemption shall be calculated by multiplying the
34 assessed value of the property reasonably necessary to provide the
35 rental housing by a fraction. The numerator of the fraction is the
36 number of dwelling units occupied by very low-income households as of
37 January 1st of the year for which the exemption is claimed. The

1 denominator of the fraction is the total number of occupied dwelling
2 units as of January 1st of the year for which exemption is claimed.

3 (3) Rental housing for very low-income households is exempt from
4 property taxation only if the nonprofit operating the housing is exempt
5 from income tax under section 501(c) of the federal internal revenue
6 code.

7 (4) To be exempt under this section, the property must be used
8 exclusively for the purposes for which exemption is granted, except as
9 provided in RCW 84.36.805.

10 (5) The nonprofit qualifying for the exemption under this section
11 by providing rental housing for very low-income households may agree to
12 make payments to the city, county, or other political subdivision for
13 improvements, services, and facilities furnished by the city, county,
14 or political subdivision for the benefit of the rental housing.
15 However, these payments shall not exceed the amount last levied as the
16 annual tax of the city, county, or political subdivision upon the
17 property prior to exemption.

18 (6) As used in this section:

19 (a) "Occupied dwelling unit" means a living unit that is occupied
20 on January 1st of the year in which the claim for exemption is
21 submitted;

22 (b) "Rental housing" means residential housing that is occupied but
23 not owned by very low-income households;

24 (c) "Very low-income households" means a single person, family, or
25 unrelated persons living together whose income is at or below fifty
26 percent of the median income adjusted for family size as most recently
27 determined by the federal department of housing and urban development
28 for the county in which the rental housing is located and in effect as
29 of January 1st of the year the application for exemption is submitted;
30 and

31 (d) "Nonprofit" means a nonprofit as defined in RCW 84.36.800 and
32 includes a limited partnership where the nonprofit or a public
33 corporation established under RCW 35.21.660, 35.21.670, and 35.21.730
34 is a general partner, or a limited liability company where the
35 nonprofit or the public corporation is a managing member.

36 **Sec. 154.** RCW 88.02.053 and 1996 c 3 s 2 are each amended to read
37 as follows:

1 (1) The maritime historic restoration and preservation account is
2 created in the custody of the state treasurer. All receipts from the
3 voluntary donations made simultaneously with the registration of
4 vessels under chapter 88.02 RCW shall be deposited into this account.
5 These deposits are not public funds and are not subject to allotment
6 procedures under chapter 43.88 RCW.

7 (2) At the end of each fiscal year, the state treasurer shall pay
8 from this account to the department of licensing an amount equal to the
9 reasonable administrative expenses of that agency for that fiscal year
10 for collecting the voluntary donations and transmitting them to the
11 state treasurer and shall pay to the state treasurer an amount equal to
12 the reasonable administrative expenses of that agency for that fiscal
13 year for maintaining the account and disbursing funds from the account.

14 (3) At the end of each fiscal year, the state treasurer shall pay
15 one-half of the balance of the funds in the account after payment of
16 the administrative costs provided in subsection (2) of this section, to
17 the Grays Harbor historical seaport or its corporate successor and the
18 remainder to the Steamer Virginia V foundation or its corporate
19 successor.

20 (4) If either the Grays Harbor historical seaport and its corporate
21 successors or the Steamer Virginia V foundation and its corporate
22 successors legally ceases to exist, the state treasurer shall, at the
23 end of each fiscal year, pay the balance of the funds in the account to
24 the remaining organization.

25 (5) If both the Grays Harbor historical seaport and its corporate
26 successors and the Steamer Virginia V foundation and its corporate
27 successors legally cease to exist, the department of licensing shall
28 discontinue the collection of the voluntary donations in conjunction
29 with the registration of vessels under RCW 88.02.052, and the balance
30 of the funds in the account escheat to the state. If funds in the
31 account escheat to the state, one-half of the fund balance shall be
32 provided to the office of archaeology and historic preservation and the
33 remainder shall be deposited into the parks renewal and stewardship
34 account.

35 (6) The secretary of state, the directors of the state historical
36 societies, the director of the office of archaeology and historic
37 preservation within the department of community(~~(, trade, and~~
38 ~~economic~~)) development, and two members representing the recreational
39 boating community appointed by the secretary of state, shall review the

1 success of the voluntary donation program for maritime historic
2 restoration and preservation established under RCW 88.02.052 and report
3 their findings to the appropriate legislative committees by January 31,
4 1998. The findings must include the progress of the program and the
5 potential to expand the voluntary funding to other historic vessels.

6 **Sec. 155.** RCW 90.03.247 and 1996 c 186 s 523 are each amended to
7 read as follows:

8 Whenever an application for a permit to make beneficial use of
9 public waters is approved relating to a stream or other water body for
10 which minimum flows or levels have been adopted and are in effect at
11 the time of approval, the permit shall be conditioned to protect the
12 levels or flows. No agency may establish minimum flows and levels or
13 similar water flow or level restrictions for any stream or lake of the
14 state other than the department of ecology whose authority to establish
15 is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and
16 90.54.040. The provisions of other statutes, including but not limited
17 to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a
18 manner that is inconsistent with this section. In establishing such
19 minimum flows, levels, or similar restrictions, the department shall,
20 during all stages of development by the department of ecology of
21 minimum flow proposals, consult with, and carefully consider the
22 recommendations of, the department of fish and wildlife, the department
23 of community(~~(, trade, and economic)~~) development, the department of
24 agriculture, and representatives of the affected Indian tribes.
25 Nothing herein shall preclude the department of fish and wildlife, the
26 department of community(~~(, trade, and economic)~~) development, or the
27 department of agriculture from presenting its views on minimum flow
28 needs at any public hearing or to any person or agency, and the
29 department of fish and wildlife, the department of community(~~(, trade,~~
30 ~~and economic)~~) development, and the department of agriculture are each
31 empowered to participate in proceedings of the federal energy
32 regulatory commission and other agencies to present its views on
33 minimum flow needs.

34 **PART 2**
35 **REFERENCES TO DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

1 **Sec. 201.** RCW 19.27A.020 and 1998 c 245 s 8 are each amended to
2 read as follows:

3 (1) No later than January 1, 1991, the state building code council
4 shall adopt rules to be known as the Washington state energy code as
5 part of the state building code.

6 (2) The council shall follow the legislature's standards set forth
7 in this section to adopt rules to be known as the Washington state
8 energy code. The Washington state energy code shall be designed to
9 require new buildings to meet a certain level of energy efficiency, but
10 allow flexibility in building design, construction, and heating
11 equipment efficiencies within that framework. The Washington state
12 energy code shall be designed to allow space heating equipment
13 efficiency to offset or substitute for building envelope thermal
14 performance.

15 (3) The Washington state energy code shall take into account
16 regional climatic conditions. Climate zone 1 shall include all
17 counties not included in climate zone 2. Climate zone 2 includes:
18 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend
19 Oreille, Spokane, Stevens, and Whitman counties.

20 (4) The Washington state energy code for residential buildings
21 shall require:

22 (a) New residential buildings that are space heated with electric
23 resistance heating systems to achieve energy use equivalent to that
24 used in typical buildings constructed with:

25 (i) Ceilings insulated to a level of R-38. The code shall contain
26 an exception which permits single rafter or joist vaulted ceilings
insulated to a level of R-30