

2 SHB 2735 - H AMD  
3 By Representative

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5 On page 3, line 4, after "**Sec. 4.**" strike everything through  
6 "immediately." on line 7 and insert "Sections 1 and 2 of this act are  
7 necessary for the immediate preservation of the public peace, health,  
8 or safety, or support of the state government and its existing public  
9 institutions, and take effect immediately."

10 On page 3, line 8, after "**Sec. 5.**" strike "This act expires" and  
11 insert "Sections 1 and 2 of this act expire"

12 On page 3, after line 8, insert the following:

13 NEW SECTION. **Sec. 6.** The legislature finds that many small  
14 businesses in the state are frustrated by the complexity of the  
15 regulatory system. The Washington Administrative Code containing  
16 agency rules now fills twelve volumes, and appears to be growing each  
17 year. While the vast majority of small businesses make a good faith  
18 attempt to comply with applicable laws and rules, many find it  
19 extremely difficult to keep up with agencies' issuance of new rules and  
20 requirements. Therefore, state agencies are directed to make a good  
21 faith attempt to notify businesses affected by rule changes that may  
22 subject noncomplying businesses to penalties. Further, the legislature  
23 finds that requiring the governor's signatures on new agency rules will  
24 promote accountability and reduce future regulatory burdens on small  
25 businesses. Finally, the legislature finds that small businesses lack  
26 the resources that state agencies routinely use in defending  
27 administrative rules that may have been adopted unlawfully, without  
28 regard to proper administrative procedures, or which exceed an agency's  
29 statutory authority. The legislature therefore finds that it is  
30 necessary to place the burden of demonstrating that new administrative  
31 rules are adopted in a lawful manner upon the adopting agency.

32 NEW SECTION. **Sec. 7.** A new section is added to chapter 34.05 RCW  
33 to read as follows:

1        Within two hundred days of the effective date of a rule that  
2 imposes additional requirements on businesses the violation of which  
3 subjects the business to a penalty, assessment, or administrative  
4 sanction, an agency shall make a good faith effort to notify businesses  
5 affected by the rule of the requirements of the rule and how to obtain  
6 technical assistance to comply. For purposes of this section, "good  
7 faith" means: (1) The agency at least notifies businesses in the  
8 standard industrial classifications or their successor identified in  
9 the rule-making file as businesses affected by the rule that are  
10 registered with the department of revenue; or (2) for rules imposing  
11 additional requirements only on persons or firms licensed, registered,  
12 or operating under a permit, the agency notifies those persons or firms  
13 holding the license, registration, or permit. The notification must  
14 announce the rule change, briefly summarize the rule change, and  
15 include a contact for more information. Notification may be by  
16 individual notice, agency bulletins or newsletters, or any other means  
17 that will reasonably inform affected businesses. Failure to notify a  
18 specific business under this section does not invalidate a rule or  
19 waive the requirement to comply with the rule.

20        **Sec. 8.** RCW 34.05.360 and 1988 c 288 s 311 are each amended to  
21 read as follows:

22        The order of adoption by which each rule is adopted by an agency  
23 shall contain all of the following:

24        (1) The signature of the governor;

25        (2) The date the agency adopted the rule;

26        ~~((+2))~~ (3) A concise statement of the purpose of the rule;

27        ~~((+3))~~ (4) A reference to all rules repealed, amended, or  
28 suspended by the rule;

29        ~~((+4))~~ (5) A reference to the specific statutory or other  
30 authority authorizing adoption of the rule;

31        ~~((+5))~~ (6) Any findings required by any provision of law as a  
32 precondition to adoption or effectiveness of the rule; and

33        ~~((+6))~~ (7) The effective date of the rule if other than that  
34 specified in RCW 34.05.380(2).

35        **Sec. 9.** RCW 34.05.570 and 1995 c 403 s 802 are each amended to  
36 read as follows:

1 (1) Generally. Except to the extent that this chapter or another  
2 statute provides otherwise:

3 (a) Except as provided in subsection (2) of this section and except  
4 that an agency bears the burden of demonstrating that the agency action  
5 was authorized by law, the burden of demonstrating the invalidity of  
6 agency action is on the party asserting invalidity;

7 (b) The validity of agency action shall be determined in accordance  
8 with the standards of review provided in this section, as applied to  
9 the agency action at the time it was taken;

10 (c) The court shall make a separate and distinct ruling on each  
11 material issue on which the court's decision is based; and

12 (d) The court shall grant relief only if it determines that a  
13 person seeking judicial relief has been substantially prejudiced by the  
14 action complained of.

15 (2) Review of rules. (a) A rule may be reviewed by petition for  
16 declaratory judgment filed pursuant to this subsection or in the  
17 context of any other review proceeding under this section. In an  
18 action challenging the validity of a rule, the agency shall be made a  
19 party to the proceeding.

20 (b) The validity of any rule may be determined upon petition for a  
21 declaratory judgment addressed to the superior court (i) of Thurston  
22 county, (ii) of the county of the petitioner's residence or principal  
23 place of business, or (iii) in a county where property owned by the  
24 petitioner and affected by the contested rule is located, when it  
25 appears that the rule, or its threatened application, interferes with  
26 or impairs or immediately threatens to interfere with or impair the  
27 legal rights or privileges of the petitioner. The declaratory judgment  
28 order may be entered whether or not the petitioner has first requested  
29 the agency to pass upon the validity of the rule in question. When the  
30 validity of a rule is challenged, after the petitioner has identified  
31 the defects in the rule, the burden of going forward with the evidence  
32 is on the agency.

33 (c) In a proceeding involving review of a rule, the court shall  
34 declare the rule invalid only if it finds that: The rule violates  
35 constitutional provisions; the rule exceeds the statutory authority of  
36 the agency; the rule was adopted without compliance with statutory  
37 rule-making procedures; or the rule is arbitrary and capricious.

1 (3) Review of agency orders in adjudicative proceedings. The court  
2 shall grant relief from an agency order in an adjudicative proceeding  
3 only if it determines that:

4 (a) The order, or the statute or rule on which the order is based,  
5 is in violation of constitutional provisions on its face or as applied;

6 (b) The order is outside the statutory authority or jurisdiction of  
7 the agency conferred by any provision of law;

8 (c) The agency has engaged in unlawful procedure or decision-making  
9 process, or has failed to follow a prescribed procedure;

10 (d) The agency has erroneously interpreted or applied the law;

11 (e) The order is not supported by evidence that is substantial when  
12 viewed in light of the whole record before the court, which includes  
13 the agency record for judicial review, supplemented by any additional  
14 evidence received by the court under this chapter;

15 (f) The agency has not decided all issues requiring resolution by  
16 the agency;

17 (g) A motion for disqualification under RCW 34.05.425 or 34.12.050  
18 was made and was improperly denied or, if no motion was made, facts are  
19 shown to support the grant of such a motion that were not known and  
20 were not reasonably discoverable by the challenging party at the  
21 appropriate time for making such a motion;

22 (h) The order is inconsistent with a rule of the agency unless the  
23 agency explains the inconsistency by stating facts and reasons to  
24 demonstrate a rational basis for inconsistency; ~~((or))~~

25 (i) The order is arbitrary or capricious; or

26 (j) The order is based on a de facto rule.

27 (4) Review of other agency action.

28 (a) All agency action not reviewable under subsection (2) or (3) of  
29 this section shall be reviewed under this subsection.

30 (b) A person whose rights are violated by an agency's failure to  
31 perform a duty that is required by law to be performed may file a  
32 petition for review pursuant to RCW 34.05.514, seeking an order  
33 pursuant to this subsection requiring performance. Within twenty days  
34 after service of the petition for review, the agency shall file and  
35 serve an answer to the petition, made in the same manner as an answer  
36 to a complaint in a civil action. The court may hear evidence,  
37 pursuant to RCW 34.05.562, on material issues of fact raised by the  
38 petition and answer.

1 (c) Relief for persons aggrieved by the performance of an agency  
2 action, including the exercise of discretion, or an action under (b) of  
3 this subsection can be granted only if the court determines that the  
4 action is:

5 (i) Unconstitutional;

6 (ii) Outside the statutory authority of the agency or the authority  
7 conferred by a provision of law;

8 (iii) Arbitrary or capricious; (~~(or)~~)

9 (iv) Taken by persons who were not properly constituted as agency  
10 officials lawfully entitled to take such action; or

11 (v) Based on a de facto rule.

12 **Sec. 10.** RCW 28A.300.040 and 1999 c 348 s 6 are each amended to  
13 read as follows:

14 In addition to any other powers and duties as provided by law, the  
15 powers and duties of the superintendent of public instruction shall be:

16 (1) To have supervision over all matters pertaining to the public  
17 schools of the state;

18 (2) To report to the governor and the legislature such information  
19 and data as may be required for the management and improvement of the  
20 schools;

21 (3) To prepare and have printed such forms, registers, courses of  
22 study, rules for the government of the common schools, and such other  
23 material and books as may be necessary for the discharge of the duties  
24 of teachers and officials charged with the administration of the laws  
25 relating to the common schools, and to distribute the same to  
26 educational service district superintendents;

27 (4) To travel, without neglecting his or her other official duties  
28 as superintendent of public instruction, for the purpose of attending  
29 educational meetings or conventions, of visiting schools, of consulting  
30 educational service district superintendents or other school officials;

31 (5) To prepare and from time to time to revise a manual of the  
32 Washington state common school code, copies of which shall be provided  
33 in such numbers as determined by the superintendent of public  
34 instruction at no cost to those public agencies within the common  
35 school system and which shall be sold at approximate actual cost of  
36 publication and distribution per volume to all other public and  
37 nonpublic agencies or individuals, said manual to contain Titles 28A  
38 and 28C RCW, rules related to the common schools, and such other matter

1 as the state superintendent or the state board of education shall  
2 determine. Proceeds of the sale of such code shall be transmitted to  
3 the public printer who shall credit the state superintendent's account  
4 within the state printing plant revolving fund by a like amount;

5 (6) To act as ex officio member and the chief executive officer of  
6 the state board of education;

7 (7) To file all papers, reports and public documents transmitted to  
8 the superintendent by the school officials of the several counties or  
9 districts of the state, each year separately. Copies of all papers  
10 filed in the superintendent's office, and the superintendent's official  
11 acts, may, or upon request, shall be certified by the superintendent  
12 and attested by the superintendent's official seal, and when so  
13 certified shall be evidence of the papers or acts so certified to;

14 (8) To require annually, on or before the 15th day of August, of  
15 the president, manager, or principal of every educational institution  
16 in this state, a report as required by the superintendent of public  
17 instruction; and it is the duty of every president, manager, or  
18 principal, to complete and return such forms within such time as the  
19 superintendent of public instruction shall direct;

20 (9) To keep in the superintendent's office a record of all teachers  
21 receiving certificates to teach in the common schools of this state;

22 (10) To issue certificates as provided by law;

23 (11) To keep in the superintendent's office at the capital of the  
24 state, all books and papers pertaining to the business of the  
25 superintendent's office, and to keep and preserve in the  
26 superintendent's office a complete record of statistics, as well as a  
27 record of the meetings of the state board of education;

28 (12) With the assistance of the office of the attorney general, to  
29 decide all points of law which may be submitted to the superintendent  
30 in writing by any educational service district superintendent, or that  
31 may be submitted to the superintendent by any other person, upon appeal  
32 from the decision of any educational service district superintendent;  
33 and the superintendent shall publish his or her rulings and decisions  
34 from time to time for the information of school officials and teachers;  
35 and the superintendent's decision shall be final unless set aside by a  
36 court of competent jurisdiction;

37 (13) To administer oaths and affirmations in the discharge of the  
38 superintendent's official duties;

1 (14) To deliver to his or her successor, at the expiration of the  
2 superintendent's term of office, all records, books, maps, documents  
3 and papers of whatever kind belonging to the superintendent's office or  
4 which may have been received by the superintendent's for the use of the  
5 superintendent's office;

6 (15) To administer family services and programs to promote the  
7 state's policy as provided in RCW 74.14A.025;

8 (16) To perform such other duties as may be required by law.

9 For rules adopted under the provisions of this chapter after July  
10 1, 2002, the superintendent of public instruction may only adopt rules  
11 derived from a specific grant of legislative authority. The rules must  
12 include the specific statutory section or sections from which the grant  
13 of authority is derived, and may not rely solely on a section of law  
14 stating a statute's intent or purpose or the general enabling  
15 provisions establishing the office of the superintendent of public  
16 instruction.

17 **Sec. 11.** RCW 41.50.050 and 1995 c 239 s 317 are each amended to  
18 read as follows:

19 The director shall:

20 (1) Have the authority to organize the department into not more  
21 than four divisions, each headed by an assistant director;

22 (2) Have free access to all files and records of various funds  
23 assigned to the department and inspect and audit the files and records  
24 as deemed necessary;

25 (3) Employ personnel to carry out the general administration of the  
26 department;

27 (4) Submit an annual written report of the activities of the  
28 department to the governor and the chairs of the appropriate  
29 legislative committees with one copy to the staff of each of the  
30 committees, including recommendations for statutory changes the  
31 director believes to be desirable;

32 (5) Adopt ~~((such))~~ rules ~~((and regulations))~~ as are necessary to  
33 carry out the powers, duties, and functions of the department pursuant  
34 to the provisions of chapter 34.05 RCW. For rules adopted under the  
35 provisions of this chapter after July 1, 2002, the director may only  
36 adopt rules derived from a specific grant of legislative authority.  
37 The rules must include the specific statutory section or sections from  
38 which the grant of authority is derived, and may not rely solely on a

1 section of law stating a statute's intent or purpose or the general  
2 enabling provisions establishing the department.

3 **Sec. 12.** RCW 43.06A.030 and 1996 c 131 s 4 are each amended to  
4 read as follows:

5 The ombudsman shall perform the following duties:

6 (1) Provide information as appropriate on the rights and  
7 responsibilities of individuals receiving family and children's  
8 services, and on the procedures for providing these services;

9 (2) Investigate, upon his or her own initiative or upon receipt of  
10 a complaint, an administrative act alleged to be contrary to law, rule,  
11 or policy, imposed without an adequate statement of reason, or based on  
12 irrelevant, immaterial, or erroneous grounds; however, the ombudsman  
13 may decline to investigate any complaint as provided by rules adopted  
14 under this chapter;

15 (3) Monitor the procedures as established, implemented, and  
16 practiced by the department to carry out its responsibilities in  
17 delivering family and children's services with a view toward  
18 appropriate preservation of families and ensuring children's health and  
19 safety;

20 (4) Review periodically the facilities and procedures of state  
21 institutions serving children, and state-licensed facilities or  
22 residences;

23 (5) Recommend changes in the procedures for addressing the needs of  
24 families and children;

25 (6) Submit annually to the committee and to the governor by  
26 November 1st a report analyzing the work of the office including  
27 recommendations;

28 (7) Grant the committee access to all relevant records in the  
29 possession of the ombudsman unless prohibited by law; and

30 (8) Adopt rules necessary to implement this chapter. For rules  
31 adopted under the provisions of this chapter after July 1, 2002, the  
32 ombudsman may only adopt rules derived from a specific grant of  
33 legislative authority. The rules must include the specific statutory  
34 section or sections from which the grant of authority is derived, and  
35 may not rely solely on a section of law stating a statute's intent or  
36 purpose or the general enabling provisions establishing the department  
37 or the ombudsman's office.



1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 43.17 RCW  
2 to read as follows:

3        For rules adopted under the provisions of this chapter after July  
4 1, 2002, the director of each department may only adopt rules derived  
5 from a specific grant of legislative authority. The rules must include  
6 the specific statutory section or sections from which the grant of  
7 authority is derived, and may not rely solely on a section of law  
8 stating a statute's intent or purpose or the general enabling  
9 provisions establishing each department.

10        **Sec. 14.**    RCW 43.19.011 and 1999 c 229 s 2 are each amended to read  
11 as follows:

12        (1) The director of general administration shall supervise and  
13 administer the activities of the department of general administration  
14 and shall advise the governor and the legislature with respect to  
15 matters under the jurisdiction of the department.

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

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

20        (b) Accept and expend gifts and grants that are related to the  
21 purposes of this chapter, whether such grants be of federal or other  
22 funds;

23        (c) Appoint a deputy director and such assistant directors and  
24 special assistants as may be needed to administer the department.  
25 These employees are exempt from the provisions of chapter 41.06 RCW;

26        (d) Adopt rules in accordance with chapter 34.05 RCW and perform  
27 all other functions necessary and proper to carry out the purposes of  
28 this chapter. For rules adopted under the provisions of this chapter  
29 after July 1, 2002, the director may only adopt rules derived from a  
30 specific grant of legislative authority. The rules must include the  
31 specific statutory section or sections from which the grant of  
32 authority is derived, and may not rely solely on a section of law  
33 stating a statute's intent or purpose or the general enabling  
34 provisions establishing the department of general administration;

35        (e) Delegate powers, duties, and functions as the director deems  
36 necessary for efficient administration, but the director shall be  
37 responsible for the official acts of the officers and employees of the  
38 department; and

1 (f) Perform other duties as are necessary and consistent with law.

2 (3) The director may establish additional advisory groups as may be  
3 necessary to carry out the purposes of this chapter.

4 (4) The internal affairs of the department shall be under the  
5 control of the director in order that the director may manage the  
6 department in a flexible and intelligent manner as dictated by changing  
7 contemporary circumstances. Unless specifically limited by law, the  
8 director shall have complete charge and supervisory powers over the  
9 department. The director may create such administrative structures as  
10 the director deems appropriate, except as otherwise specified by law,  
11 and the director may employ such personnel as may be necessary in  
12 accordance with chapter 41.06 RCW, except as otherwise provided by law.

13 **Sec. 15.** RCW 43.21A.064 and 1997 c 443 s 2 are each amended to  
14 read as follows:

15 Subject to RCW 43.21A.068, the director of the department of  
16 ecology shall have the following powers and duties:

17 (1) The supervision of public waters within the state and their  
18 appropriation, diversion, and use, and of the various officers  
19 connected therewith;

20 (2) Insofar as may be necessary to ((~~assure~~)) ensure safety to life  
21 or property, the director shall inspect the construction of all dams,  
22 canals, ditches, irrigation systems, hydraulic power plants, and all  
23 other works, systems, and plants pertaining to the use of water, and  
24 may require such necessary changes in the construction or maintenance  
25 of said works, to be made from time to time, as will reasonably secure  
26 safety to life and property;

27 (3) The director shall regulate and control the diversion of water  
28 in accordance with the rights thereto;

29 (4) The director shall determine the discharge of streams and  
30 springs and other sources of water supply, and the capacities of lakes  
31 and of reservoirs whose waters are being or may be utilized for  
32 beneficial purposes;

33 (5) The director shall, if requested, provide assistance to an  
34 applicant for a water right in obtaining or developing an adequate and  
35 appropriate supply of water consistent with the land use permitted for  
36 the area in which the water is to be used and the population forecast  
37 for the area under RCW 43.62.035. If the applicant is a public water  
38 supply system, the supply being sought must be used in a manner

1 consistent with applicable land use, watershed and water system plans,  
2 and the population forecast for that area provided under RCW 43.62.035;

3 (6) The director shall keep such records as may be necessary for  
4 the recording of the financial transactions and statistical data  
5 thereof, and shall procure all necessary documents, forms, and blanks.  
6 The director shall keep a seal of the office, and all certificates  
7 covering any of the director's acts or the acts of the director's  
8 office, or the records and files of that office, under such seal, shall  
9 be taken as evidence thereof in all courts;

10 (7) The director shall render when required by the governor, a full  
11 written report of the office's work with such recommendations for  
12 legislation as the director deems advisable for the better control and  
13 development of the water resources of the state;

14 (8) The director and duly authorized deputies may administer oaths;

15 (9) The director shall establish and (~~promulgate~~) adopt rules  
16 governing the administration of chapter 90.03 RCW. For rules adopted  
17 under the provisions of this chapter after July 1, 2002, the director  
18 may only adopt rules derived from a specific grant of legislative  
19 authority. The rules must include the specific statutory section or  
20 sections from which the grant of authority is derived, and may not rely  
21 solely on a section of law stating a statute's intent or purpose or the  
22 general enabling provisions establishing the department;

23 (10) The director shall perform such other duties as may be  
24 prescribed by law.

25 **Sec. 16.** RCW 43.24.016 and 1999 c 240 s 4 are each amended to read  
26 as follows:

27 (1) The director of licensing shall supervise and administer the  
28 activities of the department of licensing and shall advise the governor  
29 and the legislature with respect to matters under the jurisdiction of  
30 the department.

31 (2) In addition to other powers and duties granted to the director,  
32 the director has the following powers and duties:

33 (a) Enter into contracts on behalf of the state to carry out the  
34 responsibilities of the department;

35 (b) Accept and expend gifts and grants, whether such grants be of  
36 federal or other funds;

37 (c) Appoint a deputy director and such assistant directors, special  
38 assistants, and administrators as may be needed to administer the

1 department. These employees are exempt from the provisions of chapter  
2 41.06 RCW;

3 (d) Adopt rules in accordance with chapter 34.05 RCW and perform  
4 all other functions necessary to carry out the responsibilities of the  
5 department. For rules adopted under the provisions of this chapter  
6 after July 1, 2002, the director may only adopt rules derived from a  
7 specific grant of legislative authority. The rules must include the  
8 specific statutory section or sections from which the grant of  
9 authority is derived, and may not rely solely on a section of law  
10 stating a statute's intent or purpose or the general enabling  
11 provisions establishing the department;

12 (e) Delegate powers, duties, and functions as the director deems  
13 necessary for efficient administration, but the director is responsible  
14 for the official acts of the officers and employees of the department;  
15 and

16 (f) Perform other duties as are necessary and consistent with law.

17 (3) The director may establish advisory groups as may be necessary  
18 to carry out the responsibilities of the department.

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

28 **Sec. 17.** RCW 43.27A.090 and 1988 c 127 s 25 are each amended to  
29 read as follows:

30 The department shall be empowered as follows:

31 (1) To represent the state at, and fully participate in, the  
32 activities of any basin or regional commission, interagency committee,  
33 or any other joint interstate or federal-state agency, committee or  
34 commission, or publicly financed entity engaged in the planning,  
35 development, administration, management, conservation or preservation  
36 of the water resources of the state.

37 (2) To prepare the views and recommendations of the state of  
38 Washington on any project, plan or program relating to the planning,

1 development, administration, management, conservation and preservation  
2 of any waters located in or affecting the state of Washington,  
3 including any federal permit or license proposal, and appear on behalf  
4 of, and present views and recommendations of the state at any  
5 proceeding, negotiation or hearing conducted by the federal government,  
6 interstate agency, state or other agency.

7 (3) To cooperate with, assist, advise and coordinate plans with the  
8 federal government and its officers and agencies, and serve as a state  
9 liaison agency with the federal government in matters relating to the  
10 use, conservation, preservation, quality, disposal or control of water  
11 and activities related thereto.

12 (4) To cooperate with appropriate agencies of the federal  
13 government and/or agencies of other states, to enter into contracts,  
14 and to make appropriate contributions to federal or interstate projects  
15 and programs and governmental bodies to carry out the provisions of  
16 this chapter.

17 (5) To apply for, accept, administer and expend grants, gifts and  
18 loans from the federal government or any other entity to carry out the  
19 purposes of this chapter and make contracts and do such other acts as  
20 are necessary insofar as they are not inconsistent with other  
21 provisions hereof.

22 (6) To develop and maintain a coordinated and comprehensive state  
23 water and water resources related development plan, and adopt, with  
24 regard to such plan, such policies as are necessary to (~~insure~~)  
25 ensure that the waters of the state are used, conserved and preserved  
26 for the best interest of the state. There shall be included in the  
27 state plan a description of developmental objectives and a statement of  
28 the recommended means of accomplishing these objectives. To the extent  
29 the director deems desirable, the plan shall integrate into the state  
30 plan, the plans, programs, reports, research and studies of other state  
31 agencies.

32 (7) To assemble and correlate information relating to water supply,  
33 power development, irrigation, watersheds, water use, future  
34 possibilities of water use and prospective demands for all purposes  
35 served through or affected by water resources development.

36 (8) To assemble and correlate state, local and federal laws,  
37 regulations, plans, programs and policies affecting the beneficial use,  
38 disposal, pollution, control or conservation of water, river basin  
39 development, flood prevention, parks, reservations, forests, wildlife

1 refuges, drainage and sanitary systems, waste disposal, water works,  
2 watershed protection and development, soil conservation, power  
3 facilities and area and municipal water supply needs, and recommend  
4 suitable legislation or other action to the legislature, the congress  
5 of the United States, or any city, municipality, or to responsible  
6 state, local or federal executive departments or agencies.

7 (9) To cooperate with federal, state, regional, interstate and  
8 local public and private agencies in the making of plans for drainage,  
9 flood control, use, conservation, allocation and distribution of  
10 existing water supplies and the development of new water resource  
11 projects.

12 (10) To encourage, assist and advise regional, and city and  
13 municipal agencies, officials or bodies responsible for planning in  
14 relation to water aspects of their programs, and coordinate local water  
15 resources activities, programs, and plans.

16 (11) To ~~((promulgate such))~~ adopt rules ~~((and regulations))~~ as are  
17 necessary to carry out the purposes of this chapter. For rules adopted  
18 under the provisions of this chapter after July 1, 2002, the department  
19 may only adopt rules derived from a specific grant of legislative  
20 authority. The rules must include the specific statutory section or  
21 sections from which the grant of authority is derived, and may not rely  
22 solely on a section of law stating a statute's intent or purpose or the  
23 general enabling provisions establishing the department.

24 (12) To hold public hearings, and make such investigations, studies  
25 and surveys as are necessary to carry out the purposes of the chapter.

26 (13) To subpoena witnesses, compel their attendance, administer  
27 oaths, take the testimony of any person under oath and require the  
28 production of any books or papers when the department deems such  
29 measures necessary in the exercise of its rule-making power or in  
30 determining whether or not any license, certificate, or permit shall be  
31 granted or extended.

32 **Sec. 18.** RCW 43.30.150 and 1988 c 128 s 10 are each amended to  
33 read as follows:

34 The board shall:

35 (1) Perform duties relating to appraisal, appeal, approval and  
36 hearing functions as provided by law;

37 (2) Establish policies to ~~((insure))~~ ensure that the acquisition,  
38 management and disposition of all lands and resources within the

1 department's jurisdiction are based on sound principles designed to  
2 achieve the maximum effective development and use of such lands and  
3 resources consistent with laws applicable thereto;

4 (3) Constitute the board of appraisers provided for in Article 16,  
5 section 2 of the state Constitution;

6 (4) Constitute the commission on harbor lines provided for in  
7 Article 15, section 1 of the state Constitution as amended;

8 (5) Hold regular monthly meetings at such times as it may  
9 determine, and such special meetings as may be called by the  
10 (~~chairman~~) chair or majority of the board membership upon written  
11 notice to all members thereof: PROVIDED, That the board may dispense  
12 with any regular meetings, except that the board shall not dispense  
13 with two consecutive regular meetings;

14 (6) Adopt and enforce (~~such~~) rules (~~and regulations~~) as may be  
15 deemed necessary and proper for carrying out the powers, duties and  
16 functions imposed upon it by this chapter. For rules adopted under the  
17 provisions of this chapter after July 1, 2002, the board may only adopt  
18 rules derived from a specific grant of legislative authority. The  
19 rules must include the specific statutory section or sections from  
20 which the grant of authority is derived, and may not rely solely on a  
21 section of law stating a statute's intent or purpose or the general  
22 enabling provisions establishing the board or the department;

23 (7) Employ and fix the compensation of such technical, clerical and  
24 other personnel as may be deemed necessary for the performance of its  
25 duties;

26 (8) Appoint such advisory committees as it may deem appropriate to  
27 advise and assist it to more effectively discharge its  
28 responsibilities. The members of such committees shall receive no  
29 compensation, but shall be entitled to reimbursement for travel  
30 expenses in attending committee meetings in accordance with RCW  
31 43.03.050 and 43.03.060 as now existing or hereafter amended;

32 (9) Meet and organize within thirty days after March 6, 1957, and  
33 on the third Monday of each January following a state general election  
34 at which the elected ex officio members of the board are elected. The  
35 board shall select its own (~~chairman~~) chair. The commissioner of  
36 public lands shall be the secretary of the board. The board may select  
37 a (~~vice-chairman~~) vice-chair from among its members. In the absence  
38 of the (~~chairman~~) chair and (~~vice-chairman~~) vice-chair at a meeting  
39 of the board, the members shall elect a (~~chairman~~) chair pro tem. No

1 action shall be taken by the board except by the agreement of at least  
2 four members. The department and the board shall maintain its  
3 principal office at the capital;

4 (10) Be entitled to reimbursement individually for travel expenses  
5 incurred in the discharge of their official duties in accordance with  
6 RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

7 **Sec. 19.** RCW 43.31C.060 and 2000 c 212 s 7 are each amended to  
8 read as follows:

9 The department must administer this chapter and has the following  
10 powers and duties:

11 (1) To monitor the implementation of chapter 212, Laws of 2000 and  
12 submit reports evaluating the effectiveness of the program and any  
13 suggestions for legislative changes to the governor and legislature by  
14 December 1, 2000;

15 (2) To develop evaluation and performance measures for local  
16 governments to measure the effectiveness of the program at the local  
17 level on meeting the objectives of this chapter;

18 (3) To provide information and appropriate assistance to persons  
19 desiring to locate and operate a business in a community empowerment  
20 zone;

21 (4) To work with appropriate state agencies to coordinate the  
22 delivery of programs, including but not limited to housing, community  
23 and economic development, small business assistance, social service,  
24 and employment and training programs which are carried on in a  
25 community empowerment zone; and

26 (5) To develop rules necessary for the administration of this  
27 chapter. For rules adopted under the provisions of this chapter after  
28 July 1, 2002, the department may only adopt rules derived from a  
29 specific grant of legislative authority. The rules must include the  
30 specific statutory section or sections from which the grant of  
31 authority is derived, and may not rely solely on a section of law  
32 stating a statute's intent or purpose or the general enabling  
33 provisions establishing the department.

34 **Sec. 20.** RCW 43.33.040 and 1965 c 8 s 43.33.040 are each amended  
35 to read as follows:

36 The state finance committee may ~~((make))~~ adopt appropriate rules  
37 ~~((and regulations))~~ for the performance of its duties. The state



1 treasurer shall act as (~~chairman~~) chair of the committee. For rules  
2 adopted under the provisions of this chapter after July 1, 2002, the  
3 state finance committee may only adopt rules derived from a specific  
4 grant of legislative authority. The rules must include the specific  
5 statutory section or sections from which the grant of authority is  
6 derived, and may not rely solely on a section of law stating a  
7 statute's intent or purpose or the general enabling provisions  
8 establishing the state finance committee.

9 **Sec. 21.** RCW 43.33A.110 and 1994 c 154 s 310 are each amended to  
10 read as follows:

11 The state investment board may (~~make~~) adopt appropriate rules  
12 (~~and regulations~~) for the performance of its duties. The board shall  
13 establish investment policies and procedures designed exclusively to  
14 maximize return at a prudent level of risk. However, in the case of  
15 the department of labor and industries' accident, medical aid, and  
16 reserve funds, the board shall establish investment policies and  
17 procedures designed to attempt to limit fluctuations in industrial  
18 insurance premiums and, subject to this purpose, to maximize return at  
19 a prudent level of risk. The board shall adopt rules to ensure that  
20 its members perform their functions in compliance with chapter 42.52  
21 RCW. Rules adopted by the board shall be adopted pursuant to chapter  
22 34.05 RCW.

23 For rules adopted under the provisions of this chapter after July  
24 1, 2002, the state investment board may only adopt rules derived from  
25 a specific grant of legislative authority. The rules must include the  
26 specific statutory section or sections from which the grant of  
27 authority is derived, and may not rely solely on a section of law  
28 stating a statute's intent or purpose or the general enabling  
29 provisions establishing the state investment board.

30 **Sec. 22.** RCW 43.59.070 and 1967 ex.s. c 147 s 8 are each amended  
31 to read as follows:

32 The director shall be secretary of the commission and shall be  
33 responsible for carrying into effect the commission's orders and rules  
34 (~~and regulations promulgated~~) adopted by the commission. The  
35 director shall also be authorized to employ such staff as is necessary  
36 pursuant to the provisions of chapter 41.06 RCW. The commission shall

1 adopt ~~((such))~~ rules ~~((and regulations))~~ as shall be necessary to carry  
2 into effect the purposes of this chapter.

3 For rules adopted under the provisions of this chapter after July  
4 1, 2002, the Washington state traffic safety commission may only adopt  
5 rules derived from a specific grant of legislative authority. The  
6 rules must include the specific statutory section or sections from  
7 which the grant of authority is derived, and may not rely solely on a  
8 section of law stating a statute's intent or purpose or the general  
9 enabling provisions establishing the commission.

10 **Sec. 23.** RCW 43.61.040 and 1977 c 75 s 60 are each amended to read  
11 as follows:

12 The director of veterans affairs shall ~~((make such))~~ adopt rules  
13 ~~((and regulations))~~ as may be necessary to carry out the purposes of  
14 this chapter. For rules adopted under the provisions of this chapter  
15 after July 1, 2002, the director of veterans affairs may only adopt  
16 rules derived from a specific grant of legislative authority. The  
17 rules must include the specific statutory section or sections from  
18 which the grant of authority is derived, and may not rely solely on a  
19 section of law stating a statute's intent or purpose or the general  
20 enabling provisions establishing the department of veterans affairs.  
21 The department shall furnish information, advice, and assistance to  
22 veterans and coordinate all programs and services in the field of  
23 veterans' claims service, education, health, vocational guidance and  
24 placement, and services not provided by some other agency of the state  
25 or by the federal government. The director shall submit a report of  
26 the departments' activities hereunder each year to the governor.

27 **Sec. 24.** RCW 43.63A.475 and 1993 c 124 s 2 are each amended to  
28 read as follows:

29 The department shall adopt all rules under chapter 34.05 RCW  
30 necessary to implement chapter 124, Laws of 1993, giving due  
31 consideration to standards and regulations adopted by the secretary of  
32 housing and urban development under the National Manufactured Housing  
33 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.  
34 Secs. 5401-5426) for manufactured housing construction and safety  
35 standards. For rules adopted under the provisions of this chapter  
36 after July 1, 2002, the department of community, trade, and economic  
37 development may only adopt rules derived from a specific grant of

1 legislative authority. The rules must include the specific statutory  
2 section or sections from which the grant of authority is derived, and  
3 may not rely solely on a section of law stating a statute's intent or  
4 purpose or the general enabling provisions establishing the department  
5 of community, trade, and economic development.

6 **Sec. 25.** RCW 43.70.580 and 1995 c 43 s 3 are each amended to read  
7 as follows:

8 The primary responsibility of the public health system, is to take  
9 those actions necessary to protect, promote, and improve the health of  
10 the population. In order to accomplish this, the department shall:

11 (1) Identify, as part of the public health improvement plan, the  
12 key health outcomes sought for the population and the capacity needed  
13 by the public health system to fulfill its responsibilities in  
14 improving health outcomes.

15 (2)(a) Distribute state funds that, in conjunction with local  
16 revenues, are intended to improve the capacity of the public health  
17 system. The distribution methodology shall encourage system-wide  
18 effectiveness and efficiency and provide local health jurisdictions  
19 with the flexibility both to determine governance structures and  
20 address their unique needs.

21 (b) Enter into with each local health jurisdiction performance-  
22 based contracts that establish clear measures of the degree to which  
23 the local health jurisdiction is attaining the capacity necessary to  
24 improve health outcomes. The contracts negotiated between the local  
25 health jurisdictions and the department of health must identify the  
26 specific measurable progress that local health jurisdictions will make  
27 toward achieving health outcomes. A community assessment conducted by  
28 the local health jurisdiction according to the public health  
29 improvement plan, which shall include the results of the comprehensive  
30 plan prepared according to RCW 70.190.130, will be used as the basis  
31 for identifying the health outcomes. The contracts shall include  
32 provisions to encourage collaboration among local health jurisdictions.  
33 State funds shall be used solely to expand and complement, but not to  
34 supplant city and county government support for public health programs.

35 (3) Develop criteria to assess the degree to which capacity is  
36 being achieved and ensure compliance by public health jurisdictions.

37 (4) Adopt rules necessary to carry out the purposes of chapter 43,  
38 Laws of 1995. For rules adopted under the provisions of this chapter

1 after July 1, 2002, the department may only adopt rules derived from a  
2 specific grant of legislative authority. The rules must include the  
3 specific statutory section or sections from which the grant of  
4 authority is derived, and may not rely solely on a section of law  
5 stating a statute's intent or purpose or the general enabling  
6 provisions establishing the department.

7 (5) Biennially, within the public health improvement plan, evaluate  
8 the effectiveness of the public health system, assess the degree to  
9 which the public health system is attaining the capacity to improve the  
10 status of the public's health, and report progress made by each local  
11 health jurisdiction toward improving health outcomes.

12 **Sec. 26.** RCW 43.101.085 and 2001 c 167 s 7 are each amended to  
13 read as follows:

14 In addition to its other powers granted under this chapter, the  
15 commission has authority and power to:

16 (1) Adopt, amend, or repeal rules as necessary to carry out this  
17 chapter. For rules adopted under the provisions of this chapter after  
18 July 1, 2002, the commission may only adopt rules derived from a  
19 specific grant of legislative authority. The rules must include the  
20 specific statutory section or sections from which the grant of  
21 authority is derived, and may not rely solely on a section of law  
22 stating a statute's intent or purpose or the general enabling  
23 provisions establishing the commission;

24 (2) Issue subpoenas and administer oaths in connection with  
25 investigations, hearings, or other proceedings held under this chapter;

26 (3) Take or cause to be taken depositions and other discovery  
27 procedures as needed in investigations, hearings, and other proceedings  
28 held under this chapter;

29 (4) Appoint members of a hearings board as provided under RCW  
30 43.101.380;

31 (5) Enter into contracts for professional services determined by  
32 the commission to be necessary for adequate enforcement of this  
33 chapter;

34 (6) Grant, deny, or revoke certification of peace officers under  
35 the provisions of this chapter;

36 (7) Designate individuals authorized to sign subpoenas and  
37 statements of charges under the provisions of this chapter; and

1 (8) Employ such investigative, administrative, and clerical staff  
2 as necessary for the enforcement of this chapter.

3 **Sec. 27.** RCW 43.115.040 and 1993 c 261 s 3 are each amended to  
4 read as follows:

5 The commission shall have the following powers and duties:

6 (1) Elect one of its members to serve as (~~(chairman)~~) chair;

7 (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.  
8 For rules adopted under the provisions of this chapter after July 1,  
9 2002, the commission may only adopt rules derived from a specific grant  
10 of legislative authority. The rules must include the specific  
11 statutory section or sections from which the grant of authority is  
12 derived, and may not rely solely on a section of law stating a  
13 statute's intent or purpose or the general enabling provisions  
14 establishing the commission;

15 (3) Examine and define issues pertaining to the rights and needs of  
16 Hispanics, and make recommendations to the governor and state agencies  
17 for changes in programs and laws;

18 (4) Advise the governor and state agencies on the development and  
19 implementation of policies, plans, and programs that relate to the  
20 special needs of Hispanics;

21 (5) Advise the legislature on issues of concern to the Hispanic  
22 community;

23 (6) Establish relationships with state agencies, local governments,  
24 and private sector organizations that promote equal opportunity and  
25 benefits for Hispanics; and

26 (7) Receive gifts, grants, and endowments from public or private  
27 sources that are made for the use or benefit of the commission and  
28 expend, without appropriation, the same or any income from the gifts,  
29 grants, or endowments according to their terms.

30 **Sec. 28.** RCW 43.117.050 and 1974 ex.s. c 140 s 5 are each amended  
31 to read as follows:

32 The commission shall:

33 (1) Elect one of its members to serve as (~~(chairman)~~) chair; and  
34 also such other officers as necessary to form an executive committee;

35 (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.  
36 For rules adopted under the provisions of this chapter after July 1,  
37 2002, the commission may only adopt rules derived from a specific grant

1 of legislative authority. The rules must include the specific  
2 statutory section or sections from which the grant of authority is  
3 derived, and may not rely solely on a section of law stating a  
4 statute's intent or purpose or the general enabling provisions  
5 establishing the commission;

6 (3) Meet at the call of the ((~~chairman~~)) chair or the call of a  
7 majority of its members, but in no case less often than once during any  
8 three month period;

9 (4) Be authorized to appoint such citizen task force as it deems  
10 appropriate.

11 **Sec. 29.** RCW 43.121.050 and 1988 c 278 s 5 are each amended to  
12 read as follows:

13 To carry out the purposes of this chapter, the council may:

14 (1) Contract with public or private nonprofit organizations,  
15 agencies, schools, or with qualified individuals for the establishment  
16 of community-based educational and service programs designed to:

17 (a) Reduce the occurrence of child abuse and neglect; and

18 (b) Provide for parenting skills which include: Consistency in  
19 parenting; providing children with positive discipline that provides  
20 firm order without hurting children physically or emotionally; and  
21 preserving and nurturing the family unit. Programs to provide these  
22 parenting skills may include the following:

23 (i) Programs to teach positive methods of disciplining children;

24 (ii) Programs to educate parents about the physical, mental, and  
25 emotional development of children;

26 (iii) Programs to enhance the skills of parents in providing for  
27 their children's learning and development; and

28 (iv) Learning experiences for children and parents to help prepare  
29 parents and children for the experiences in school. Contracts also may  
30 be awarded for research programs related to primary and secondary  
31 prevention of child abuse and neglect, and to develop and strengthen  
32 community child abuse and neglect prevention networks. Each contract  
33 entered into by the council shall contain a provision for the  
34 evaluation of services provided under the contract. Contracts for  
35 services to prevent child abuse and child neglect shall be awarded as  
36 demonstration projects with continuation based upon goal attainment.  
37 Contracts for services to prevent child abuse and child neglect shall

1 be awarded on the basis of probability of success based in part upon  
2 sound research data.

3 (2) Facilitate the exchange of information between groups concerned  
4 with families and children.

5 (3) Consult with applicable state agencies, commissions, and boards  
6 to help determine the probable effectiveness, fiscal soundness, and  
7 need for proposed educational and service programs for the prevention  
8 of child abuse and neglect.

9 (4) Establish fee schedules to provide for the recipients of  
10 services to reimburse the state general fund for the cost of services  
11 received.

12 (5) Adopt its own bylaws.

13 (6) Adopt rules under chapter 34.05 RCW as necessary to carry out  
14 the purposes of this chapter. For rules adopted under the provisions  
15 of this chapter after July 1, 2002, the council may only adopt rules  
16 derived from a specific grant of legislative authority. The rules must  
17 include the specific statutory section or sections from which the grant  
18 of authority is derived, and may not rely solely on a section of law  
19 stating a statute's intent or purpose or the general enabling  
20 provisions establishing the council.

21 **Sec. 30.** RCW 43.155.040 and 1985 c 446 s 10 are each amended to  
22 read as follows:

23 The board may:

24 (1) Accept from any state or federal agency, loans or grants for  
25 the planning or financing of any public works project and enter into  
26 agreements with any such agency concerning the loans or grants;

27 (2) Provide technical assistance to local governments;

28 (3) Accept any gifts, grants, or loans of funds, property, or  
29 financial or other aid in any form from any other source on any terms  
30 and conditions which are not in conflict with this chapter;

31 (4) Adopt rules under chapter 34.05 RCW as necessary to carry out  
32 the purposes of this chapter. For rules adopted under the provisions  
33 of this chapter after July 1, 2002, the board may only adopt rules  
34 derived from a specific grant of legislative authority. The rules must  
35 include the specific statutory section or sections from which the grant  
36 of authority is derived, and may not rely solely on a section of law  
37 stating a statute's intent or purpose or the general enabling  
38 provisions establishing the board;

1 (5) Do all acts and things necessary or convenient to carry out the  
2 powers expressly granted or implied under this chapter.

3 **Sec. 31.** RCW 43.160.050 and 1996 c 51 s 4 are each amended to read  
4 as follows:

5 The board may:

6 (1) Adopt bylaws for the regulation of its affairs and the conduct  
7 of its business.

8 (2) Adopt an official seal and alter the seal at its pleasure.

9 (3) Utilize the services of other governmental agencies.

10 (4) Accept from any federal agency loans or grants for the planning  
11 or financing of any project and enter into an agreement with the agency  
12 respecting the loans or grants.

13 (5) Conduct examinations and investigations and take testimony at  
14 public hearings of any matter material for its information that will  
15 assist in determinations related to the exercise of the board's lawful  
16 powers.

17 (6) Accept any gifts, grants, or loans of funds, property, or  
18 financial or other aid in any form from any other source on any terms  
19 and conditions which are not in conflict with this chapter.

20 (7) Exercise all the powers of a public corporation under chapter  
21 39.84 RCW.

22 (8) Invest any funds received in connection with industrial  
23 development revenue bond financing not required for immediate use, as  
24 the board considers appropriate, subject to any agreements with owners  
25 of bonds.

26 (9) Arrange for lines of credit for industrial development revenue  
27 bonds from and enter into participation agreements with any financial  
28 institution.

29 (10) Issue industrial development revenue bonds in one or more  
30 series for the purpose of defraying the cost of acquiring or improving  
31 any industrial development facility or facilities and securing the  
32 payment of the bonds as provided in this chapter.

33 (11) Enter into agreements or other transactions with and accept  
34 grants and the cooperation of any governmental agency in furtherance of  
35 this chapter.

36 (12) Sell, purchase, or insure loans to finance the costs of  
37 industrial development facilities.



1 (13) Service, contract, and pay for the servicing of loans for  
2 industrial development facilities.

3 (14) Provide financial analysis and technical assistance for  
4 industrial development facilities when the board reasonably considers  
5 it appropriate.

6 (15) Collect, with respect to industrial development revenue bonds,  
7 reasonable interest, fees, and charges for making and servicing its  
8 lease agreements, loan agreements, mortgage loans, notes, bonds,  
9 commitments, and other evidences of indebtedness. Interest, fees, and  
10 charges are limited to the amounts required to pay the costs of the  
11 board, including operating and administrative expenses and reasonable  
12 allowances for losses that may be incurred.

13 (16) Procure insurance or guarantees from any party as allowable  
14 under law, including a governmental agency, against any loss in  
15 connection with its lease agreements, loan agreements, mortgage loans,  
16 and other assets or property.

17 (17) Adopt rules under chapter 34.05 RCW as necessary to carry out  
18 the purposes of this chapter. For rules adopted under the provisions  
19 of this chapter after July 1, 2002, the board may only adopt rules  
20 derived from a specific grant of legislative authority. The rules must  
21 include the specific statutory section or sections from which the grant  
22 of authority is derived, and may not rely solely on a section of law  
23 stating a statute's intent or purpose or the general enabling  
24 provisions establishing the board.

25 (18) Do all acts and things necessary or convenient to carry out  
26 the powers expressly granted or implied under this chapter.

27 **Sec. 32.** RCW 43.163.100 and 1990 c 53 s 6 are each amended to read  
28 as follows:

29 In addition to accomplishing the economic development finance  
30 programs specifically authorized in this chapter, the authority may:

31 (1) Maintain an office or offices;

32 (2) Sue and be sued in its own name, and plead and be impleaded;

33 (3) Engage consultants, agents, attorneys, and advisers, contract  
34 with federal, state, and local governmental entities for services, and  
35 hire such employees, agents and other personnel as the authority deems  
36 necessary, useful, or convenient to accomplish its purposes;

37 (4) Make and execute all manner of contracts, agreements and  
38 instruments and financing documents with public and private parties as

1 the authority deems necessary, useful, or convenient to accomplish its  
2 purposes;

3 (5) Acquire and hold real or personal property, or any interest  
4 therein, in the name of the authority, and to sell, assign, lease,  
5 encumber, mortgage, or otherwise dispose of the same in such manner as  
6 the authority deems necessary, useful, or convenient to accomplish its  
7 purposes;

8 (6) Open and maintain accounts in qualified public depositories and  
9 otherwise provide for the investment of any funds not required for  
10 immediate disbursement, and provide for the selection of investments;

11 (7) Appear in its own behalf before boards, commissions,  
12 departments, or agencies of federal, state, or local government;

13 (8) Procure such insurance in such amounts and from such insurers  
14 as the authority deems desirable, including, but not limited to,  
15 insurance against any loss or damage to its property or other assets,  
16 public liability insurance for injuries to persons or property, and  
17 directors and officers liability insurance;

18 (9) Apply for and accept subventions, grants, loans, advances, and  
19 contributions from any source of money, property, labor, or other  
20 things of value, to be held, used and applied as the authority deems  
21 necessary, useful, or convenient to accomplish its purposes;

22 (10) Establish guidelines for the participation by eligible banking  
23 organizations in programs conducted by the authority under this  
24 chapter;

25 (11) Act as an agent, by agreement, for federal, state, or local  
26 governmental entities to carry out the programs authorized in this  
27 chapter;

28 (12) Establish, revise, and collect such fees and charges as the  
29 authority deems necessary, useful, or convenient to accomplish its  
30 purposes;

31 (13) Make such expenditures as are appropriate for paying the  
32 administrative costs and expenses of the authority in carrying out the  
33 provisions of this chapter: PROVIDED, That expenditures with respect  
34 to the economic development financing programs of the authority shall  
35 not be made from funds of the state;

36 (14) Establish such reserves and special funds, and controls on  
37 deposits to and disbursements from them, as the authority deems  
38 necessary, useful, or convenient to accomplish its purposes;

1 (15) Give assistance to public bodies by providing information,  
2 guidelines, forms, and procedures for implementing their financing  
3 programs;

4 (16) Prepare, publish and distribute, with or without charge, such  
5 studies, reports, bulletins, and other material as the authority deems  
6 necessary, useful, or convenient to accomplish its purposes;

7 (17) Delegate any of its powers and duties if consistent with the  
8 purposes of this chapter;

9 (18) Adopt rules concerning its exercise of the powers authorized  
10 by this chapter. For rules adopted under the provisions of this  
11 chapter after July 1, 2002, the authority may only adopt rules derived  
12 from a specific grant of legislative authority. The rules must include  
13 the specific statutory section or sections from which the grant of  
14 authority is derived, and may not rely solely on a section of law  
15 stating a statute's intent or purpose or the general enabling  
16 provisions establishing the authority; and

17 (19) Exercise any other power the authority deems necessary,  
18 useful, or convenient to accomplish its purposes and exercise the  
19 powers expressly granted in this chapter.

20 **Sec. 33.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to  
21 read as follows:

22 (1) There is ((~~hereby~~)) established a public body corporate and  
23 politic, with perpetual corporate succession, to be known as the  
24 Washington state housing finance commission. The commission is an  
25 instrumentality of the state exercising essential government functions  
26 and, for purposes of the code, acts as a constituted authority on  
27 behalf of the state when it issues bonds pursuant to this chapter. The  
28 commission is a "public body" within the meaning of RCW 39.53.010.

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

30 (a) The state treasurer, ex officio;

31 (b) The director of community, trade, and economic development, ex  
32 officio;

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

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

1 (e) A representative of labor interests, appointed by the governor,  
2 with the consent of the senate, after consultation with representatives  
3 of organized labor;

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

6 (g) Five members of the public appointed by the governor, with the  
7 consent of the senate, on the basis of geographic distribution and  
8 their expertise in housing, real estate, finance, energy efficiency, or  
9 construction, one of whom shall be appointed by the governor as chair  
10 of the commission and who shall serve on the commission and as chair of  
11 the commission at the pleasure of the governor.

12 The term of the persons appointed by the governor, other than the  
13 chair, shall be four years from the date of their appointment, except  
14 that the terms of three of the initial appointees shall be for two  
15 years from the date of their appointment. The governor shall designate  
16 the appointees who will serve the two-year terms. An appointee may be  
17 removed by the governor for cause pursuant to RCW 43.06.070 and  
18 43.06.080. The governor shall fill any vacancy in an appointed  
19 position by appointment for the remainder of the unexpired term. If  
20 the department of community, trade, and economic development is  
21 abolished, the resulting vacancy shall be filled by a state official  
22 who shall be appointed to the commission by the governor. If this  
23 official occupies an office or position for which senate confirmation  
24 is not required, then his or her appointment to the commission shall be  
25 subject to the consent of the senate. The members of the commission  
26 shall be compensated in accordance with RCW 43.03.240 and may be  
27 reimbursed, solely from the funds of the commission, for expenses  
28 incurred in the discharge of their duties under this chapter, subject  
29 to the provisions of RCW 43.03.050 and 43.03.060. A majority of the  
30 commission constitutes a quorum. Designees shall be appointed in such  
31 manner and shall exercise such powers as are specified by the rules of  
32 the commission.

33 (3) The commission may adopt an official seal and may select from  
34 its membership a vice\_chair, a secretary, and a treasurer. The  
35 commission shall establish rules concerning its exercise of the powers  
36 authorized by this chapter. The rules shall be adopted in conformance  
37 with chapter 34.05 RCW. For rules adopted under the provisions of this  
38 chapter after July 1, 2002, the commission may only adopt rules derived  
39 from a specific grant of legislative authority. The rules must include

1 the specific statutory section or sections from which the grant of  
2 authority is derived, and may not rely solely on a section of law  
3 stating a statute's intent or purpose or the general enabling  
4 provisions establishing the commission.

5       **Sec. 34.** RCW 43.200.070 and 1989 c 322 s 5 are each amended to  
6 read as follows:

7       The department of ecology shall adopt such rules as are necessary  
8 to carry out responsibilities under this chapter. The department of  
9 ecology is authorized to adopt such rules as are necessary to carry out  
10 its responsibilities under chapter 43.145 RCW. For rules adopted under  
11 the provisions of this chapter after July 1, 2002, the department of  
12 ecology may only adopt rules derived from a specific grant of  
13 legislative authority. The rules must include the specific statutory  
14 section or sections from which the grant of authority is derived, and  
15 may not rely solely on a section of law stating a statute's intent or  
16 purpose or the general enabling provisions establishing the department  
17 of ecology.

18       **Sec. 35.** RCW 43.210.060 and 1995 c 399 s 108 are each amended to  
19 read as follows:

20       The department of community, trade, and economic development or its  
21 statutory successor shall adopt rules under chapter 34.05 RCW as  
22 necessary to carry out the purposes of this chapter. For rules adopted  
23 under the provisions of this chapter after July 1, 2002, the department  
24 of community, trade, and economic development may only adopt rules  
25 derived from a specific grant of legislative authority. The rules must  
26 include the specific statutory section or sections from which the grant  
27 of authority is derived, and may not rely solely on a section of law  
28 stating a statute's intent or purpose or the general enabling  
29 provisions establishing the department of community, trade, and  
30 economic development.

31       **Sec. 36.** RCW 43.250.090 and 1986 c 294 s 9 are each amended to  
32 read as follows:

33       The state finance committee shall administer this chapter and adopt  
34 appropriate rules. For rules adopted under the provisions of this  
35 chapter after July 1, 2002, the state finance committee may only adopt  
36 rules derived from a specific grant of legislative authority. The

1 rules must include the specific statutory section or sections from  
2 which the grant of authority is derived, and may not rely solely on a  
3 section of law stating a statute's intent or purpose or the general  
4 enabling provisions establishing the state finance committee.

5 **Sec. 37.** RCW 43.320.040 and 1993 c 472 s 5 are each amended to  
6 read as follows:

7 The director of financial institutions may adopt any rules, under  
8 chapter 34.05 RCW, necessary to implement the powers and duties of the  
9 director under this chapter. For rules adopted under the provisions of  
10 this chapter after July 1, 2002, the director of financial institutions  
11 may only adopt rules derived from a specific grant of legislative  
12 authority. The rules must include the specific statutory section or  
13 sections from which the grant of authority is derived, and may not rely  
14 solely on a section of law stating a statute's intent or purpose or the  
15 general enabling provisions establishing the department of financial  
16 institutions.

17 **Sec. 38.** RCW 43.330.040 and 1993 c 280 s 6 are each amended to  
18 read as follows:

19 (1) The director shall supervise and administer the activities of  
20 the department and shall advise the governor and the legislature with  
21 respect to community and economic development matters affecting the  
22 state.

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

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

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

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

31 (d) Appoint such deputy directors, assistant directors, and up to  
32 seven special assistants as may be needed to administer the department.  
33 These employees are exempt from the provisions of chapter 41.06 RCW;

34 (e) Prepare and submit budgets for the department for executive and  
35 legislative action;

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

1 (g) Adopt rules in accordance with chapter 34.05 RCW and perform  
2 all other functions necessary and proper to carry out the purposes of  
3 this chapter. For rules adopted under the provisions of this chapter  
4 after July 1, 2002, the director may only adopt rules derived from a  
5 specific grant of legislative authority. The rules must include the  
6 specific statutory section or sections from which the grant of  
7 authority is derived, and may not rely solely on a section of law  
8 stating a statute's intent or purpose or the general enabling  
9 provisions establishing the department;

10 (h) Delegate powers, duties, and functions as the director deems  
11 necessary for efficient administration, but the director shall be  
12 responsible for the official acts of the officers and employees of the  
13 department; and

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

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

18 (4) The director may request information and assistance from all  
19 other agencies, departments, and officials of the state, and may  
20 reimburse such agencies, departments, or officials if such a request  
21 imposes any additional expenses upon any such agency, department, or  
22 official.

23 (5) The director shall, in carrying out the responsibilities of  
24 office, consult with governmental officials, private groups, and  
25 individuals and with officials of other states. All state agencies and  
26 their officials and the officials of any political subdivision of the  
27 state shall cooperate with and give such assistance to the department,  
28 including the submission of requested information, to allow the  
29 department to carry out its purposes under this chapter.

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

35 (7) The internal affairs of the department shall be under the  
36 control of the director in order that the director may manage the  
37 department in a flexible and intelligent manner as dictated by changing  
38 contemporary circumstances. Unless specifically limited by law, the  
39 director shall have complete charge and supervisory powers over the

1 department. The director may create such administrative structures as  
2 the director deems appropriate, except as otherwise specified by law,  
3 and the director may employ such personnel as may be necessary in  
4 accordance with chapter 41.06 RCW, except as otherwise provided by law.

5 **Sec. 39.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read  
6 as follows:

7 The transportation commission shall have the following functions,  
8 powers, and duties:

9 (1) To propose policies to be adopted by the legislature designed  
10 to (~~assure~~) ensure the development and maintenance of a comprehensive  
11 and balanced statewide transportation system which will meet the needs  
12 of the people of this state for safe and efficient transportation  
13 services. Wherever appropriate the policies shall provide for the use  
14 of integrated, intermodal transportation systems to implement the  
15 social, economic, and environmental policies, goals, and objectives of  
16 the people of the state, and especially to conserve nonrenewable  
17 natural resources including land and energy. To this end the  
18 commission shall:

19 (a) Develop transportation policies which are based on the  
20 policies, goals, and objectives expressed and inherent in existing  
21 state laws;

22 (b) Inventory the adopted policies, goals, and objectives of the  
23 local and area-wide governmental bodies of the state and define the  
24 role of the state, regional, and local governments in determining  
25 transportation policies, in transportation planning, and in  
26 implementing the state transportation plan;

27 (c) Propose a transportation policy for the state, and after notice  
28 and public hearings, submit the proposal to the legislative  
29 transportation committee and the senate and house transportation  
30 committees by January 1, 1978, for consideration in the next  
31 legislative session;

32 (d) Establish a procedure for review and revision of the state  
33 transportation policy and for submission of proposed changes to the  
34 legislature;

35 (e) To integrate the statewide transportation plan with the needs  
36 of the elderly and handicapped, and to coordinate federal and state  
37 programs directed at assisting local governments to answer such needs;



1 (2) To establish the policy of the department to be followed by the  
2 secretary on each of the following items:

3 (a) To provide for the effective coordination of state  
4 transportation planning with national transportation policy, state and  
5 local land use policies, and local and regional transportation plans  
6 and programs;

7 (b) To provide for public involvement in transportation designed to  
8 elicit the public's views both with respect to adequate transportation  
9 services and appropriate means of minimizing adverse social, economic,  
10 environmental, and energy impact of transportation programs;

11 (c) To provide for the administration of grants in aid and other  
12 financial assistance to counties and municipal corporations for  
13 transportation purposes;

14 (d) To provide for the management, sale, and lease of property or  
15 property rights owned by the department which are not required for  
16 transportation purposes;

17 (3) To direct the secretary to prepare and submit to the commission  
18 a comprehensive and balanced statewide transportation plan which shall  
19 be based on the transportation policy adopted by the legislature and  
20 applicable state and federal laws. After public notice and hearings,  
21 the commission shall adopt the plan and submit it to the legislative  
22 transportation committee and to the house and senate standing  
23 committees on transportation before January 1, 1980, for consideration  
24 in the 1980 regular legislative session. The plan shall be reviewed  
25 and revised prior to each regular session of the legislature during an  
26 even-numbered year thereafter. A preliminary plan shall be submitted  
27 to such committees by January 1, 1979.

28 The plan shall take into account federal law and regulations  
29 relating to the planning, construction, and operation of transportation  
30 facilities;

31 (4) To propose to the governor and the legislature prior to the  
32 convening of each regular session held in an odd-numbered year a  
33 recommended budget for the operations of the commission as required by  
34 RCW 47.01.061;

35 (5) To approve and propose to the governor and to the legislature  
36 prior to the convening of each regular session during an odd-numbered  
37 year a recommended budget for the operation of the department and for  
38 carrying out the program of the department for the ensuing biennium.  
39 The proposed budget shall separately state the appropriations to be

1 made from the motor vehicle fund for highway purposes in accordance  
2 with constitutional limitations and appropriations and expenditures to  
3 be made from the general fund, or accounts thereof, and other available  
4 sources for other operations and programs of the department;

5 (6) To review and authorize all departmental requests for  
6 legislation;

7 (7) To approve the issuance and sale of all bonds authorized by the  
8 legislature for capital construction of state highways, toll  
9 facilities, Columbia Basin county roads (for which reimbursement to the  
10 motor vehicle fund has been provided), urban arterial projects, and  
11 aviation facilities;

12 (8) To adopt ~~((such))~~ rules ~~((regulations))~~ and policy directives  
13 as may be necessary to carry out reasonably and properly those  
14 functions expressly vested in the commission by statute. For rules  
15 adopted under the provisions of this chapter after July 1, 2002, the  
16 commission may only adopt rules derived from a specific grant of  
17 legislative authority. The rules must include the specific statutory  
18 section or sections from which the grant of authority is derived, and  
19 may not rely solely on a section of law stating a statute's intent or  
20 purpose or the general enabling provisions establishing the department;

21 (9) To delegate any of its powers to the secretary of  
22 transportation whenever it deems it desirable for the efficient  
23 administration of the department and consistent with the purposes of  
24 this title;

25 (10) To exercise such other specific powers and duties as may be  
26 vested in the transportation commission by this or any other provision  
27 of law.

28 **Sec. 40.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to  
29 read as follows:

30 (1) The commissioner shall have the authority expressly conferred  
31 upon him or her by or reasonably implied from the provisions of this  
32 code.

33 (2) The commissioner shall execute his or her duties and shall  
34 enforce the provisions of this code.

35 (3) The commissioner may:

36 (a) ~~((Make))~~ Adopt reasonable rules ~~((and regulations))~~ for  
37 effectuating any provision of this code, except those relating to his  
38 or her election, qualifications, or compensation. No ~~((such))~~ rules

1 (~~and regulations shall be~~) are effective prior to their being filed  
2 for public inspection in the commissioner's office. For rules adopted  
3 under the provisions of this chapter after July 1, 2002, the  
4 commissioner may only adopt rules derived from a specific grant of  
5 legislative authority. The rules must include the specific statutory  
6 section or sections from which the grant of authority is derived, and  
7 may not rely solely on a section of law stating a statute's intent or  
8 purpose or the general enabling provisions establishing the office of  
9 the insurance commissioner.

10 (b) Conduct investigations to determine whether any person has  
11 violated any provision of this code.

12 (c) Conduct examinations, investigations, hearings, in addition to  
13 those specifically provided for, useful and proper for the efficient  
14 administration of any provision of this code.

15 **Sec. 41.** RCW 48.44.050 and 1947 c 268 s 5 are each amended to read  
16 as follows:

17 The insurance commissioner shall (~~make~~) adopt reasonable  
18 (~~regulations~~) rules in aid of the administration of this chapter  
19 which may include, but shall not be limited to (~~regulations~~) rules  
20 concerning the maintenance of adequate insurance, bonds, or cash  
21 deposits, information required of registrants, and methods of  
22 expediting speedy and fair payments to claimants. For rules adopted  
23 under the provisions of this chapter after July 1, 2002, the insurance  
24 commissioner may only adopt rules derived from a specific grant of  
25 legislative authority. The rules must include the specific statutory  
26 section or sections from which the grant of authority is derived, and  
27 may not rely solely on a section of law stating a statute's intent or  
28 purpose or the general enabling provisions establishing the office of  
29 the insurance commissioner.

30 **Sec. 42.** RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each  
31 amended to read as follows:

32 The commissioner may, in accordance with the provisions of the  
33 administrative procedure act, chapter 34.05 RCW, (~~promulgate~~) adopt  
34 rules (~~and regulations~~) as necessary or proper to carry out the  
35 provisions of this chapter. For rules adopted under the provisions of  
36 this chapter after July 1, 2002, the commissioner may only adopt rules  
37 derived from a specific grant of legislative authority. The rules must

1 include the specific statutory section or sections from which the grant  
2 of authority is derived, and may not rely solely on a section of law  
3 stating a statute's intent or purpose or the general enabling  
4 provisions establishing the office of the insurance commissioner.  
5 Nothing in this chapter shall be construed to prohibit the commissioner  
6 from requiring changes in procedures previously approved by him.

7 **Sec. 43.** RCW 66.08.0501 and 1997 c 321 s 56 are each amended to  
8 read as follows:

9 The liquor control board may adopt appropriate rules pursuant to  
10 chapter 34.05 RCW for the purpose of carrying out the provisions of  
11 chapter 321, Laws of 1997. For rules adopted under the provisions of  
12 this chapter after July 1, 2002, the liquor control board may only  
13 adopt rules derived from a specific grant of legislative authority.  
14 The rules must include the specific statutory section or sections from  
15 which the grant of authority is derived, and may not rely solely on a  
16 section of law stating a statute's intent or purpose or the general  
17 enabling provisions establishing the liquor control board.

18 **Sec. 44.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to  
19 read as follows:

20 (1) In establishing policies to preserve, protect, and perpetuate  
21 wildlife, fish, and wildlife and fish habitat, the commission shall  
22 meet annually with the governor to:

23 (a) Review and prescribe basic goals and objectives related to  
24 those policies; and

25 (b) Review the performance of the department in implementing fish  
26 and wildlife policies.

27 The commission shall maximize fishing, hunting, and outdoor  
28 recreational opportunities compatible with healthy and diverse fish and  
29 wildlife populations.

30 (2) The commission shall establish hunting, trapping, and fishing  
31 seasons and prescribe the time, place, manner, and methods that may be  
32 used to harvest or enjoy game fish and wildlife.

33 (3) The commission shall establish provisions regulating food fish  
34 and shellfish as provided in RCW 77.12.047.

35 (4) The commission shall have final approval authority for tribal,  
36 interstate, international, and any other department agreements relating  
37 to fish and wildlife.

1 (5) The commission shall adopt rules to implement the state's fish  
2 and wildlife laws. For rules adopted under the provisions of this  
3 chapter after July 1, 2002, the commission may only adopt rules derived  
4 from a specific grant of legislative authority. The rules must include  
5 the specific statutory section or sections from which the grant of  
6 authority is derived, and may not rely solely on a section of law  
7 stating a statute's intent or purpose or the general enabling  
8 provisions establishing the commission or the department.

9 (6) The commission shall have final approval authority for the  
10 department's budget proposals.

11 (7) The commission shall select its own staff and shall appoint the  
12 director of the department. The director and commission staff shall  
13 serve at the pleasure of the commission.

14 **Sec. 45.** RCW 80.01.040 and 1985 c 450 s 10 are each amended to  
15 read as follows:

16 The utilities and transportation commission shall:

17 (1) Exercise all the powers and perform all the duties prescribed  
18 therefor by this title and by Title 81 RCW, or by any other law.

19 (2) Regulate in the public interest, as provided by the public  
20 service laws, the rates, services, facilities, and practices of all  
21 persons engaging in the transportation by whatever means of persons or  
22 property within this state for compensation, and related activities;  
23 including, but not limited to, air transportation companies, auto  
24 transportation companies, express companies, freight and freight line  
25 companies, motor freight companies, motor transportation agents,  
26 private car companies, railway companies, sleeping car companies,  
27 steamboat companies, street railway companies, toll bridge companies,  
28 storage warehousemen, and wharfingers and warehousemen.

29 (3) Regulate in the public interest, as provided by the public  
30 service laws, the rates, services, facilities, and practices of all  
31 persons engaging within this state in the business of supplying any  
32 utility service or commodity to the public for compensation, and  
33 related activities; including, but not limited to, electrical  
34 companies, gas companies, irrigation companies, telecommunications  
35 companies, and water companies.

36 (4) (~~Make such~~) Adopt rules (~~and regulations~~) as may be  
37 necessary to carry out its other powers and duties. For rules adopted  
38 under the provisions of this chapter after July 1, 2002, the commission

1 may only adopt rules derived from a specific grant of legislative  
2 authority. The rules must include the specific statutory section or  
3 sections from which the grant of authority is derived, and may not rely  
4 solely on a section of law stating a statute's intent or purpose or the  
5 general enabling provisions establishing the commission.

6 NEW SECTION. Sec. 46. The secretary of state shall submit  
7 sections 6 through 40 of this act to the people for their adoption and  
8 ratification, or rejection, at the next general election to be held in  
9 this state, in accordance with Article II, section 1 of the state  
10 Constitution and the laws adopted to facilitate its operation."

11 Correct the title.

--- END ---