
ENGROSSED SUBSTITUTE HOUSE BILL 1474

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Van Luven, Veloria, Fromhold, Dunn, Eickmeyer, Kessler, Kenney, Schmidt, Edmonds, Ogden and Santos; by request of Governor Locke)

Read first time 02/06/2002. Referred to Committee on .

1 AN ACT Relating to splitting the department of community, trade,
2 and economic development and reestablishing the department of community
3 development and the department of trade and economic development;
4 amending RCW 43.330.020, 43.63A.021, 43.330.040, 43.330.050,
5 43.330.070, 43.330.125, 43.330.135, 43.63A.066, 43.63A.115, 43.63A.155,
6 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.440, 43.63A.460, 43.63A.600,
7 43.330.152, 43.330.155, 43.330.156, 43.330.904, 41.06.072, 43.330.065,
8 43.330.080, 43.31.057, 43.31.093, 43.31.205, 43.31.422, 43.31.504,
9 43.31.522, 43.31.524, 43.31.641, 43.31.830, 43.31.840, 43.31.960,
10 19.27.070, 19.27.097, 19.27.150, 19.27.190, 27.34.020, 27.34.310,
11 27.53.030, 28A.215.110, 28A.215.120, 28A.300.160, 28B.06.030,
12 34.05.330, 35.02.260, 35.21.300, 35.21.687, 35.21.779, 36.27.100,
13 36.34.137, 36.70A.030, 36.70A.040, 36.70A.131, 39.44.210, 39.44.230,
14 39.84.090, 43.08.260, 43.19.1920, 43.19.19201, 43.20A.037, 43.21A.612,
15 43.21C.110, 43.22.495, 43.63B.010, 43.70.530, 43.70.540, 43.79.201,
16 43.132.030, 43.133.030, 43.133.050, 43.150.040, 43.155.020, 43.168.010,
17 43.168.020, 43.168.031, 43.168.040, 43.168.050, 43.180.040, 43.180.200,
18 43.180.220, 43.185.020, 43.185A.010, 43.185B.010, 43.190.030,
19 43.270.020, 43.270.070, 43.270.080, 43.280.011, 43.280.020, 43.280.060,
20 43.280.070, 43.280.080, 43.280.090, 43.310.020, 43.330.110, 43.330.130,
21 43.330.210, 46.12.295, 47.06C.090, 47.12.064, 47.50.090, 53.36.030,

1 54.16.285, 54.52.010, 54.52.020, 57.46.010, 57.46.020, 59.18.440,
2 59.21.010, 59.22.020, 59.22.090, 59.24.020, 59.24.050, 59.24.060,
3 59.28.040, 59.28.050, 59.28.060, 66.08.195, 66.08.198, 67.38.070,
4 68.60.030, 70.05.125, 70.94.537, 70.95.260, 70.95.265, 70.95.810,
5 70.105.020, 70.114A.070, 70.119A.170, 70.125.030, 70.164.020,
6 70.190.010, 71.09.255, 72.09.055, 72.65.210, 74.08A.010, 74.14B.060,
7 79A.30.050, 79A.50.100, 80.28.010, 82.14.330, 82.14.335, 82.16.0497,
8 82.34.075, 84.36.560, 88.02.053, 90.03.247, 90.71.020, 19.27A.020,
9 19.29A.010, 24.46.010, 28A.515.320, 28B.20.283, 28B.20.289, 28B.20.293,
10 28B.30.537, 28B.30.900, 28B.38.020, 28B.38.050, 28B.50.262, 28B.65.040,
11 28B.65.050, 28B.65.060, 28B.109.020, 28C.18.060, 36.01.120, 36.110.030,
12 39.86.110, 43.17.065, 42.17.319, 43.20A.750, 43.21A.510, 43.21A.515,
13 43.21F.025, 43.21F.090, 43.21G.010, 43.23.035, 43.31.805, 43.63A.230,
14 43.88.093, 43.88.094, 43.160.020, 43.160.115, 43.160.180, 43.163.020,
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16 43.330.092, 43.330.094, 50.72.030, 67.28.8001, 70.95H.007, 70.95H.050,
17 74.13.090, 76.09.030, 76.56.020, 77.12.710, 79A.60.480, 81.80.450,
18 82.35.080, 41.06.070, 43.06.115, 43.17.020, 19.02.050, 43.21J.030,
19 43.157.010, 43.157.030, 43.160.030, 43.163.060, 47.39.090, 47.76.230,
20 50.38.030, 80.50.030, 46.16.340, 43.220.070, and 90.56.280; reenacting
21 and amending RCW 43.105.020, 42.17.2401, and 43.17.010; adding new
22 sections to chapter 43.330 RCW; adding new sections to chapter 43.31
23 RCW; adding a new section to chapter 41.06 RCW; creating new sections;
24 recodifying RCW 43.63A.021, 43.63A.066, 43.63A.067, 43.63A.075,
25 43.63A.105, 43.63A.115, 43.63A.125, 43.63A.150, 43.63A.155, 43.63A.190,
26 43.63A.215, 43.63A.240, 43.63A.245, 43.63A.247, 43.63A.249, 43.63A.265,
27 43.63A.270, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.420, 43.63A.440,
28 43.63A.460, 43.63A.465, 43.63A.4651, 43.63A.470, 43.63A.475,
29 43.63A.480, 43.63A.485, 43.63A.490, 43.63A.500, 43.63A.510, 43.63A.550,
30 43.63A.600, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.650,
31 43.63A.660, 43.63A.670, 43.63A.680, 43.63A.720, 43.63A.725, 43.63A.730,
32 43.63A.735, 43.63A.740, 43.63A.900, 43.63A.901, 43.63A.902, 43.63A.903,
33 43.330.150, 43.330.152, 43.330.155, 43.330.156, 43.330.190, 43.330.200,
34 43.330.210, 43.330.220, 43.330.230, 43.63A.230, 43.63A.715, 43.330.060,
35 43.330.065, 43.330.080, 43.330.090, 43.330.092, 43.330.094, 43.330.095,
36 43.330.096, 43.63A.690, and 43.330.180; decodifying RCW 35.22.660,
37 35.22.680, 35A.63.149, 35A.63.210, 36.32.520, 36.32.560, 36.70.675,
38 36.70.755, 70.95H.005, 70.95H.010, 70.95H.030, 70.95H.040, 70.95H.900,
39 and 70.95H.901; repealing RCW 43.330.005, 43.330.007, 43.330.010,

1 43.330.900, 43.31.800, and 43.31.409; providing an effective date; and
2 providing expiration dates.

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

4 NEW SECTION. **Sec. 1.** The department of community, trade, and
5 economic development was created in 1993 by dissolving the prior
6 department of community development and the prior department of trade
7 and economic development and transferring their responsibilities and
8 authorities to that newly created department.

9 The purpose of this act is to effectively organize state efforts to
10 address the community and economic development needs of the citizens of
11 the state of Washington by restructuring the department of community,
12 trade, and economic development into two separate agencies, the
13 department of community development and the department of trade and
14 economic development. The department of trade and economic development
15 will consist of the existing divisions of economic development, energy
16 policy, and international trade. The department of community
17 development will consist of the existing divisions of housing,
18 community services, and local government.

19 It is the intent of the legislature that the restructuring will
20 allow each agency to: (1) Identify and develop a focused mission; (2)
21 organize and deliver services in a manner that is responsive to current
22 and future needs; and (3) effectively target resources to meet the
23 identified mission and needs of the citizens of the state of Washington
24 in the most efficient and effective manner.

25 **PART I**

26 **DEPARTMENT OF COMMUNITY DEVELOPMENT**

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

29 ((A)) The department of community(, trade, and economic)
30 development is created. Except as provided in chapter . . . , Laws of
31 2002 (this act), the department shall be vested with all powers and
32 duties ((established or transferred to it under this chapter)) formerly
33 exercised by the prior department of community development, before its
34 merger with the prior department of trade and economic development into
35 the department of community, trade, and economic development by chapter

1 280, Laws of 1993, and such other powers and duties as may be
2 authorized by law. (~~Unless otherwise specifically provided in chapter~~
3 ~~280, Laws of 1993, the existing responsibilities and functions of the~~
4 ~~agency programs will continue to be administered in accordance with~~
5 ~~their implementing legislation.~~)

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

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

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

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

12 (3) "Dislocated forest products worker" means a forest products
13 worker who: (a)(i) Has been terminated or received notice of
14 termination from employment and is unlikely to return to employment in
15 the individual's principal occupation or previous industry because of
16 a diminishing demand for his or her skills in that occupation or
17 industry; or (ii) is self-employed and has been displaced from his or
18 her business because of the diminishing demand for the business's
19 services or goods; and (b) at the time of last separation from
20 employment, resided in or was employed in a rural natural resources
21 impact area.

22 ~~((+2))~~ (4) "Forest products worker" means a worker in the forest
23 products industries affected by the reduction of forest fiber
24 enhancement, transportation, or production. The workers included
25 within this definition shall be determined by the employment security
26 department, but shall include workers employed in the industries
27 assigned the major group standard industrial classification codes "24"
28 and "26" and the industries involved in the harvesting and management
29 of logs, transportation of logs and wood products, processing of wood
30 products, and the manufacturing and distribution of wood processing and
31 logging equipment. The commissioner may adopt rules further
32 interpreting these definitions. For the purposes of this subsection,
33 "standard industrial classification code" means the code identified in
34 RCW 50.29.025(6)~~((+e))~~ (b).

35 ~~((+3))~~ (5) "Dislocated salmon fishing worker" means a finfish
36 products worker who: (a)(i) Has been terminated or received notice of
37 termination from employment and is unlikely to return to employment in
38 the individual's principal occupation or previous industry because of

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

7 ~~((4))~~ (6) "Salmon fishing worker" means a worker in the finfish
8 industry affected by 1994 or future salmon disasters. The workers
9 included within this definition shall be determined by the employment
10 security department, but shall include workers employed in the
11 industries involved in the commercial and recreational harvesting of
12 finfish including buying and processing finfish. The commissioner may
13 adopt rules further interpreting these definitions.

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

16 (1) The director shall supervise and administer the activities of
17 the department and shall advise the governor and the legislature with
18 respect to community ~~((and economic))~~ development matters affecting the
19 state.

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

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

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

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

28 (d) To appoint ~~((such))~~ a deputy director~~((s))~~ and assistant
29 directors, and ~~((up to seven special assistants))~~ other positions as
30 may be needed to administer the department as approved by the office of
31 financial management. These employees are exempt from the provisions
32 of chapter 41.06 RCW;

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

35 (f) Submit recommendations for legislative actions as are deemed
36 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;

4 (h) Delegate powers, duties, and functions as the director deems
5 necessary for efficient administration, but the director shall be
6 responsible for the official acts of the officers and employees of the
7 department; and

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

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

12 (4) The director may request information and assistance from all
13 other agencies, departments, and officials of the state, and may
14 reimburse such agencies, departments, or officials if such a request
15 imposes any additional expenses upon any such agency, department, or
16 official.

17 (5) The director shall not reduce direct payments to providers,
18 grants to other entities, or other pass-through funds in order to pay
19 costs associated with implementing this act. This subsection applies
20 to all funds appropriated by the legislature and is not limited to
21 funds appropriated specifically for designated programs or purposes.
22 This subsection expires on July 1, 2003.

23 (6) 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))~~ (7) The director may establish additional advisory or
31 coordinating groups with the legislature, within state government, with
32 state and other governmental units, with the private sector and
33 nonprofit entities or in specialized subject areas as may be necessary
34 to carry out the purposes of this chapter.

35 ~~((+7))~~ (8) The internal affairs of the department shall be under
36 the 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. 104.** RCW 43.330.050 and 1993 c 280 s 7 are each amended to
6 read as follows:

7 The department shall be responsible for promoting community ((and
8 economic)) development within the state by assisting the state's
9 communities to increase the quality of life of their citizens and their
10 economic vitality, ((and by assisting the state's businesses to
11 maintain and increase their economic competitiveness,)) while
12 maintaining a healthy environment. Community ((and economic))
13 development efforts ((shall)) may include((: Efforts to increase
14 economic opportunity;)), but are not limited to: Assisting local
15 planning to manage growth((;)), service and advocacy for crime victims,
16 the promotion and provision of affordable housing and housing-related
17 services((;)), providing public infrastructure((; business and trade
18 development; assisting firms and industrial sectors to increase their
19 competitiveness; fostering the development of minority and women-owned
20 businesses; facilitating technology development, transfer, and
21 diffusion;;)), providing support and assistance for early childhood
22 education, providing community services and advocacy for low-income
23 persons((;)), and public safety efforts. The department shall have the
24 following general functions and responsibilities:

25 (1) Provide advisory assistance to the governor, other state
26 agencies, and the legislature on community ((and economic)) development
27 matters and issues;

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

30 (3) Cooperate with the legislature and the governor in the
31 development and implementation of strategic plans for the state's
32 community ((and economic)) development efforts;

33 (4) Solicit private and federal grants for ((economic and))
34 community development programs and administer such programs in
35 conjunction with other programs assigned to the department by the
36 governor or the legislature;

37 (5) Cooperate with and provide technical and financial assistance
38 to local governments((, businesses,)) and community-based organizations

1 serving the communities of the state for the purpose of aiding and
2 encouraging orderly, productive, and coordinated community development
3 of the state, and, unless stipulated otherwise, give additional
4 consideration to local communities and (~~(individuals)~~) community-based
5 organizations with the greatest relative need and the fewest resources;

6 (6) Participate with other states or subdivisions thereof in
7 interstate programs and assist cities, towns, counties, municipal
8 corporations, governmental conferences or councils, and regional
9 planning commissions to participate with other states and provinces or
10 their subdivisions;

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

13 (8) Conduct research and analysis in furtherance of the state's
14 (~~(economic and)~~) community development efforts including maintenance of
15 current information on (~~(market, demographic, and economic trends as~~
16 ~~they affect different industrial sectors,~~) geographic regions(~~(7)~~) and
17 communities with special economic and social problems in the state; and

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

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

21 (1) The department shall work closely with local communities to
22 increase their capacity to respond to economic, environmental, and
23 social problems and challenges. The department shall coordinate the
24 delivery of (~~(development services and)~~) related technical assistance
25 to local communities or regional areas(~~(.——It shall promote~~
26 ~~partnerships between the public and private sectors and between state~~
27 ~~and local officials to encourage appropriate economic growth and~~
28 ~~opportunity in communities throughout the state. The department)~~) and
29 shall promote appropriate (~~(local)~~) community development by:
30 (~~(Supporting the ability of communities to develop and implement~~
31 ~~strategic development plans; assisting businesses to start up,~~
32 ~~maintain, or expand their operations;)~~) Encouraging public
33 infrastructure investment and private and public capital investment in
34 local communities(~~(7)~~), supporting efforts to manage growth and provide
35 affordable housing and housing services(~~(7)~~), and providing for the
36 identification and preservation of the state's historical and cultural
37 resources(~~(7 and expanding employment opportunities)~~).

1 (2) The department shall define a set of services including related
2 training and technical assistance that it will make available to local
3 communities, community-based nonprofit organizations, and regional
4 areas(~~(, or businesses)~~). The department shall simplify access to
5 these programs by providing more centralized and user-friendly
6 information and referral. The department shall coordinate community
7 (~~and economic~~) development efforts to minimize program redundancy and
8 maximize accessibility. The department shall develop a set of criteria
9 for targeting services to local communities.

10 (3) The department shall develop a coordinated and systematic
11 approach to providing related training to community-based nonprofit
12 organizations, local communities, and (~~businesses~~) regional areas.
13 The approach shall be designed to increase the (~~economic and~~)
14 community development skills available in local communities by
15 providing training and funding for training for local citizens(~~(,)~~) and
16 nonprofit organizations(~~(, and businesses)~~). The department shall
17 emphasize providing training in those communities most in need of state
18 assistance.

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

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

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

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

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

34 (a) The organization must provide statewide support, development,
35 and enhancement of court-appointed special advocate programs that offer
36 guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and
37 13.34.100;

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

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

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

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

16 The department (~~of community, trade, and economic development~~)
17 shall have primary responsibility for providing child abuse and neglect
18 prevention training to preschool age children participating in the
19 federal head start program or the early childhood education and
20 assistance program established under RCW 28A.215.010 through
21 28A.215.200 and 28A.215.900 through 28A.215.908.

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

24 (1) The community action agency network, established initially
25 under the federal economic opportunity act of 1964 and subsequently
26 under the federal community services block grant program of 1981, as
27 amended, shall be a delivery system for federal and state anti-poverty
28 programs in this state, including but not limited to the community
29 services block grant program, the low-income energy assistance program,
30 and the federal department of energy weatherization program.

31 (2) Local community action agencies comprise the community action
32 agency network. The community action agency network shall serve low-
33 income persons in the counties. Each community action agency and its
34 service area shall be designated in the state federal community service
35 block grant plan as prepared by the department (~~of community, trade,
36 and economic development~~)).

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

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

7 The department (~~of community, trade, and economic development~~)
8 shall retain the bond information it receives under RCW 39.44.210 and
9 39.44.230 and shall publish summaries of local government bond issues
10 at least once a year.

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

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

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

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

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

27 (c) Ten percent of the moneys may be used by the department (~~of~~
28 ~~community, trade, and economic development~~) for administration,
29 monitoring of the grants, and providing technical assistance to the
30 RSVP projects.

31 (d) Up to five percent of the moneys may be used to support
32 projects that will benefit RSVPs statewide.

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

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

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

4 (i) Developing new roles for senior volunteers in nonprofit and
5 public organizations with special emphasis on areas targeted in section
6 1, chapter 65, Laws of 1992. The roles shall reflect the diversity of
7 the local senior population and shall respect their life experiences;

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

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

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

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

17 The department (~~of community, trade, and economic development~~)
18 shall distribute grants to eligible public radio and television
19 broadcast stations under RCW 43.63A.410 and 43.63A.420 (as recodified
20 by this act) to assist with programming, operations, and capital needs.

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

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

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

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

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

33 (a) Appropriations under this section shall be divided into a radio
34 fund, which shall be twenty-five percent of the total appropriation
35 under this section, and a television fund, which shall be seventy-five
36 percent of the total appropriation under this section. Each of the two
37 funds shall be divided into a base grant pool, which shall be fifty

1 percent of the fund, and an incentive grant pool, which shall be the
2 remaining fifty percent of the fund.

3 (b) Each eligible participating public radio station shall receive
4 an equal share of the radio base grant pool, plus a share of the radio
5 incentive grant pool equal to the proportion its nonfederal financial
6 support bears to the sum of all participating radio stations'
7 nonfederal financial support as most recently reported to the
8 corporation for public broadcasting.

9 (c) Each eligible participating public television station shall
10 receive an equal share of the television base grant pool, plus a share
11 of the television incentive grant pool equal to the proportion its
12 nonfederal financial support bears to the sum of all participating
13 television stations' nonfederal financial support as most recently
14 reported to the corporation for public broadcasting.

15 (3) Annual financial reports to the corporation for public
16 broadcasting by eligible stations shall also be submitted by the
17 stations to the department (~~of community, trade, and economic~~
18 ~~development~~)).

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

21 The department (~~of community, trade, and economic development~~)
22 shall provide technical and financial assistance to communities
23 adversely impacted by reductions in timber harvested from federal,
24 state, and private lands and reduction of salmon fishing caused by
25 efforts to maintain the long-term viability of salmon stocks. The
26 department shall use existing technical and financial assistance
27 resources to aid communities in planning, implementing, and assembling
28 financing for high priority community economic development projects.

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

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

1 The department (~~(of community, trade, and economic development)~~)
2 may enter into state or local interagency agreements to coordinate site
3 inspection activities with record monitoring and complaint handling.
4 The interagency agreement may also provide for the reimbursement for
5 cost of work that an agency performs. The department may include other
6 related areas in any interagency agreements which are necessary for the
7 efficient provision of services.

8 (~~The department of labor and industries shall transfer all~~
9 ~~records, files, books, and documents necessary for the department of~~
10 ~~community, trade, and economic development to assume these new~~
11 ~~functions.~~)

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

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

17 (1) The department (~~(of community, trade, and economic~~
18 ~~development)~~), as a member of the agency rural community assistance
19 task force shall establish and administer the emergency mortgage and
20 rental assistance program. The department shall identify the
21 communities most adversely affected by reductions in timber and salmon
22 harvest levels and shall prioritize assistance under this program to
23 these communities. The department shall work with the department of
24 social and health services and the rural community assistance
25 (~~recovery~~) coordinator to develop the program in rural natural
26 resources impact areas. Organizations eligible to receive grant funds
27 for distribution under the program are those organizations that are
28 eligible to receive assistance through the Washington housing trust
29 fund. The department shall disburse the funds to eligible local
30 organizations as grants. The local organizations shall use the funds
31 to make grants or loans as specified in RCW 43.63A.600 through
32 43.63A.640 (as recodified by this act). If funds are disbursed as
33 loans, the local organization shall establish a revolving grant and
34 loan fund with funds received as loan repayments and shall continue to
35 make grants or loans or both grants and loans from funds received as
36 loan repayments to dislocated forest products and dislocated salmon
37 fishing workers eligible under the provisions of RCW 43.63A.600 through
38 43.63A.640 (as recodified by this act) and to other persons residing in

1 rural natural resources impact areas who meet the requirements of RCW
2 43.63A.600 through 43.63A.640 (as recodified by this act).

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

4 (a) Provide temporary emergency mortgage loans or rental assistance
5 grants or loans on behalf of dislocated forest products and dislocated
6 salmon fishing workers in rural natural resources impact areas who are
7 unable to make mortgage, property tax, or rental payments on their
8 permanent residences and are subject to immediate eviction for
9 nonpayment of mortgage installments, property taxes, or nonpayment of
10 rent;

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

13 (c) Maintain economic and social stability in rural natural
14 resources impact areas.

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

17 In order to extend its services and programs, the department may
18 charge reasonable fees for services and products provided in the areas
19 of financial assistance, housing, ~~((international trade,))~~ community
20 assistance, ~~((economic development,))~~ and other service delivery areas,
21 except as otherwise provided. These fees are not intended to exceed
22 the costs of providing the service or preparing and distributing the
23 product.

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

26 The community ~~((and economic))~~ development fee account is created
27 in the state treasury. The department may create subaccounts as
28 necessary. The account consists of all receipts from fees charged by
29 the department under RCW 43.330.150~~((,))~~ and 43.330.152~~((, and~~
30 ~~43.210.110))~~ (as recodified by this act). Expenditures from the
31 account may be used only for the purposes of this chapter. Only the
32 director or the director's designee may authorize expenditures from the
33 account. Expenditures from the account may be spent only after
34 appropriation.

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

1 The fees authorized under RCW 43.330.150(~~(7)~~) and 43.330.152(~~(7~~
2 ~~70.95H.040, and 43.210.110)~~) (as recodified by this act) shall be
3 adopted by rule pursuant to chapter 34.05 RCW.

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

6 (1) All powers, duties, and functions of the state energy office
7 relating to (~~energy resource policy and planning and~~) energy facility
8 siting are transferred to the department (~~of community, trade, and~~
9 ~~economic development~~). All references to the director or the state
10 energy office in the Revised Code of Washington shall be construed to
11 mean the director or the department (~~of community, trade, and economic~~
12 ~~development~~) when referring to the functions transferred in this
13 section.

14 (~~The director shall appoint an assistant director for energy~~
15 ~~policy, and energy policy staff shall have no additional~~
16 ~~responsibilities beyond activities concerning energy policy.~~)

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

26 (b) Any appropriations made to the state energy office for carrying
27 out the powers, functions, and duties transferred (~~shall, on July 1,~~
28 ~~1996, be~~) are transferred and credited to the department (~~of~~
29 ~~community, trade, and economic development~~).

30 (c) Whenever any question arises as to the transfer of any funds,
31 books, documents, records, papers, files, software, data base,
32 equipment, or other tangible property used or held in the exercise of
33 the powers and the performance of the duties and functions transferred,
34 the director of financial management shall make a determination as to
35 the proper allocation and certify the same to the state agencies
36 concerned.

37 (3) (~~All employees of the state energy office engaged in~~
38 ~~performing the powers, functions, and duties pertaining to the energy~~

1 facility site evaluation council are transferred to the jurisdiction of
2 the department of community, trade, and economic development. All
3 employees engaged in energy facility site evaluation council duties
4 classified under chapter 41.06 RCW, the state civil service law, are
5 assigned to the department of community, trade, and economic
6 development to perform their usual duties upon the same terms as
7 formerly, without any loss of rights, subject to any action that may be
8 appropriate thereafter in accordance with the laws and rules governing
9 state civil service.

10 (4)) All rules and all pending business before the state energy
11 office pertaining to the powers, functions, and duties transferred
12 shall be continued and acted upon by the department ((of community,
13 trade, and economic development)). All existing contracts and
14 obligations shall remain in full force and shall be performed by the
15 department ((of community, trade, and economic development)).

16 ((5)) (4) The transfer of the powers, duties, and functions of
17 the state energy office does not affect the validity of any act
18 performed before July 1, ((1996)) 2000.

19 ((6)) (5) If apportionments of budgeted funds are required
20 because of the transfers directed by this section, the director of the
21 office of financial management shall certify the apportionments to the
22 agencies affected, the state auditor, and the state treasurer. Each of
23 these shall make the appropriate transfer and adjustments in funds and
24 appropriation.

25 ((7) The department of community, trade, and economic development
26 shall direct the closure of the financial records of the state energy
27 office.

28 (8) Responsibility for implementing energy education, applied
29 research, and technology transfer programs rests with Washington State
30 University. The department of community, trade, and economic
31 development shall provide Washington State University available
32 existing and future oil overcharge restitution and federal energy block
33 funding for a minimum period of five years to carry out energy programs
34 under an interagency agreement with the department of community, trade,
35 and economic development. The interagency agreement shall also outline
36 the working relationship between the department of community, trade,
37 and economic development and Washington State University as it pertains
38 to the relationship between energy policy development and public
39 outreach. Nothing in chapter 186, Laws of 1996 prohibits Washington

1 ~~State University from seeking grant, contract, or fee for service~~
2 ~~funding for energy or related programs directly from other entities.))~~

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

5 (1) All powers, duties, and functions of the department of
6 community, trade, and economic development pertaining to community
7 development are transferred to the department of community development.
8 All references to the director or the department of community, trade,
9 and economic development in the Revised Code of Washington shall be
10 construed to mean the director or the department of community
11 development when referring to the functions transferred in this
12 section.

13 (2)(a) All reports, documents, surveys, books, records, files,
14 papers, or written material in the possession of the department of
15 community, trade, and economic development pertaining to the powers,
16 functions, and duties transferred shall be delivered to the custody of
17 the department of community development. All cabinets, furniture,
18 office equipment, motor vehicles, and other tangible property employed
19 by the department of community, trade, and economic development in
20 carrying out the powers, functions, and duties transferred shall be
21 made available to the department of community development. All funds,
22 credits, or other assets held in connection with the powers, functions,
23 and duties transferred shall be assigned to the department of community
24 development.

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

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

35 (3) All employees of the department of community, trade, and
36 economic development engaged in performing the powers, functions, and
37 duties transferred are transferred to the jurisdiction of the
38 department of community development. All employees classified under

1 chapter 41.06 RCW, the state civil service law, are assigned to the
2 department of community development to perform their usual duties upon
3 the same terms as formerly, without any loss of rights, subject to any
4 action that may be appropriate thereafter in accordance with the laws
5 and rules governing state civil service.

6 (4) All rules and all pending business before the department of
7 community, trade, and economic development pertaining to the powers,
8 functions, and duties transferred shall be continued and acted upon by
9 the department of community development. All existing contracts and
10 obligations shall remain in full force and shall be performed by the
11 department of community development.

12 (5) The transfer of the powers, duties, functions, and personnel of
13 the department of community, trade, and economic development shall not
14 affect the validity of any act performed before the effective date of
15 this section.

16 (6) If apportionments of budgeted funds are required because of the
17 transfers directed by this section, the director of financial
18 management shall certify the apportionments to the agencies affected,
19 the state auditor, and the state treasurer. Each of these shall make
20 the appropriate transfer and adjustments in funds and appropriation
21 accounts and equipment records in accordance with the certification.

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

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

29 In addition to the exemptions set forth in this chapter, this
30 chapter shall not apply within the department of community(~~(, trade,~~
31 ~~and economic)~~) development to the director, one confidential secretary,
32 the deputy directors, all assistant directors, the state historic
33 preservation officer, and (~~(up to two professional staff members within~~
34 ~~the emergency management program)) other positions as may be needed to
35 administer the department, as approved by the office of financial
36 management.~~

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

3 (1) RCW 43.330.005 (Intent) and 1993 c 280 s 1;

4 (2) RCW 43.330.007 (Management responsibility) and 1993 c 280 s 2;

5 (3) RCW 43.330.010 (Definitions) and 1993 c 280 s 3; and

6 (4) RCW 43.330.900 (References to director and department) and 1993
7 c 280 s 79.

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

10 RCW 43.63A.021

11 RCW 43.63A.066

12 RCW 43.63A.067

13 RCW 43.63A.075

14 RCW 43.63A.105

15 RCW 43.63A.115

16 RCW 43.63A.125

17 RCW 43.63A.150

18 RCW 43.63A.155

19 RCW 43.63A.190

20 RCW 43.63A.215

21 RCW 43.63A.240

22 RCW 43.63A.245

23 RCW 43.63A.247

24 RCW 43.63A.249

25 RCW 43.63A.265

26 RCW 43.63A.270

27 RCW 43.63A.275

28 RCW 43.63A.400

29 RCW 43.63A.410

30 RCW 43.63A.420

31 RCW 43.63A.440

32 RCW 43.63A.460

33 RCW 43.63A.465

34 RCW 43.63A.4651

35 RCW 43.63A.470

36 RCW 43.63A.475

37 RCW 43.63A.480

38 RCW 43.63A.485

1 RCW 43.63A.490
2 RCW 43.63A.500
3 RCW 43.63A.510
4 RCW 43.63A.550
5 RCW 43.63A.600
6 RCW 43.63A.610
7 RCW 43.63A.620
8 RCW 43.63A.630
9 RCW 43.63A.640
10 RCW 43.63A.650
11 RCW 43.63A.660
12 RCW 43.63A.670
13 RCW 43.63A.680
14 RCW 43.63A.720
15 RCW 43.63A.725
16 RCW 43.63A.730
17 RCW 43.63A.735
18 RCW 43.63A.740
19 RCW 43.63A.900
20 RCW 43.63A.901
21 RCW 43.63A.902
22 RCW 43.63A.903

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

25 RCW 43.330.150
26 RCW 43.330.152
27 RCW 43.330.155
28 RCW 43.330.156

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

31 RCW 43.330.190
32 RCW 43.330.200
33 RCW 43.330.210
34 RCW 43.330.220
35 RCW 43.330.230

1 (d) To appoint a deputy director, assistant directors, and other
2 positions as may be needed to administer the department, as authorized
3 by the office of financial management. These employees are exempt from
4 the provisions of chapter 41.06 RCW;

5 (e) To prepare and submit budgets for the department for executive
6 and legislative action;

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

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

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

16 (i) To perform other duties as are necessary and consistent with
17 law.

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

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

26 (5) The director shall not reduce direct payments to providers,
27 grants to other entities, or other pass-through funds in order to pay
28 costs associated with implementing this act. This subsection applies
29 to all funds appropriated by the legislature and is not limited to
30 funds appropriated specifically for designated programs or purposes.
31 This subsection expires on July 1, 2003.

32 (6) The director shall, in carrying out the responsibilities of
33 office, consult with governmental officials, private groups, and
34 individuals and with officials of other states. All state agencies and
35 their officials and the officials of any political subdivision of the
36 state shall cooperate with and give such assistance to the department,
37 including the submission of requested information, to allow the
38 department to carry out its purposes under this chapter.

1 (7) The director may establish additional advisory or coordinating
2 groups with the legislature, within state government, with state and
3 other governmental units, with the private sector and nonprofit
4 entities or in specialized subject areas as may be necessary to carry
5 out the purposes of this chapter.

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

15 (9) The director may enter into an interagency agreement with the
16 department of community development to appoint an employee of that
17 agency as the director's designee to the forest practices board under
18 RCW 76.09.030(1)(b) if it is in the best interests of the department to
19 do so. Any interagency agreement entered into under this subsection
20 shall expire upon the final adoption of permanent rules under RCW
21 76.09.370. The department may not enter into an interagency agreement
22 under this subsection after the final adoption of such permanent rules.

23 NEW SECTION. **Sec. 204.** The department shall be responsible for
24 promoting economic development within the state by assisting the
25 state's communities to increase the quality of life and their economic
26 vitality, while maintaining a quality environment. Economic
27 development efforts may include, but are not limited to, efforts to
28 increase economic opportunities, business and trade development, work
29 force development, assisting firms and industrial sectors to increase
30 their competitiveness, fostering the development of minority and women-
31 owned businesses, and facilitating the development, transfer, and
32 diffusion of technology.

33 NEW SECTION. **Sec. 205.** (1) The department shall work closely with
34 local communities to increase their capacity to respond to economic
35 problems and challenges. The department shall coordinate the delivery
36 of development services and related technical assistance to local
37 communities or regional areas. It shall promote partnerships between

1 the public and private sectors and between state and local officials to
2 encourage and manage appropriate economic growth and opportunity in
3 communities throughout the state and shall promote appropriate local
4 economic development by supporting the ability of communities to
5 develop and implement strategic development plans, assisting businesses
6 to start up, maintain, or expand their operations, and expanding
7 employment opportunities.

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

17 (3) The department shall develop a coordinated and systematic
18 approach to providing related training to community-based nonprofit
19 organizations, local communities, and businesses. The approach shall
20 be designed to increase the economic development skills available in
21 local communities by providing training and funding for training for
22 local citizens, nonprofit organizations, and businesses. The
23 department shall emphasize providing training in those communities most
24 in need of state assistance.

25 **Sec. 206.** RCW 43.330.065 and 1996 c 253 s 303 are each amended to
26 read as follows:

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

33 **Sec. 207.** RCW 43.330.080 and 1997 c 60 s 1 are each amended to
34 read as follows:

35 (1) The department shall contract with associate development
36 organizations or other local organizations to increase the support for
37 and coordination of (~~(community and)~~) economic development services in

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

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

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

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

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

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

13 **Sec. 208.** RCW 43.31.057 and 1993 c 280 s 39 are each amended to
14 read as follows:

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

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

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

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

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

32 **Sec. 209.** RCW 43.31.093 and 1995 c 399 s 71 are each amended to
33 read as follows:

34 The department (~~(of community, trade, and economic development)~~)
35 shall contract with public and private agencies, institutions, and
36 organizations to conduct entrepreneurial training courses for minority
37 and women-owned small businesses. The instruction shall be intensive,

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

10 **Sec. 210.** RCW 43.31.205 and 1993 c 280 s 41 are each amended to
11 read as follows:

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

22 **Sec. 211.** RCW 43.31.422 and 1998 c 76 s 1 are each amended to read
23 as follows:

24 The Hanford area economic investment fund is established in the
25 custody of the state treasurer. Moneys in the fund shall only be used
26 for reasonable assistant attorney general costs in support of the
27 committee or pursuant to the recommendations of the committee created
28 in RCW 43.31.425 and the approval of the director (~~of—community,
29 trade, and economic development~~) for Hanford area revolving loan
30 funds, Hanford area infrastructure projects, or other Hanford area
31 economic development and diversification projects, but may not be used
32 for government or nonprofit organization operating expenses. Up to
33 five percent of moneys in the fund may be used for program
34 administration. For the purpose of this chapter "Hanford area" means
35 Benton and Franklin counties. Disbursements from the fund shall be on
36 the authorization of the director (~~of—community, trade, and economic
37 development~~) or the director's designee after an affirmative vote of

1 at least six members of the committee created in RCW 43.31.425 on any
2 recommendations by the committee created in RCW 43.31.425. The fund is
3 subject to the allotment procedures under chapter 43.88 RCW, but no
4 appropriation is required for disbursements. The legislature intends
5 to establish similar economic investment funds for areas that develop
6 low-level radioactive waste disposal facilities.

7 **Sec. 212.** RCW 43.31.504 and 1993 c 280 s 45 are each amended to
8 read as follows:

9 The child care facility fund committee is established within the
10 (~~business assistance center of the~~) department (~~of community, trade,~~
11 ~~and economic development~~). The committee shall administer the child
12 care facility fund, with review by the director (~~of community, trade,~~
13 ~~and economic development~~)).

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

17 (a) Two persons experienced in investment finance and having skills
18 in providing capital to new businesses, in starting and operating
19 businesses, and providing professional services to small or expanding
20 businesses;

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

23 (c) One child care services expert; and

24 (d) One early childhood development expert.

25 In making these appointments, the director shall give careful
26 consideration to ensure that the various geographic regions of the
27 state are represented and that members will be available for meetings
28 and are committed to working cooperatively to address child care needs
29 in Washington state.

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

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

37 (4) Committee members shall not be liable to the state, to the
38 child care facility fund, or to any other person as a result of their

1 activities, whether ministerial or discretionary, as members except for
2 willful dishonesty or intentional violation of the law. The department
3 (~~of community, trade, and economic development~~) may purchase
4 liability insurance for members and may indemnify these persons against
5 the claims of others.

6 **Sec. 213.** RCW 43.31.522 and 1993 c 280 s 46 are each amended to
7 read as follows:

8 (~~Unless the context clearly requires otherwise, the definitions in~~
9 ~~this section apply throughout~~) As used in RCW 43.31.524 and
10 43.31.526(~~+~~

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

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

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

17 ~~(4))~~ "local nonprofit organization" means a local nonprofit
18 organization organized to provide economic development or community
19 development services, including but not limited to associate
20 development organizations, economic development councils, and community
21 development corporations.

22 **Sec. 214.** RCW 43.31.524 and 1993 c 280 s 47 are each amended to
23 read as follows:

24 There is established a Washington marketplace program within the
25 (~~business assistance center established under RCW 43.31.083~~)
26 department. The program shall assist businesses to competitively meet
27 their needs for goods and services within Washington state by providing
28 information relating to the replacement of imports or the fulfillment
29 of new requirements with Washington products produced in Washington
30 state. The program shall place special emphasis on strengthening rural
31 economies in economically distressed areas of the state meeting the
32 criteria of an "eligible area" as defined in RCW 82.60.020(3).

33 **Sec. 215.** RCW 43.31.641 and 1997 c 367 s 6 are each amended to
34 read as follows:

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

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

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

7 **Sec. 216.** RCW 43.31.830 and 1993 c 280 s 53 are each amended to
8 read as follows:

9 (1) It shall be the duty of the director (~~(of community, trade, and~~
10 ~~economic development)~~) to certify, from the applications received, the
11 state international trade fair or fairs qualified and entitled to
12 receive funds under RCW 67.16.100, and under rules established by the
13 director.

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

27 **Sec. 217.** RCW 43.31.840 and 1993 c 280 s 54 are each amended to
28 read as follows:

29 The director (~~(of community, trade, and economic development)~~)
30 shall at the end of each year for which an annual allotment has been
31 made, conduct a post audit of all of the books and records of each
32 state international trade fair participating in the state trade fair
33 fund. The purpose of such post audit shall be to determine how and to
34 what extent each participating state international trade fair has
35 expended all of its funds.

36 The audit required by this section shall be a condition to future
37 allotments of money from the state international trade fair fund, and

1 the director shall make a report of the findings of each post audit and
2 shall use such report as a consideration in an application for any
3 future allocations.

4 **Sec. 218.** RCW 43.31.960 and 1995 c 399 s 72 are each amended to
5 read as follows:

6 The principal proceeds from the sale of the bonds authorized in RCW
7 43.31.956 shall be administered by the director (~~(of community, trade,~~
8 ~~and economic development)~~).

9 NEW SECTION. **Sec. 219.** In order to extend its services and
10 programs the department may charge reasonable fees for services,
11 products, and conferences provided in the areas of financial
12 assistance, international trade, economic development, and other
13 service delivery areas, except as otherwise provided. These fees are
14 not intended to exceed the costs of providing the service or preparing
15 and distributing the product.

16 NEW SECTION. **Sec. 220.** The fees authorized under RCW 70.95H.040
17 shall be adopted by rule pursuant to chapter 34.05 RCW.

18 NEW SECTION. **Sec. 221.** (1) All powers, duties, and functions of
19 the state energy office relating to energy resource policy and planning
20 are transferred to the department. All references to the director or
21 the state energy office in the Revised Code of Washington shall be
22 construed to mean the director or the department when referring to the
23 functions transferred in this section.

24 The director shall appoint an assistant director for energy policy,
25 and energy policy staff shall have no additional responsibilities
26 beyond activities concerning energy policy.

27 (2)(a) All reports, documents, surveys, books, records, files,
28 papers, or written material in the possession of the state energy
29 office pertaining to the powers, functions, and duties transferred
30 shall be delivered to the custody of the department. All cabinets,
31 furniture, office equipment, software, data base, motor vehicles, and
32 other tangible property employed by the state energy office in carrying
33 out the powers, functions, and duties transferred shall be made
34 available to the department.

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

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

11 (3) All rules and all pending business before the state energy
12 office pertaining to the powers, functions, and duties transferred
13 shall be continued and acted upon by the department. All existing
14 contracts and obligations shall remain in full force and shall be
15 performed by the department.

16 (4) The transfer of the powers, duties, and functions of the state
17 energy office does not affect the validity of any act performed before
18 July 1, 2001.

19 (5) If apportionments of budgeted funds are required because of the
20 transfers directed by this section, the director of the office of
21 financial management shall certify the apportionments to the agencies
22 affected, the state auditor, and the state treasurer. Each of these
23 shall make the appropriate transfer and adjustments in funds and
24 appropriation.

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

27 (7) Responsibility for implementing energy education, applied
28 research, and technology transfer programs rests with Washington State
29 University. The department shall provide Washington State University
30 available existing and future oil overcharge restitution and federal
31 energy block funding for a minimum period of five years to carry out
32 energy programs under an interagency agreement with the department.
33 The interagency agreement shall also outline the working relationship
34 between the department and Washington State University as it pertains
35 to the relationship between energy policy development and public
36 outreach. Nothing in chapter 186, Laws of 1996 prohibits Washington
37 State University from seeking grant, contract, or fee-for-service
38 funding for energy or related programs directly from other entities.

1 NEW SECTION. **Sec. 222.** (1) All powers, duties, and functions of
2 the department of community, trade, and economic development pertaining
3 to trade and economic development are transferred to the department of
4 trade and economic development. All references to the director or the
5 department of community, trade, and economic development in the Revised
6 Code of Washington shall be construed to mean the director or the
7 department of trade and economic development when referring to the
8 functions transferred in this section.

9 (2)(a) All reports, documents, surveys, books, records, files,
10 papers, or written material in the possession of the department of
11 community, trade, and economic development pertaining to the powers,
12 functions, and duties transferred shall be delivered to the custody of
13 the department of trade and economic development. All cabinets,
14 furniture, office equipment, motor vehicles, and other tangible
15 property employed by the department of community, trade, and economic
16 development in carrying out the powers, functions, and duties
17 transferred shall be made available to the department of trade and
18 economic development. All funds, credits, or other assets held in
19 connection with the powers, functions, and duties transferred shall be
20 assigned to the department of trade and economic development.

21 (b) Any appropriations made to the department of community, trade,
22 and economic development for carrying out the powers, functions, and
23 duties transferred shall, on the effective date of this section, be
24 transferred and credited to the department of trade and economic
25 development.

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

32 (3) All employees of the department of community, trade, and
33 economic development engaged in performing the powers, functions, and
34 duties transferred are transferred to the jurisdiction of the
35 department of trade and economic development. All employees classified
36 under chapter 41.06 RCW, the state civil service law, are assigned to
37 the department of trade and economic development to perform their usual
38 duties upon the same terms as formerly, without any loss of rights,

1 subject to any action that may be appropriate thereafter in accordance
2 with the laws and rules governing state civil service.

3 (4) All rules and all pending business before the department of
4 community, trade, and economic development pertaining to the powers,
5 functions, and duties transferred shall be continued and acted upon by
6 the department of trade and economic development. All existing
7 contracts and obligations shall remain in full force and shall be
8 performed by the department of trade and economic development.

9 (5) The transfer of the powers, duties, functions, and personnel of
10 the department of community, trade, and economic development shall not
11 affect the validity of any act performed before the effective date of
12 this section.

13 (6) If apportionments of budgeted funds are required because of the
14 transfers directed by this section, the director of financial
15 management shall certify the apportionments to the agencies affected,
16 the state auditor, and the state treasurer. Each of these shall make
17 the appropriate transfer and adjustments in funds and appropriation
18 accounts and equipment records in accordance with the certification.

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

24 NEW SECTION. **Sec. 223.** A new section is added to chapter 41.06
25 RCW to read as follows:

26 In addition to the exemptions in this chapter, this chapter shall
27 not apply within the department of trade and economic development to
28 the director, one confidential secretary, the deputy directors, all
29 assistant directors, and other positions as may be necessary to
30 administer the department, as approved by the office of financial
31 management.

32 NEW SECTION. **Sec. 224.** RCW 43.31.800 (State international trade
33 fairs--"Director" defined) and 1993 c 280 s 52, 1987 c 195 s 4, & 1965
34 c 148 s 2 are each repealed.

35 NEW SECTION. **Sec. 225.** The following sections are each recodified
36 as new sections in chapter 43.31 RCW:

1 RCW 43.63A.230
2 RCW 43.63A.715
3 RCW 43.330.060
4 RCW 43.330.065
5 RCW 43.330.080
6 RCW 43.330.090
7 RCW 43.330.092
8 RCW 43.330.094
9 RCW 43.330.095
10 RCW 43.330.096
11 RCW 43.63A.690
12 RCW 43.330.180

13 **PART III**

14 **REFERENCES TO DEPARTMENT OF COMMUNITY DEVELOPMENT**

15 **Sec. 301.** RCW 19.27.070 and 1995 c 399 s 8 are each amended to
16 read as follows:

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

19 (1) The state building code council shall consist of fifteen
20 members, two of whom shall be county elected legislative body members
21 or elected executives and two of whom shall be city elected legislative
22 body members or mayors. One of the members shall be a local government
23 building code enforcement official and one of the members shall be a
24 local government fire service official. Of the remaining nine members,
25 one member shall represent general construction, specializing in
26 commercial and industrial building construction; one member shall
27 represent general construction, specializing in residential and
28 multifamily building construction; one member shall represent the
29 architectural design profession; one member shall represent the
30 structural engineering profession; one member shall represent the
31 mechanical engineering profession; one member shall represent the
32 construction building trades; one member shall represent manufacturers,
33 installers, or suppliers of building materials and components; one
34 member shall be a person with a physical disability and shall represent
35 the disability community; and one member shall represent the general
36 public. At least six of these fifteen members shall reside east of the
37 crest of the Cascade mountains. The council shall include: Two

1 members of the house of representatives appointed by the speaker of the
2 house, one from each caucus; two members of the senate appointed by the
3 president of the senate, one from each caucus; and an employee of the
4 electrical division of the department of labor and industries, as ex
5 officio, nonvoting members with all other privileges and rights of
6 membership. Terms of office shall be for three years. The council
7 shall elect a member to serve as chair of the council for one-year
8 terms of office. Any member who is appointed by virtue of being an
9 elected official or holding public employment shall be removed from the
10 council if he or she ceases being such an elected official or holding
11 such public employment. Before making any appointments to the building
12 code council, the governor shall seek nominations from recognized
13 organizations which represent the entities or interests listed in this
14 subsection. Members serving on the council on July 28, 1985, may
15 complete their terms of office. Any vacancy shall be filled by
16 alternating appointments from governmental and nongovernmental entities
17 or interests until the council is constituted as required by this
18 subsection.

19 (2) Members shall not be compensated but shall receive
20 reimbursement for travel expenses in accordance with RCW 43.03.050 and
21 43.03.060.

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

25 **Sec. 302.** RCW 19.27.097 and 1995 c 399 s 9 are each amended to
26 read as follows:

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

1 (2) Within counties not required or not choosing to plan pursuant
2 to RCW 36.70A.040, the county and the state may mutually determine
3 those areas in the county in which the requirements of subsection (1)
4 of this section shall not apply. The departments of health and ecology
5 shall coordinate on the implementation of this section. Should the
6 county and the state fail to mutually determine those areas to be
7 designated pursuant to this subsection, the county may petition the
8 department of community(~~(, trade, and economic)~~) development to mediate
9 or, if necessary, make the determination.

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

15 **Sec. 303.** RCW 19.27.150 and 1995 c 399 s 10 are each amended to
16 read as follows:

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

22 **Sec. 304.** RCW 19.27.190 and 1996 c 186 s 501 are each amended to
23 read as follows:

24 (1)(a) Not later than January 1, 1991, the state building code
25 council, in consultation with the department of community(~~(, trade, and
26 economic)~~) development, shall establish interim requirements for the
27 maintenance of indoor air quality in newly constructed residential
28 buildings. In establishing the interim requirements, the council shall
29 take into consideration differences in heating fuels and heating system
30 types. These requirements shall be in effect July 1, 1991, through
31 June 30, 1993.

32 (b) The interim requirements for new electrically space heated
33 residential buildings shall include ventilation standards which provide
34 for mechanical ventilation in areas of the residence where water vapor
35 or cooking odors are produced. The ventilation shall be exhausted to
36 the outside of the structure. The ventilation standards shall further
37 provide for the capacity to supply outside air to each bedroom and the

1 main living area through dedicated supply air inlet locations in walls,
2 or in an equivalent manner. At least one exhaust fan in the home shall
3 be controlled by a dehumidistat or clock timer to ensure that
4 sufficient whole house ventilation is regularly provided as needed.

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

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

15 (iii) Effective installed ventilation capacity means the capability
16 to deliver the specified ventilation rates for the actual design of the
17 ventilation system. Natural ventilation and infiltration shall not be
18 considered acceptable substitutes for mechanical ventilation.

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

23 (e) The interim requirements for all newly constructed residential
24 buildings shall include standards for indoor air quality pollutant
25 source control, including the following requirements: All structural
26 panel components of the residence shall comply with appropriate
27 standards for the emission of formaldehyde; the back-drafting of
28 combustion by-products from combustion appliances shall be minimized
29 through the use of dampers, vents, outside combustion air sources, or
30 other appropriate technologies; and, in areas of the state where
31 monitored data indicate action is necessary to inhibit indoor radon gas
32 concentrations from exceeding appropriate health standards, entry of
33 radon gas into homes shall be minimized through appropriate foundation
34 construction measures.

35 (2) No later than January 1, 1993, the state building code council,
36 in consultation with the department of community(~~(, trade, and~~
37 ~~economic~~)) development, shall establish final requirements for the
38 maintenance of indoor air quality in newly constructed residences to be
39 in effect beginning July 1, 1993. For new electrically space heated

1 residential buildings, these requirements shall maintain indoor air
2 quality equivalent to that provided by the mechanical ventilation and
3 indoor air pollutant source control requirements included in the
4 February 7, 1989, Bonneville power administration record of decision
5 for the environmental impact statement on new energy efficient homes
6 programs (DOE/EIS-0127F) built with electric space heating. In
7 residential units other than single family, zero lot line, duplexes,
8 and attached housing units in planned unit developments, ventilation
9 requirements may be satisfied by the installation of two exhaust fans
10 with a combined effective installed ventilation capacity of two hundred
11 cubic feet per minute. For new residential buildings that are space
12 heated with other than electric space heating systems, the standards
13 shall be designed to result in indoor air quality equivalent to that
14 achieved with the ventilation and source control standards for electric
15 space heated homes. In establishing the final requirements, the
16 council shall take into consideration differences in heating fuels and
17 heating system types.

18 **Sec. 305.** RCW 27.34.020 and 1995 c 399 s 13 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter:

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

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

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

28 (4) "Federal act" means the national historic preservation act of
29 1966 (Public Law 89-655; 80 Stat. 915).

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

31 (6) "Historic preservation" includes the protection,
32 rehabilitation, restoration, identification, scientific excavation, and
33 reconstruction of districts, sites, buildings, structures, and objects
34 significant in American and Washington state history, architecture,
35 archaeology, or culture.

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

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

3 (9) "Project" means programs leading to the preservation for public
4 benefit of historical properties, whether by state and local
5 governments or other public bodies, or private organizations or
6 individuals, including the acquisition of title or interests in, and
7 the development of, any district, site, building, structure, or object
8 that is significant in American and Washington state history,
9 architecture, archaeology, or culture, and property used in connection
10 therewith, or for its development.

11 (10) "State historical agencies" means the state historical
12 societies and the office of archaeology and historic preservation
13 within the department.

14 (11) "State historical societies" means the Washington state
15 historical society and the eastern Washington state historical society.

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

22 **Sec. 306.** RCW 27.34.310 and 1995 c 399 s 15 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the following
25 definitions apply throughout RCW 27.34.320.

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

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

31 (3) "Office" means the office of archaeology and historic
32 preservation within the department of community(~~(, trade, and~~
33 ~~economic~~)) development.

34 **Sec. 307.** RCW 27.53.030 and 1995 c 399 s 16 are each amended to
35 read as follows:

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

- 1 (1) "Archaeology" means systematic, scientific study of man's past
2 through material remains.
- 3 (2) "Archaeological object" means an object that comprises the
4 physical evidence of an indigenous and subsequent culture including
5 material remains of past human life including monuments, symbols,
6 tools, facilities, and technological by-products.
- 7 (3) "Archaeological site" means a geographic locality in
8 Washington, including but not limited to, submerged and submersible
9 lands and the bed of the sea within the state's jurisdiction, that
10 contains archaeological objects.
- 11 (4) "Department" means the department of community(~~(, trade, and~~
12 ~~economic))~~ development.
- 13 (5) "Director" means the director of community(~~(, trade, and~~
14 ~~economic))~~ development or the director's designee.
- 15 (6) "Historic" means peoples and cultures who are known through
16 written documents in their own or other languages. As applied to
17 underwater archaeological resources, the term historic shall include
18 only those properties which are listed in or eligible for listing in
19 the Washington State Register of Historic Places (RCW 27.34.220) or the
20 National Register of Historic Places as defined in the National
21 Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-
22 665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.
- 23 (7) "Prehistoric" means peoples and cultures who are unknown
24 through contemporaneous written documents in any language.
- 25 (8) "Professional archaeologist" means a person who has met the
26 educational, training, and experience requirements of the (~~society~~)
27 register of professional archaeologists.
- 28 (9) "Qualified archaeologist" means a person who has had formal
29 training and/or experience in archaeology over a period of at least
30 three years, and has been certified in writing to be a qualified
31 archaeologist by two professional archaeologists.
- 32 (10) "Amateur society" means any organization composed primarily of
33 persons who are not professional archaeologists, whose primary interest
34 is in the archaeological resources of the state, and which has been
35 certified in writing by two professional archaeologists.
- 36 (11) "Historic archaeological resources" means those properties
37 which are listed in or eligible for listing in the Washington State
38 Register of Historic Places (RCW 27.34.220) or the National Register of
39 Historic Places as defined in the National Historic Preservation Act of

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

3 **Sec. 308.** RCW 28A.215.110 and 1999 c 350 s 1 are each amended to
4 read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout RCW 28A.215.100 through 28A.215.200 and
7 28A.215.900 through 28A.215.908.

8 (1) "Advisory committee" means the advisory committee under RCW
9 28A.215.140.

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

12 (3) "Eligible child" means a child not eligible for kindergarten
13 whose family income is at or below one hundred ten percent of the
14 federal poverty level, as published annually by the federal department
15 of health and human services, and includes a child whose family is
16 eligible for public assistance, and who is not a participant in a
17 federal or state program providing comprehensive services and may
18 include children who are eligible under rules adopted by the department
19 if the number of such children equals not more than ten percent of the
20 total enrollment in the early childhood program. Priority for
21 enrollment shall be given to children from families with the lowest
22 income or to eligible children from families with multiple needs.

23 (4) "Approved programs" means those state-supported education and
24 special assistance programs which are recognized by the department of
25 community(~~(, trade, and economic))~~ development as meeting the minimum
26 program rules adopted by the department to qualify under RCW
27 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 and
28 are designated as eligible for funding by the department under RCW
29 28A.215.160 and 28A.215.180.

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

33 (6) "Family support services" means providing opportunities for
34 parents to:

35 (a) Actively participate in their child's early childhood program;

36 (b) Increase their knowledge of child development and parenting
37 skills;

38 (c) Further their education and training;

- 1 (d) Increase their ability to use needed services in the community;
- 2 (e) Increase their self-reliance.

3 **Sec. 309.** RCW 28A.215.120 and 1994 c 166 s 4 are each amended to
4 read as follows:

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

15 **Sec. 310.** 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. 311.** 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. 312.** 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. 313.** 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. 314.** 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. 315.** 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 43.63A.510
28 (as recodified by this act). The inventory shall include the location,
29 approximate size, and current zoning classification of the property.
30 Every city and town shall provide a copy of the inventory to the
31 department of community(~~(, trade, and economic)~~) 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 city and
35 town, including every code city operating under Title 35A RCW, shall
36 purge the inventory of real property of sites that are no longer
37 available for the development of affordable housing. The inventory
38 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. 316.** 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. 317.** RCW 36.27.100 and 1995 c 399 s 41 are each amended to
24 read as follows:

25 The legislature recognizes that, due to the magnitude or volume of
26 offenses in a given area of the state, there is a recurring need for
27 supplemental assistance in the prosecuting of drug and drug-related
28 offenses that can be directed to the area of the state with the
29 greatest need for short-term assistance. A statewide drug prosecution
30 assistance program is created within the department of community(~~(~~
31 ~~trade, and economic~~)) development to assist county prosecuting
32 attorneys in the prosecution of drug and drug-related offenses.

33 **Sec. 318.** RCW 36.34.137 and 1993 c 461 s 5 are each amended to
34 read as follows:

35 (1) Every county shall identify and catalog real property owned by
36 the county that is no longer required for its purposes and is suitable
37 for the development of affordable housing for very low-income, low-

1 income, and moderate-income households as defined in RCW 43.63A.510 (as
2 recodified by this act). The inventory shall include the location,
3 approximate size, and current zoning classification of the property.
4 Every county shall provide a copy of the inventory to the department of
5 community development by November 1, 1993, with inventory revisions
6 each November 1st thereafter.

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

13 **Sec. 319.** RCW 36.70A.030 and 1997 c 429 s 3 are each amended to
14 read as follows:

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

17 (1) "Adopt a comprehensive land use plan" means to enact a new
18 comprehensive land use plan or to update an existing comprehensive land
19 use plan.

20 (2) "Agricultural land" means land primarily devoted to the
21 commercial production of horticultural, viticultural, floricultural,
22 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
23 straw, turf, seed, Christmas trees not subject to the excise tax
24 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
25 hatcheries, or livestock, and that has long-term commercial
26 significance for agricultural production.

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

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

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

37 (6) "Department" means the department of community(~~(, trade, and~~
38 ~~economic)) development.~~

1 (7) "Development regulations" or "regulation" means the controls
2 placed on development or land use activities by a county or city,
3 including, but not limited to, zoning ordinances, critical areas
4 ordinances, shoreline master programs, official controls, planned unit
5 development ordinances, subdivision ordinances, and binding site plan
6 ordinances together with any amendments thereto. A development
7 regulation does not include a decision to approve a project permit
8 application, as defined in RCW 36.70B.020, even though the decision may
9 be expressed in a resolution or ordinance of the legislative body of
10 the county or city.

11 (8) "Forest land" means land primarily devoted to growing trees for
12 long-term commercial timber production on land that can be economically
13 and practically managed for such production, including Christmas trees
14 subject to the excise tax imposed under RCW 84.33.100 through
15 84.33.140, and that has long-term commercial significance. In
16 determining whether forest land is primarily devoted to growing trees
17 for long-term commercial timber production on land that can be
18 economically and practically managed for such production, the following
19 factors shall be considered: (a) The proximity of the land to urban,
20 suburban, and rural settlements; (b) surrounding parcel size and the
21 compatibility and intensity of adjacent and nearby land uses; (c) long-
22 term local economic conditions that affect the ability to manage for
23 timber production; and (d) the availability of public facilities and
24 services conducive to conversion of forest land to other uses.

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

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

34 (11) "Minerals" include gravel, sand, and valuable metallic
35 substances.

36 (12) "Public facilities" include streets, roads, highways,
37 sidewalks, street and road lighting systems, traffic signals, domestic
38 water systems, storm and sanitary sewer systems, parks and recreational
39 facilities, and schools.

1 (13) "Public services" include fire protection and suppression, law
2 enforcement, public health, education, recreation, environmental
3 protection, and other governmental services.

4 (14) "Rural character" refers to the patterns of land use and
5 development established by a county in the rural element of its
6 comprehensive plan:

7 (a) In which open space, the natural landscape, and vegetation
8 predominate over the built environment;

9 (b) That foster traditional rural lifestyles, rural-based
10 economies, and opportunities to both live and work in rural areas;

11 (c) That provide visual landscapes that are traditionally found in
12 rural areas and communities;

13 (d) That are compatible with the use of the land by wildlife and
14 for fish and wildlife habitat;

15 (e) That reduce the inappropriate conversion of undeveloped land
16 into sprawling, low-density development;

17 (f) That generally do not require the extension of urban
18 governmental services; and

19 (g) That are consistent with the protection of natural surface
20 water flows and ground water and surface water recharge and discharge
21 areas.

22 (15) "Rural development" refers to development outside the urban
23 growth area and outside agricultural, forest, and mineral resource
24 lands designated pursuant to RCW 36.70A.170. Rural development can
25 consist of a variety of uses and residential densities, including
26 clustered residential development, at levels that are consistent with
27 the preservation of rural character and the requirements of the rural
28 element. Rural development does not refer to agriculture or forestry
29 activities that may be conducted in rural areas.

30 (16) "Rural governmental services" or "rural services" include
31 those public services and public facilities historically and typically
32 delivered at an intensity usually found in rural areas, and may include
33 domestic water systems, fire and police protection services,
34 transportation and public transit services, and other public utilities
35 associated with rural development and normally not associated with
36 urban areas. Rural services do not include storm or sanitary sewers,
37 except as otherwise authorized by RCW 36.70A.110(4).

38 (17) "Urban growth" refers to growth that makes intensive use of
39 land for the location of buildings, structures, and impermeable

1 surfaces to such a degree as to be incompatible with the primary use of
2 land for the production of food, other agricultural products, or fiber,
3 or the extraction of mineral resources, rural uses, rural development,
4 and natural resource lands designated pursuant to RCW 36.70A.170. A
5 pattern of more intensive rural development, as provided in RCW
6 36.70A.070(5)(d), is not urban growth. When allowed to spread over
7 wide areas, urban growth typically requires urban governmental
8 services. "Characterized by urban growth" refers to land having urban
9 growth located on it, or to land located in relationship to an area
10 with urban growth on it as to be appropriate for urban growth.

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

13 (19) "Urban governmental services" or "urban services" include
14 those public services and public facilities at an intensity
15 historically and typically provided in cities, specifically including
16 storm and sanitary sewer systems, domestic water systems, street
17 cleaning services, fire and police protection services, public transit
18 services, and other public utilities associated with urban areas and
19 normally not associated with rural areas.

20 (20) "Wetland" or "wetlands" means areas that are inundated or
21 saturated by surface water or ground water at a frequency and duration
22 sufficient to support, and that under normal circumstances do support,
23 a prevalence of vegetation typically adapted for life in saturated soil
24 conditions. Wetlands generally include swamps, marshes, bogs, and
25 similar areas. Wetlands do not include those artificial wetlands
26 intentionally created from nonwetland sites, including, but not limited
27 to, irrigation and drainage ditches, grass-lined swales, canals,
28 detention facilities, wastewater treatment facilities, farm ponds, and
29 landscape amenities, or those wetlands created after July 1, 1990, that
30 were unintentionally created as a result of the construction of a road,
31 street, or highway. Wetlands may include those artificial wetlands
32 intentionally created from nonwetland areas created to mitigate
33 conversion of wetlands.

34 **Sec. 320.** RCW 36.70A.040 and 2000 c 36 s 1 are each amended to
35 read as follows:

36 (1) Each county that has both a population of fifty thousand or
37 more and, until May 16, 1995, has had its population increase by more
38 than ten percent in the previous ten years or, on or after May 16,

1 1995, has had its population increase by more than seventeen percent in
2 the previous ten years, and the cities located within such county, and
3 any other county regardless of its population that has had its
4 population increase by more than twenty percent in the previous ten
5 years, and the cities located within such county, shall conform with
6 all of the requirements of this chapter. However, the county
7 legislative authority of such a county with a population of less than
8 fifty thousand population may adopt a resolution removing the county,
9 and the cities located within the county, from the requirements of
10 adopting comprehensive land use plans and development regulations under
11 this chapter if this resolution is adopted and filed with the
12 department by December 31, 1990, for counties initially meeting this
13 set of criteria, or within sixty days of the date the office of
14 financial management certifies that a county meets this set of criteria
15 under subsection (5) of this section. For the purposes of this
16 subsection, a county not currently planning under this chapter is not
17 required to include in its population count those persons confined in
18 a correctional facility under the jurisdiction of the department of
19 corrections that is located in the county.

20 Once a county meets either of these sets of criteria, the
21 requirement to conform with all of the requirements of this chapter
22 remains in effect, even if the county no longer meets one of these sets
23 of criteria.

24 (2) The county legislative authority of any county that does not
25 meet either of the sets of criteria established under subsection (1) of
26 this section may adopt a resolution indicating its intention to have
27 subsection (1) of this section apply to the county. Each city, located
28 in a county that chooses to plan under this subsection, shall conform
29 with all of the requirements of this chapter. Once such a resolution
30 has been adopted, the county and the cities located within the county
31 remain subject to all of the requirements of this chapter.

32 (3) Any county or city that is initially required to conform with
33 all of the requirements of this chapter under subsection (1) of this
34 section shall take actions under this chapter as follows: (a) The
35 county legislative authority shall adopt a countywide planning policy
36 under RCW 36.70A.210; (b) the county and each city located within the
37 county shall designate critical areas, agricultural lands, forest
38 lands, and mineral resource lands, and adopt development regulations
39 conserving these designated agricultural lands, forest lands, and

1 mineral resource lands and protecting these designated critical areas,
2 under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and
3 take other actions related to urban growth areas under RCW 36.70A.110;
4 (d) if the county has a population of fifty thousand or more, the
5 county and each city located within the county shall adopt a
6 comprehensive plan under this chapter and development regulations that
7 are consistent with and implement the comprehensive plan on or before
8 July 1, 1994, and if the county has a population of less than fifty
9 thousand, the county and each city located within the county shall
10 adopt a comprehensive plan under this chapter and development
11 regulations that are consistent with and implement the comprehensive
12 plan by January 1, 1995, but if the governor makes written findings
13 that a county with a population of less than fifty thousand or a city
14 located within such a county is not making reasonable progress toward
15 adopting a comprehensive plan and development regulations the governor
16 may reduce this deadline for such actions to be taken by no more than
17 one hundred eighty days. Any county or city subject to this subsection
18 may obtain an additional six months before it is required to have
19 adopted its development regulations by submitting a letter notifying
20 the department of community(~~(, trade, and economic)~~) development of its
21 need prior to the deadline for adopting both a comprehensive plan and
22 development regulations.

23 (4) Any county or city that is required to conform with all the
24 requirements of this chapter, as a result of the county legislative
25 authority adopting its resolution of intention under subsection (2) of
26 this section, shall take actions under this chapter as follows: (a)
27 The county legislative authority shall adopt a countywide planning
28 policy under RCW 36.70A.210; (b) the county and each city that is
29 located within the county shall adopt development regulations
30 conserving agricultural lands, forest lands, and mineral resource lands
31 it designated under RCW 36.70A.060 within one year of the date the
32 county legislative authority adopts its resolution of intention; (c)
33 the county shall designate and take other actions related to urban
34 growth areas under RCW 36.70A.110; and (d) the county and each city
35 that is located within the county shall adopt a comprehensive plan and
36 development regulations that are consistent with and implement the
37 comprehensive plan not later than four years from the date the county
38 legislative authority adopts its resolution of intention, but a county
39 or city may obtain an additional six months before it is required to

1 have adopted its development regulations by submitting a letter
2 notifying the department of community(~~(, trade, and economic)~~)
3 development of its need prior to the deadline for adopting both a
4 comprehensive plan and development regulations.

5 (5) If the office of financial management certifies that the
6 population of a county that previously had not been required to plan
7 under subsection (1) or (2) of this section has changed sufficiently to
8 meet either of the sets of criteria specified under subsection (1) of
9 this section, and where applicable, the county legislative authority
10 has not adopted a resolution removing the county from these
11 requirements as provided in subsection (1) of this section, the county
12 and each city within such county shall take actions under this chapter
13 as follows: (a) The county legislative authority shall adopt a
14 countywide planning policy under RCW 36.70A.210; (b) the county and
15 each city located within the county shall adopt development regulations
16 under RCW 36.70A.060 conserving agricultural lands, forest lands, and
17 mineral resource lands it designated within one year of the
18 certification by the office of financial management; (c) the county
19 shall designate and take other actions related to urban growth areas
20 under RCW 36.70A.110; and (d) the county and each city located within
21 the county shall adopt a comprehensive land use plan and development
22 regulations that are consistent with and implement the comprehensive
23 plan within four years of the certification by the office of financial
24 management, but a county or city may obtain an additional six months
25 before it is required to have adopted its development regulations by
26 submitting a letter notifying the department of community(~~(, trade, and~~
27 ~~economic)~~) development of its need prior to the deadline for adopting
28 both a comprehensive plan and development regulations.

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

31 (7) Cities and counties planning under this chapter must amend the
32 transportation element of the comprehensive plan to be in compliance
33 with this chapter and chapter 47.80 RCW no later than December 31,
34 2000.

35 **Sec. 321.** RCW 36.70A.131 and 1998 c 286 s 7 are each amended to
36 read as follows:

37 As part of the review required by RCW 36.70A.130(1), a county or
38 city shall review its mineral resource lands designations adopted

1 pursuant to RCW 36.70A.170 and mineral resource lands development
2 regulations adopted pursuant to RCW 36.70A.040 and 36.70A.060. In its
3 review, the county or city shall take into consideration:

4 (1) New information made available since the adoption or last
5 review of its designations or development regulations, including data
6 available from the department of natural resources relating to mineral
7 resource deposits; and

8 (2) New or modified model development regulations for mineral
9 resource lands prepared by the department of natural resources, the
10 department of community(~~(, trade, and economic)~~) development, or the
11 Washington state association of counties.

12 **Sec. 322.** RCW 39.44.210 and 1995 c 399 s 54 are each amended to
13 read as follows:

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

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

32 Each local government that issues any type of bond shall make a
33 report annually to the department of community(~~(, trade, and economic)~~)
34 development that includes a summary of all the outstanding bonds of the
35 local government as of the first day of January in that year. Such
36 report shall distinguish the outstanding bond issues on the basis of
37 the type of bond, as defined in RCW 39.44.200, and shall report the
38 local government's outstanding indebtedness compared to any applicable

1 limitations on indebtedness, including RCW 35.42.200, 39.30.010, and
2 39.36.020.

3 **Sec. 323.** RCW 39.44.230 and 1995 c 399 s 55 are each amended to
4 read as follows:

5 The department of community(~~(, trade, and economic)~~) development
6 may adopt rules (~~(and regulations)~~) pursuant to the administrative
7 procedure act to require (1) the submission of bond issuance
8 information by underwriters and bond counsel to the department of
9 community(~~(, trade, and economic)~~) development in a timely manner and
10 (2) the submission of additional information on bond issues by state
11 and local governments, including summaries of outstanding bond issues.

12 **Sec. 324.** RCW 39.84.090 and 1998 c 245 s 34 are each amended to
13 read as follows:

14 (1) Prior to issuance of any revenue bonds, each public corporation
15 shall submit a copy of its enabling ordinance and charter, a
16 description of any industrial development facility proposed to be
17 undertaken, and the basis for its qualification as an industrial
18 development facility to the department of community(~~(, trade, and~~
19 ~~economic)~~) development.

20 (2) If the industrial development facility is not eligible under
21 this chapter, the department of community(~~(, trade, and economic)~~)
22 development shall give notice to the public corporation, in writing and
23 by certified mail, within twelve working days of receipt of the
24 description.

25 (3) The department of community(~~(, trade, and economic)~~)
26 development shall provide such advice and assistance to public
27 corporations and municipalities which have created or may wish to
28 create public corporations as the public corporations or municipalities
29 request and the department of community(~~(, trade, and economic)~~)
30 development considers appropriate.

31 **Sec. 325.** RCW 43.08.260 and 1997 c 319 s 2 are each amended to
32 read as follows:

33 (1)(a) The legislature recognizes the ethical obligation of
34 attorneys to represent clients without interference by third parties in
35 the discharge of professional obligations to clients. However, to
36 ensure the most beneficial use of state resources, the legislature

1 finds that it is within the authority of the legislature to specify the
2 categories of legal cases in which qualified legal aid programs may
3 provide civil representation with state moneys. Accordingly, moneys
4 appropriated for civil legal representation pursuant to this section
5 shall not be used for legal representation that is either outside the
6 scope of this section or prohibited by this section.

7 (b) Nothing in this section is intended to limit the authority of
8 existing entities, including but not limited to the Washington state
9 bar association, the public disclosure commission, the state auditor,
10 and the federal legal services corporation to resolve issues within
11 their respective jurisdictions.

12 (2) Any money appropriated by the legislature from the public
13 safety and education account pursuant to RCW 43.08.250 or from any
14 other state fund or account for civil representation of indigent
15 persons shall be used solely for the purpose of contracting with
16 qualified legal aid programs for legal representation of indigent
17 persons in matters relating to: (a) Domestic relations and family law
18 matters, (b) public assistance and health care, (c) housing and
19 utilities, (d) social security, (e) mortgage foreclosures, (f) home
20 protection bankruptcies, (g) consumer fraud and unfair sales practices,
21 (h) rights of residents of long-term care facilities, (i) wills,
22 estates, and living wills, (j) elder abuse, and (k) guardianship.

23 (3) For purposes of this section, a "qualified legal aid program"
24 means a not-for-profit corporation incorporated and operating
25 exclusively in Washington which has received basic field funding for
26 the provision of civil legal services to indigents from the federal
27 legal services corporation or that has received funding for civil legal
28 services for indigents under this section before July 1, 1997.

29 (4) The department of community(~~(, trade, and economic)~~)
30 development shall establish a distribution formula based on the
31 distribution by county of individuals with incomes below the official
32 federal poverty level guidelines. When entering into a contract with
33 a qualified legal services provider under this section, the department
34 shall require the provider to provide legal services in a manner that
35 maximizes geographic access in accordance with the formula established
36 in this subsection (4).

37 (5) Funds distributed to qualified legal aid programs under this
38 section may not be used directly or indirectly for:

39 (a) Lobbying.

1 (i) For purposes of this section, "lobbying" means any personal
2 service, advertisement, telegram, telephone communication, letter,
3 printed or written matter, or other device directly or indirectly
4 intended to influence any member of congress or any other federal,
5 state, or local nonjudicial official, whether elected or appointed:

6 (A) In connection with any act, bill, resolution, or similar
7 legislation by the congress of the United States or by any state or
8 local legislative body, or any administrative rule, rule-making
9 activity, standard, rate, or other enactment by any federal, state, or
10 local administrative agency;

11 (B) In connection with any referendum, initiative, constitutional
12 amendment, or any similar procedure of the congress, any state
13 legislature, any local council, or any similar governing body acting in
14 a legislative capacity; or

15 (C) In connection with inclusion of any provision in a legislative
16 measure appropriating funds to, or defining or limiting the functions
17 or authority of, the recipient of funds under this section.

18 (ii) "Lobbying" does not include the response of an employee of a
19 legal aid program to a written request from a governmental agency, an
20 elected or appointed official, or committee on a specific matter. This
21 exception does not authorize communication with anyone other than the
22 requesting party, or agent or employee of such agency, official, or
23 committee.

24 (b) Grass roots lobbying. For purposes of this section, "grass
25 roots lobbying" means preparation, production, or dissemination of
26 information the purpose of which is to encourage the public at large,
27 or any definable segment thereof, to contact legislators or their staff
28 in support of or in opposition to pending or proposed legislation; or
29 contribute to or participate in a demonstration, march, rally, lobbying
30 campaign, or letter writing or telephone campaign for the purpose of
31 influencing the course of pending or proposed legislation.

32 (c) Class action lawsuits.

33 (d) Participating in or identifying the program with prohibited
34 political activities. For purposes of this section, "prohibited
35 political activities" means (i) any activity directed toward the
36 success or failure of a political party, a candidate for partisan or
37 nonpartisan office, a partisan political group, or a ballot measure;

38 (ii) advertising or contributing or soliciting financial support for or

1 against any candidate, political group, or ballot measure; or (iii)
2 voter registration or transportation activities.

3 (e) Representation in fee-generating cases. For purposes of this
4 section, "fee-generating" means a case that might reasonably be
5 expected to result in a fee for legal services if undertaken by a
6 private attorney. The charging of a fee pursuant to subsection (6) of
7 this section does not establish the fee-generating nature of a case.

8 A fee-generating case may be accepted when: (i) The case has been
9 rejected by the local lawyer referral services or by two private
10 attorneys; (ii) neither the referral service nor two private attorneys
11 will consider the case without payment of a consultation fee; (iii)
12 after consultation with the appropriate representatives of the private
13 bar, the program has determined that the type of case is one that
14 private attorneys do not ordinarily accept, or do not accept without
15 prepayment of a fee; or (iv) the director of the program or the
16 director's designee has determined that referral of the case to the
17 private bar is not possible because documented attempts to refer
18 similar cases in the past have been futile, or because emergency
19 circumstances compel immediate action before referral can be made, but
20 the client is advised that, if appropriate and consistent with
21 professional responsibility, referral will be attempted at a later
22 time.

23 (f) Organizing any association, union, or federation, or
24 representing a labor union. However, nothing in this subsection (5)(f)
25 prohibits the provision of legal services to clients as otherwise
26 permitted by this section.

27 (g) Representation of undocumented aliens.

28 (h) Picketing, demonstrations, strikes, or boycotts.

29 (i) Engaging in inappropriate solicitation. For purposes of this
30 section, "inappropriate solicitation" means promoting the assertion of
31 specific legal claims among persons who know of their rights to make a
32 claim and who decline to do so. Nothing in this subsection precludes
33 a legal services program or its employees from providing information
34 regarding legal rights and responsibilities or providing information
35 regarding the program's services and intake procedures through
36 community legal education activities, responding to an individual's
37 specific question about whether the individual should consult with an
38 attorney or take legal action, or responding to an individual's

1 specific request for information about the individual's legal rights or
2 request for assistance in connection with a specific legal problem.

3 (j) Conducting training programs that: (i) Advocate particular
4 public policies; (ii) encourage or facilitate political activities,
5 labor or antilabor activities, boycotts, picketing, strikes, or
6 demonstrations; or (iii) attempt to influence legislation or rule
7 making. Nothing in this subsection (5)(j) precludes representation of
8 clients as otherwise permitted by this section.

9 (6) The department may establish requirements for client
10 participation in the provision of civil legal services under this
11 section, including but not limited to copayments and sliding fee
12 scales.

13 (7)(a) Contracts entered into by the department of community(~~(~~
14 ~~trade, and economic)~~) development with qualified legal services
15 programs under this section must specify that the program's
16 expenditures of moneys distributed under this section:

17 (i) Must be audited annually by an independent outside auditor.
18 These audit results must be provided to the department of community(~~(~~
19 ~~trade, and economic)~~) development; and

20 (ii) Are subject to audit by the state auditor.

21 (b)(i) Any entity auditing a legal services program under this
22 section shall have access to all records of the legal services program
23 to the full extent necessary to determine compliance with this section,
24 with the exception of confidential information protected by the United
25 States Constitution, the state Constitution, the attorney-client
26 privilege, and applicable rules of attorney conduct.

27 (ii) The legal services program shall have a system allowing for
28 production of case-specific information, including client eligibility
29 and case type, to demonstrate compliance with this section, with the
30 exception of confidential information protected by the United States
31 Constitution, the state Constitution, the attorney-client privilege,
32 and applicable rules of attorney conduct. Such information shall be
33 available to any entity that audits the program.

34 (8) The department of community(~~(~~
35 ~~trade, and economic)~~) development must recover or withhold amounts determined by an audit to
36 have been used in violation of this section.

37 (9) The department of community(~~(~~
38 ~~trade, and economic)~~) development may adopt rules to implement this section.

1 **Sec. 326.** RCW 43.19.1920 and 1995 c 399 s 63 are each amended to
2 read as follows:

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

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

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

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

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

23 **Sec. 327.** RCW 43.19.19201 and 1995 c 399 s 64 are each amended to
24 read as follows:

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

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

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

4 **Sec. 328.** RCW 43.20A.037 and 1995 c 399 s 65 are each amended to
5 read as follows:

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

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

21 **Sec. 329.** RCW 43.21A.612 and 1995 c 399 s 68 are each amended to
22 read as follows:

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

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

25 **Sec. 330.** RCW 43.21C.110 and 1997 c 429 s 47 are each amended to
26 read as follows:

27 It shall be the duty and function of the department of ecology:

28 (1) To adopt and amend thereafter rules of interpretation and
29 implementation of this chapter, subject to the requirements of chapter
30 34.05 RCW, for the purpose of providing uniform rules and guidelines to
31 all branches of government including state agencies, political
32 subdivisions, public and municipal corporations, and counties. The
33 proposed rules shall be subject to full public hearings requirements
34 associated with rule promulgation. Suggestions for modifications of
35 the proposed rules shall be considered on their merits, and the
36 department shall have the authority and responsibility for full and
37 appropriate independent promulgation and adoption of rules, assuring
38 consistency with this chapter as amended and with the preservation of

1 protections afforded by this chapter. The rule-making powers
2 authorized in this section shall include, but shall not be limited to,
3 the following phases of interpretation and implementation of this
4 chapter:

5 (a) Categories of governmental actions which are not to be
6 considered as potential major actions significantly affecting the
7 quality of the environment, including categories pertaining to
8 applications for water right permits pursuant to chapters 90.03 and
9 90.44 RCW. The types of actions included as categorical exemptions in
10 the rules shall be limited to those types which are not major actions
11 significantly affecting the quality of the environment. The rules
12 shall provide for certain circumstances where actions which potentially
13 are categorically exempt require environmental review. An action that
14 is categorically exempt under the rules adopted by the department may
15 not be conditioned or denied under this chapter.

16 (b) Rules for criteria and procedures applicable to the
17 determination of when an act of a branch of government is a major
18 action significantly affecting the quality of the environment for which
19 a detailed statement is required to be prepared pursuant to RCW
20 43.21C.030.

21 (c) Rules and procedures applicable to the preparation of detailed
22 statements and other environmental documents, including but not limited
23 to rules for timing of environmental review, obtaining comments, data
24 and other information, and providing for and determining areas of
25 public participation which shall include the scope and review of draft
26 environmental impact statements.

27 (d) Scope of coverage and contents of detailed statements assuring
28 that such statements are simple, uniform, and as short as practicable;
29 statements are required to analyze only reasonable alternatives and
30 probable adverse environmental impacts which are significant, and may
31 analyze beneficial impacts.

32 (e) Rules and procedures for public notification of actions taken
33 and documents prepared.

34 (f) Definition of terms relevant to the implementation of this
35 chapter including the establishment of a list of elements of the
36 environment. Analysis of environmental considerations under RCW
37 43.21C.030(2) may be required only for those subjects listed as
38 elements of the environment (or portions thereof). The list of
39 elements of the environment shall consist of the "natural" and "built"

1 environment. The elements of the built environment shall consist of
2 public services and utilities (such as water, sewer, schools, fire and
3 police protection), transportation, environmental health (such as
4 explosive materials and toxic waste), and land and shoreline use
5 (including housing, and a description of the relationships with land
6 use and shoreline plans and designations, including population).

7 (g) Rules for determining the obligations and powers under this
8 chapter of two or more branches of government involved in the same
9 project significantly affecting the quality of the environment.

10 (h) Methods to assure adequate public awareness of the preparation
11 and issuance of detailed statements required by RCW 43.21C.030(2)(c).

12 (i) To prepare rules for projects setting forth the time limits
13 within which the governmental entity responsible for the action shall
14 comply with the provisions of this chapter.

15 (j) Rules for utilization of a detailed statement for more than one
16 action and rules improving environmental analysis of nonproject
17 proposals and encouraging better interagency coordination and
18 integration between this chapter and other environmental laws.

19 (k) Rules relating to actions which shall be exempt from the
20 provisions of this chapter in situations of emergency.

21 (l) Rules relating to the use of environmental documents in
22 planning and decision making and the implementation of the substantive
23 policies and requirements of this chapter, including procedures for
24 appeals under this chapter.

25 (m) Rules and procedures that provide for the integration of
26 environmental review with project review as provided in RCW 43.21C.240.
27 The rules and procedures shall be jointly developed with the department
28 of community(~~(, trade, and economic)~~) development and shall be
29 applicable to the preparation of environmental documents for actions in
30 counties, cities, and towns planning under RCW 36.70A.040. The rules
31 and procedures shall also include procedures and criteria to analyze
32 planned actions under RCW 43.21C.031(2) and revisions to the rules
33 adopted under this section to ensure that they are compatible with the
34 requirements and authorizations of chapter 347, Laws of 1995, as
35 amended by chapter 429, Laws of 1997. Ordinances or procedures adopted
36 by a county, city, or town to implement the provisions of chapter 347,
37 Laws of 1995 prior to the effective date of rules adopted under this
38 subsection (1)(m) shall continue to be effective until the adoption of
39 any new or revised ordinances or procedures that may be required. If

1 any revisions are required as a result of rules adopted under this
2 subsection (1)(m), those revisions shall be made within the time limits
3 specified in RCW 43.21C.120.

4 (2) In exercising its powers, functions, and duties under this
5 section, the department may:

6 (a) Consult with the state agencies and with representatives of
7 science, industry, agriculture, labor, conservation organizations,
8 state and local governments, and other groups, as it deems advisable;
9 and

10 (b) Utilize, to the fullest extent possible, the services,
11 facilities, and information (including statistical information) of
12 public and private agencies, organizations, and individuals, in order
13 to avoid duplication of effort and expense, overlap, or conflict with
14 similar activities authorized by law and performed by established
15 agencies.

16 (3) Rules adopted pursuant to this section shall be subject to the
17 review procedures of chapter 34.05 RCW.

18 **Sec. 331.** RCW 43.22.495 and 1995 c 399 s 69 are each amended to
19 read as follows:

20 Beginning on July 1, (~~(1991)~~) 2001, the department of community(~~(~~
21 ~~trade, and economic)~~) development shall be responsible for performing
22 all the consumer complaint and related functions of the state
23 administrative agency that are required for purposes of complying with
24 the regulations established by the federal department of housing and
25 urban development for manufactured housing, including the preparation
26 and submission of the state administrative plan.

27 The department of community(~~(~~
28 ~~trade, and economic)~~) development
29 may enter into state or local interagency agreements to coordinate site
30 inspection activities with record monitoring and complaint handling.
31 The interagency agreement may also provide for the reimbursement for
32 cost of work that an agency performs. The department may include other
33 related areas in any interagency agreements which are necessary for the
34 efficient provision of services.

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

1 **Sec. 332.** RCW 43.63B.010 and 1998 c 124 s 6 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Authorized representative" means an employee of a state
6 agency, city, or county acting on behalf of the department.

7 (2) "Certified manufactured home installer" means a person who is
8 in the business of installing mobile or manufactured homes and who has
9 been issued a certificate by the department as provided in this
10 chapter.

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

13 (4) "Director" means the director of community(~~(, trade, and~~
14 ~~economic)) development.~~

15 (5) "Manufactured home" means a single-family dwelling built in
16 accordance with the department of housing and urban development
17 manufactured home construction and safety standards act, which is a
18 national, preemptive building code.

19 (6) "Mobile or manufactured home installation" means all on-site
20 work necessary for the installation of a manufactured home, including:

21 (a) Construction of the foundation system;

22 (b) Installation of the support piers and earthquake resistant
23 bracing system;

24 (c) Required connection to foundation system and support piers;

25 (d) Skirting;

26 (e) Connections to the on-site water and sewer systems that are
27 necessary for the normal operation of the home; and

28 (f) Extension of the pressure relief valve for the water heater.

29 (7) "Manufactured home standards" means the manufactured home
30 construction and safety standards as promulgated by the United States
31 department of housing and urban development (HUD).

32 (8) "Mobile home" means a factory-built dwelling built prior to
33 June 15, 1976, to standards other than the HUD code, and acceptable
34 under applicable state codes in effect at the time of construction or
35 introduction of the home into the state. Mobile homes have not been
36 built since introduction of the HUD manufactured home construction and
37 safety standards act.

38 (9) "Training course" means the education program administered by
39 the department, or the education course administered by an approved

1 educational provider, as a prerequisite to taking the examination for
2 certification.

3 (10) "Approved educational provider" means an organization approved
4 by the department to provide education and training of manufactured
5 home installers and local inspectors.

6 **Sec. 333.** RCW 43.70.530 and 1998 c 245 s 75 are each amended to
7 read as follows:

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

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

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

1 possible consideration, a series of pilot projects with a phased-in
2 schedule.

3 **Sec. 334.** RCW 43.70.540 and 1995 c 399 s 76 are each amended to
4 read as follows:

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

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

23 **Sec. 335.** RCW 43.79.201 and 1995 c 399 s 77 are each amended to
24 read as follows:

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

35 (2) If feasible, not less than one-half of all income to the
36 charitable, educational, penal, and reformatory institutions account
37 shall be appropriated for the purpose of providing housing, including

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

7 **Sec. 336.** RCW 43.105.020 and 1999 c 285 s 1 and 1999 c 80 s 1 are
8 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

36 (9) "Information services" means data processing,
37 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. 337.** RCW 43.132.030 and 1995 c 399 s 80 are each amended to
31 read as follows:

32 The director of financial management is hereby empowered to
33 designate the director of community(~~(, trade, and economic)~~)
34 development as the official responsible for the preparation of fiscal
35 notes authorized and required by this chapter. It is the intent of the
36 legislature that when necessary the resources of other state agencies,
37 appropriate legislative staffs, and the various associations of local
38 government may be employed in the development of such fiscal notes.

1 **Sec. 338.** RCW 43.133.030 and 1995 c 399 s 81 are each amended to
2 read as follows:

3 The office of financial management and the department of
4 community(~~(, trade, and economic)~~) development shall, in cooperation
5 with appropriate legislative committees and legislative staff,
6 establish a procedure for the provision of sunrise notes on the
7 expected impact of bills and resolutions that authorize the creation of
8 new boards and new types of special purpose districts.

9 **Sec. 339.** RCW 43.133.050 and 1995 c 399 s 82 are each amended to
10 read as follows:

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

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

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

20 **Sec. 340.** RCW 43.150.040 and 1995 c 399 s 84 are each amended to
21 read as follows:

22 The governor may establish a statewide center for volunteerism and
23 citizen service within the department of community(~~(, trade, and~~
24 ~~economic)~~) development and appoint an executive administrator, who may
25 employ such staff as necessary to carry out the purposes of this
26 chapter. The provisions of chapter 41.06 RCW do not apply to the
27 executive administrator and the staff.

28 **Sec. 341.** RCW 43.155.020 and 2001 c 131 s 1 are each amended to
29 read as follows:

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

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

33 (2) "Capital facility plan" means a capital facility plan required
34 by the growth management act under chapter 36.70A RCW or, for local
35 governments not fully planning under the growth management act, a plan
36 required by the public works board.

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

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

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

12 (6) "Public works project" means a project of a local government
13 for the planning, acquisition, construction, repair, reconstruction,
14 replacement, rehabilitation, or improvement of streets and roads,
15 bridges, water systems, or storm and sanitary sewage systems and solid
16 waste facilities, including recycling facilities. A planning project
17 may include the compilation of biological, hydrological, or other data
18 on a county, drainage basin, or region necessary to develop a base of
19 information for a capital facility plan.

20 (7) "Solid waste or recycling project" means remedial actions
21 necessary to bring abandoned or closed landfills into compliance with
22 regulatory requirements and the repair, restoration, and replacement of
23 existing solid waste transfer, recycling facilities, and landfill
24 projects limited to the opening of landfill cells that are in existing
25 and permitted landfills.

26 (8) "Technical assistance" means training and other services
27 provided to local governments to: (a) Help such local governments
28 plan, apply, and qualify for loans and financing guarantees from the
29 board, and (b) help local governments improve their ability to plan
30 for, finance, acquire, construct, repair, replace, rehabilitate, and
31 maintain public facilities.

32 **Sec. 342.** RCW 43.168.010 and 1999 c 164 s 501 are each amended to
33 read as follows:

34 The legislature finds that:

35 (1) The economic health and well-being of the state, particularly
36 in areas of high unemployment, economic stagnation, and poverty, is of
37 substantial public concern.

1 (2) The consequences of minimal economic activity and persistent
2 unemployment and underemployment are serious threats to the safety,
3 health, and welfare of residents of these areas, decreasing the value
4 of private investments and jeopardizing the sources of public revenue.

5 (3) The economic and social interdependence of communities and the
6 vitality of industrial and economic activity necessitates, and is in
7 part dependent on preventing substantial dislocation of residents and
8 rebuilding the diversification of the areas' economy.

9 (4) The ability to remedy problems in stagnant areas of the state
10 is beyond the power and control of the regulatory process and influence
11 of the state, and the ordinary operations of private enterprise without
12 additional governmental assistance are insufficient to adequately
13 remedy the problems of poverty and unemployment.

14 (5) The revitalization of depressed communities requires the
15 stimulation of private investment, the development of new business
16 ventures, the provision of capital to ventures sponsored by local
17 organizations and capable of growth in the business markets, and
18 assistance to viable, but under-financed, small businesses in order to
19 create and preserve jobs that are sustainable in the local economy.

20 Therefore, the legislature declares there to be a substantial
21 public purpose in providing capital to promote economic development and
22 job creation in areas of economic stagnation, unemployment, and
23 poverty. To accomplish this purpose, the legislature hereby creates
24 the rural Washington loan fund and vests in the department of
25 community(~~(, trade, and economic)~~) development the authority to spend
26 federal funds to stimulate the economy of distressed areas.

27 **Sec. 343.** RCW 43.168.020 and 1999 c 164 s 502 are each amended to
28 read as follows:

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

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

33 (2) "Director" means the director of community(~~(, trade, and~~
34 ~~economic)~~) development.

35 (3) "Distressed area" means: (a) A rural county; (b) a county
36 which has an unemployment rate which is twenty percent above the state
37 average for the immediately previous three years; (c) a county that has
38 a median household income that is less than seventy-five percent of the

1 state median household income for the previous three years; (d) a
2 metropolitan statistical area, as defined by the office of federal
3 statistical policy and standards, United States department of commerce,
4 in which the average level of unemployment for the calendar year
5 immediately preceding the year in which an application is filed under
6 this chapter exceeds the average state unemployment for such calendar
7 year by twenty percent; (e) an area within a county, which area: (i)
8 Is composed of contiguous census tracts; (ii) has a minimum population
9 of five thousand persons; (iii) has at least seventy percent of its
10 families and unrelated individuals with incomes below eighty percent of
11 the county's median income for families and unrelated individuals; and
12 (iv) has an unemployment rate which is at least forty percent higher
13 than the county's unemployment rate; or (f) a county designated as a
14 rural natural resources impact area under RCW 43.31.601 if an
15 application is filed by July 1, 1997. For purposes of this definition,
16 "families and unrelated individuals" has the same meaning that is
17 ascribed to that term by the federal department of housing and urban
18 development in its regulations authorizing action grants for economic
19 development and neighborhood revitalization projects.

20 (4) "Fund" means the rural Washington loan fund.

21 (5) "Local development organization" means a nonprofit organization
22 which is organized to operate within an area, demonstrates a commitment
23 to a long-standing effort for an economic development program, and
24 makes a demonstrable effort to assist in the employment of unemployed
25 or underemployed residents in an area.

26 (6) "Project" means the establishment of a new or expanded business
27 in an area which when completed will provide employment opportunities.
28 "Project" also means the retention of an existing business in an area
29 which when completed will provide employment opportunities.

30 (7) "Rural county" means a county with a population density of
31 fewer than one hundred persons per square mile as determined by the
32 office of financial management.

33 **Sec. 344.** RCW 43.168.031 and 1995 c 399 s 92 are each amended to
34 read as follows:

35 The Washington state development loan fund committee shall be
36 terminated on June 30, 1994, and its powers and duties transferred to
37 the director of the department of community(~~, trade, and economic~~)
38 development.

1 **Sec. 345.** RCW 43.168.040 and 1987 c 461 s 3 are each amended to
2 read as follows:

3 Subject to the restrictions contained in this chapter, the
4 ((committee)) director is authorized to approve applications of local
5 governments for federal community development block grant funds which
6 the local governments would use to make loans to finance business
7 projects within their jurisdictions. Applications approved by the
8 ((committee)) director under this chapter shall conform to applicable
9 federal requirements and shall be approved based upon the
10 recommendations of the director of the department of trade and economic
11 development.

12 **Sec. 346.** RCW 43.168.050 and 1993 c 512 s 12 are each amended to
13 read as follows:

14 (1) The ((committee)) director may only approve an application
15 providing a loan for a project which the ((committee)) director finds:

16 (a) Will result in the creation of employment opportunities, the
17 maintenance of threatened employment, or development or expansion of
18 business ownership by minorities and women;

19 (b) Has been approved by the director as conforming to federal
20 rules and regulations governing the spending of federal community
21 development block grant funds;

22 (c) Will be of public benefit and for a public purpose, and that
23 the benefits, including increased or maintained employment, improved
24 standard of living, the employment of disadvantaged workers, and
25 development or expansion of business ownership by minorities and women,
26 will primarily accrue to residents of the area;

27 (d) Will probably be successful;

28 (e) Would probably not be completed without the loan because other
29 capital or financing at feasible terms is unavailable or the return on
30 investment is inadequate.

31 (2) The ((committee)) director shall, subject to federal block
32 grant criteria, give higher priority to economic development projects
33 that contain provisions for child care.

34 (3) The ((committee)) director may not approve an application if it
35 fails to provide for adequate reporting or disclosure of financial data
36 to the ((committee)) director. The ((committee)) director may require
37 an annual or other periodic audit of the project books.

1 (4) The ((committee)) director may require that the project be
2 managed in whole or in part by a local development organization and may
3 prescribe a management fee to be paid to such organization by the
4 recipient of the loan or grant.

5 (5)(a) Except as provided in (b) of this subsection, the
6 ((committee)) director shall not approve any application which would
7 result in a loan or grant in excess of three hundred fifty thousand
8 dollars.

9 (b) The ((committee)) director may approve an application which
10 results in a loan or grant of up to seven hundred thousand dollars if
11 the application has been approved by the director.

12 (6) The ((committee)) director shall fix the terms and rates
13 pertaining to its loans.

14 (7) Should there be more demand for loans than funds available for
15 lending, the ((committee)) director shall provide loans for those
16 projects which will lead to the greatest amount of employment or
17 benefit to a community. In determining the "greatest amount of
18 employment or benefit" the ((committee)) director shall also consider
19 the employment which would be saved by its loan and the benefit
20 relative to the community, not just the total number of new jobs or
21 jobs saved.

22 (8) To the extent permitted under federal law the ((committee))
23 director shall require applicants to provide for the transfer of all
24 payments of principal and interest on loans to the rural Washington
25 ((state-development)) loan fund created under this chapter. Under
26 circumstances where the federal law does not permit the ((committee))
27 director to require such transfer, the ((committee)) director shall
28 give priority to applications where the applicants on their own
29 volition make commitments to provide for the transfer.

30 (9) The ((committee)) director shall not approve any application to
31 finance or help finance a shopping mall.

32 (10) For loans not made to minority and women-owned businesses, the
33 ((committee)) director shall make at least eighty percent of the
34 appropriated funds available to projects located in distressed areas,
35 and may make up to twenty percent available to projects located in
36 areas not designated as distressed. For loans not made to minority and
37 women-owned businesses, the ((committee)) director shall not make funds
38 available to projects located in areas not designated as distressed if

1 the fund's net worth is less than seven million one hundred thousand
2 dollars.

3 (11) If an objection is raised to a project on the basis of unfair
4 business competition, the ((committee)) director shall evaluate the
5 potential impact of a project on similar businesses located in the
6 local market area. A grant may be denied by the ((committee)) director
7 if a project is not likely to result in a net increase in employment
8 within a local market area.

9 (12) For loans to minority and women-owned businesses who do not
10 meet the credit criteria, the ((committee)) director may consider
11 nontraditional credit standards to offset past discrimination that has
12 precluded full participation of minority or women-owned businesses in
13 the economy. For applicants with high potential who do not meet the
14 credit criteria, the ((committee)) director shall consider developing
15 alternative borrowing methods. For applicants denied loans due to
16 credit problems, the ((committee)) director shall provide financial
17 counseling within available resources and provide referrals to credit
18 rehabilitation services. In circumstances of competing applications,
19 priority shall be given to members of eligible groups which previously
20 have been least served by this fund.

21 **Sec. 347.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to
22 read as follows:

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

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

31 (a) The state treasurer, ex officio;

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

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

37 (d) A representative of housing consumer interests, appointed by
38 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 development is abolished, the resulting
21 vacancy shall be filled by a state official who shall be appointed to
22 the commission by the governor. If this official occupies an office or
23 position for which senate confirmation is not required, then his or her
24 appointment to the commission shall be subject to the consent of the
25 senate. The members of the commission shall be compensated in
26 accordance with RCW 43.03.240 and may be reimbursed, solely from the
27 funds of the commission, for expenses incurred in the discharge of
28 their duties under this chapter, subject to the provisions of RCW
29 43.03.050 and 43.03.060. A majority of the commission constitutes a
30 quorum. Designees shall be appointed in such manner and shall exercise
31 such powers as are specified by the rules of the commission.

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

37 **Sec. 348.** RCW 43.180.200 and 1995 c 399 s 99 are each amended to
38 read as follows:

1 For purposes of the code:

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

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

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

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

13 (5) In order to take advantage of the maximum amount of tax exempt
14 bonds for housing financing available pursuant to the code, any state
15 ceiling with respect to housing shall be allocated in accordance with
16 the following formula:

17 (a) Eighty percent of the state ceiling shall be allocated to the
18 commission and twenty percent shall be allocated to the other issuing
19 authorities in the state.

20 (b) The allocation to the issuing authorities other than the
21 commission shall be distributed to such issuing authorities in amounts
22 as determined following public notice by the department of community(~~(~~
23 ~~trade, and economic~~)) development pursuant to rules promulgated by it.
24 The distribution shall be in response to applications received from
25 such issuing authorities and shall be based on the following factors:
26 (i) The amount of housing to be made available by such applicant; (ii)
27 the population within the jurisdiction of the applicant; (iii)
28 coordination with other applicable federal and state housing programs;
29 (iv) the likelihood of implementing the proposed financing during that
30 year; and (v) consistency with the plan of the commission. On or
31 before February 1st of each year, the department of community(~~(~~
32 ~~and economic~~)) development shall distribute the state ceiling
33 allocation among such issuing authorities and any unused portion shall
34 be added to the allocation of the commission. Each issuing authority
35 other than the commission shall confirm its allocation distribution by
36 providing to the department of community(~~(~~
37 ~~trade, and economic~~)) development no later than June 1st a copy of an executed bond purchase
38 contract or alternative documentation deemed sufficient by the
39 commission to evidence the reasonable likelihood of the allocation

1 distribution being fully used. Any portion of such allocation not so
2 confirmed shall be added to the allocation of the commission on July
3 1st. Prior to July 1st, the commission shall provide written notice of
4 the allocation decrease to the affected issuing authority. The
5 reallocation shall not limit the authority of the commission to assign
6 a portion of its allocation pursuant to subsection (5)(c) of this
7 section.

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

10 **Sec. 349.** RCW 43.180.220 and 1994 c 235 s 1 are each amended to
11 read as follows:

12 The commission, in cooperation with the department of community(~~(~~
13 ~~trade, and economic)~~) development, and the state investment board,
14 shall develop and implement a housing finance program that:

15 (1) Provides subsidized or unsubsidized mortgage financing for
16 single-family home ownership, including a single condominium unit,
17 located in the state of Washington;

18 (2) Requests the state investment board to make investments, within
19 its policies and investment guidelines, in mortgage-backed securities
20 that are collateralized by loans made within the state of Washington;
21 and

22 (3) Provides flexible loan underwriting guidelines, including but
23 not limited to provisions that will allow reduced downpayment
24 requirements for the purchaser.

25 **Sec. 350.** RCW 43.185.020 and 1995 c 399 s 101 are each amended to
26 read as follows:

27 "Department" means the department of community(~~(~~
28 ~~economic)~~) development. "Director" means the director of the
29 department of community(~~(~~
~~trade, and economic)~~) development.

30 **Sec. 351.** RCW 43.185A.010 and 2000 c 255 s 9 are each amended to
31 read as follows:

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

34 (1) "Affordable housing" means residential housing for rental
35 occupancy which, as long as the same is occupied by low-income
36 households, requires payment of monthly housing costs, including

1 utilities other than telephone, of no more than thirty percent of the
2 family's income. The department shall adopt policies for residential
3 homeownership housing, occupied by low-income households, which specify
4 the percentage of family income that may be spent on monthly housing
5 costs, including utilities other than telephone, to qualify as
6 affordable housing.

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

9 (3) "Director" means the director of the department of community(~~(, trade, and economic))~~ development.
10

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

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

18 **Sec. 352.** RCW 43.185B.010 and 1995 c 399 s 104 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

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

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

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

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

37 (5) "Regulatory barriers to affordable housing" and "regulatory
38 barriers" mean any public policies (including those embodied in

1 statutes, ordinances, regulations, or administrative procedures or
2 processes) required to be identified by the state or local government
3 in connection with its strategy under section 105(b)(4) of the
4 Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et
5 seq.).

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

9 **Sec. 353.** RCW 43.190.030 and 1997 c 194 s 1 are each amended to
10 read as follows:

11 There is created the office of the state long-term care ombudsman.
12 The department of community(~~(, trade, and economic)~~) development shall
13 contract with a private nonprofit organization to provide long-term
14 care ombudsman services as specified under, and consistent with, the
15 federal older Americans act as amended, federal mandates, the goals of
16 the state, and the needs of its citizens. The department of
17 community(~~(, trade, and economic)~~) development shall ensure that all
18 program and staff support necessary to enable the ombudsman to
19 effectively protect the interests of residents, patients, and clients
20 of all long-term care facilities is provided by the nonprofit
21 organization that contracts to provide long-term care ombudsman
22 services. The department of community(~~(, trade, and economic)~~)
23 development shall adopt rules to carry out this chapter and the long-
24 term care ombudsman provisions of the federal older Americans act, as
25 amended, and applicable federal regulations. The long-term care
26 ombudsman program shall have the following powers and duties:

27 (1) To provide services for coordinating the activities of long-
28 term care ombudsmen throughout the state;

29 (2) Carry out such other activities as the department of
30 community(~~(, trade, and economic)~~) development deems appropriate;

31 (3) Establish procedures consistent with RCW 43.190.110 for
32 appropriate access by long-term care ombudsmen to long-term care
33 facilities and patients' records, including procedures to protect the
34 confidentiality of the records and ensure that the identity of any
35 complainant or resident will not be disclosed without the written
36 consent of the complainant or resident, or upon court order;

37 (4) Establish a statewide uniform reporting system to collect and
38 analyze data relating to complaints and conditions in long-term care

1 facilities for the purpose of identifying and resolving significant
2 problems, with provision for submission of such data to the department
3 of social and health services and to the federal department of health
4 and human services, or its successor agency, on a regular basis; and

5 (5) Establish procedures to assure that any files maintained by
6 ombudsman programs shall be disclosed only at the discretion of the
7 ombudsman having authority over the disposition of such files, except
8 that the identity of any complainant or resident of a long-term care
9 facility shall not be disclosed by such ombudsman unless:

10 (a) Such complainant or resident, or the complainant's or
11 resident's legal representative, consents in writing to such
12 disclosure; or

13 (b) Such disclosure is required by court order.

14 **Sec. 354.** RCW 43.270.020 and 2001 c 48 s 2 are each amended to
15 read as follows:

16 (1) There is established in the department of community(~~(, trade,~~
17 ~~and economic)~~) development a grant program to provide incentive for and
18 support for communities to develop targeted and coordinated strategies
19 to reduce the incidence and impact of alcohol, tobacco, or other drug
20 abuse, or violence.

21 (2) The department of community(~~(, trade, and economic)~~)
22 development shall make awards, subject to funds appropriated by the
23 legislature, under the following terms:

24 (a) Starting July 1, 2001, funds will be available to countywide
25 programs through a formula developed by the department of community(~~(, trade,~~
26 ~~and economic)~~) development in consultation with program
27 contractors, which will take into consideration county population size.

28 (b) In order to be eligible for consideration, applicants must
29 demonstrate, at a minimum:

30 (i) That the community has developed and is committed to carrying
31 out a coordinated strategy of prevention, treatment, and law
32 enforcement activities;

33 (ii) That the community has considered research-based theory when
34 developing its strategy;

35 (iii) That proposals submitted for funding are based on a local
36 assessment of need and address specific objectives contained in a
37 coordinated strategy of prevention, treatment, and law enforcement
38 against alcohol, tobacco, or other drug abuse, or violence;

1 (iv) Evidence of active participation in preparation of the
2 proposal and specific commitments to implementing the community-wide
3 agenda by leadership from education, law enforcement, local government,
4 tribal government, and treatment entities in the community, and the
5 opportunity for meaningful involvement from others such as neighborhood
6 and citizen groups, businesses, human service, health and job training
7 organizations, and other key elements of the community, particularly
8 those whose responsibilities in law enforcement, treatment, prevention,
9 education, or other community efforts provide direct, ongoing contact
10 with substance abusers or those who exhibit violent behavior, or those
11 at risk for alcohol, tobacco, or other drug abuse, or violent behavior;

12 (v) Evidence of additional local resources committed to the
13 applicant's strategy totaling at least twenty-five percent of funds
14 awarded under this section. These resources may consist of public or
15 private funds, donated goods or services, and other measurable
16 commitments, including in-kind contributions such as volunteer
17 services, materials, supplies, physical facilities, or a combination
18 thereof; and

19 (vi) That the funds applied for, if received, will not be used to
20 replace funding for existing activities.

21 (c) At a minimum, grant applications must include the following:

22 (i) A definition of geographic area;

23 (ii) A needs assessment describing the extent and impact of
24 alcohol, tobacco, or other drug abuse, and violence in the community,
25 including an explanation of those who are most severely impacted and
26 those most at risk of substance abuse or violent behavior;

27 (iii) An explanation of the community-wide strategy for prevention,
28 treatment, and law enforcement activities related to alcohol, tobacco,
29 or other drug abuse, or violence, with particular attention to those
30 who are most severely impacted and/or those most at risk of alcohol,
31 tobacco, or other drug abuse, or violent behavior;

32 (iv) An explanation of who was involved in development of the
33 strategy and what specific commitments have been made to carry it out;

34 (v) Identification of existing prevention, education, treatment,
35 and law enforcement resources committed by the applicant, including
36 financial and other support, and an explanation of how the applicant's
37 strategy involves and builds on the efforts of existing organizations
38 or coalitions that have been carrying out community efforts against
39 alcohol, tobacco, or other drug abuse, or violence;

1 (vi) Identification of activities that address specific objectives
2 in the strategy for which additional resources are needed;

3 (vii) Identification of additional local resources, including
4 public or private funds, donated goods or services, and other
5 measurable commitments, that have been committed to the activities
6 identified in (c)(vi) of this subsection;

7 (viii) Identification of activities that address specific
8 objectives in the strategy for which funding is requested;

9 (ix) For each activity for which funding is requested, an
10 explanation in sufficient detail to demonstrate:

11 (A) Feasibility through deliberative design, specific objectives,
12 and a realistic plan for implementation;

13 (B) A rationale for how this activity will achieve measurable
14 results and how it will be evaluated;

15 (C) That funds requested are necessary and appropriate to
16 effectively carry out the activity; and

17 (x) Identification of a contracting agent meeting state
18 requirements for each activity proposed for funding.

19 Each contracting agent must execute a written agreement with its
20 local community mobilization advisory board that reflects the duties
21 and powers of each party.

22 (3) Activities that may be funded through this grant program
23 include those that:

24 (a) Prevent alcohol, tobacco, or other drug abuse, or violence
25 through educational efforts, development of positive alternatives,
26 intervention with high-risk groups, and other prevention strategies;

27 (b) Support effective treatment by increasing access to and
28 availability of treatment opportunities, particularly for underserved
29 or highly impacted populations, developing aftercare and support
30 mechanisms, and other strategies to increase the availability and
31 effectiveness of treatment;

32 (c) Provide meaningful consequences for participation in illegal
33 activity and promote safe and healthy communities through support of
34 law enforcement strategies;

35 (d) Create or build on efforts by existing community programs,
36 coordinate their efforts, and develop cooperative efforts or other
37 initiatives to make most effective use of resources to carry out the
38 community's strategy against alcohol, tobacco, or other drug abuse, or
39 violence; and

1 (e) Other activities that demonstrate both feasibility and a
2 rationale for how the activity will achieve measurable results in the
3 strategy against alcohol, tobacco, or other drug abuse, or violence.

4 **Sec. 355.** RCW 43.270.070 and 2001 c 48 s 3 are each amended to
5 read as follows:

6 The department of community(~~(, trade, and economic)~~) development
7 shall ask communities for suggestions on state practices, policies, and
8 priorities that would help communities implement their strategies
9 against alcohol, tobacco, or other drug abuse, or violence. The
10 department of community(~~(, trade, and economic)~~) development shall
11 review and respond to those suggestions making necessary changes where
12 feasible, making recommendations to the legislature where appropriate,
13 and providing an explanation as to why suggested changes cannot be
14 accomplished, if the suggestions cannot be acted upon.

15 **Sec. 356.** RCW 43.270.080 and 2001 c 48 s 4 are each amended to
16 read as follows:

17 The department of community(~~(, trade, and economic)~~) development
18 may receive such gifts, grants, and endowments from public or private
19 sources as may be made from time to time, in trust or otherwise, for
20 the use and benefit of the purposes of RCW 43.270.010 through
21 43.270.080 and expend the same or any income therefrom according to the
22 terms of the gifts, grants, or endowments.

23 **Sec. 357.** RCW 43.280.011 and 1996 c 123 s 1 are each amended to
24 read as follows:

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

1 management standards and outcome measurements for recipients of grants;
2 and (4) create a data collection system to gather pertinent data
3 concerning the delivery of sexual assault services to victims.

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

8 The legislature does not intend to effect a reduction in service
9 levels within available funding by transferring department of social
10 and health services' powers and duties to the department of
11 community(~~(, trade, and economic)~~) development. At a minimum, the
12 department of community(~~(, trade, and economic)~~) development shall
13 distribute the same percentage of the services it provides victims of
14 sexual assault and abuse, pursuant to RCW 43.280.020, 70.125.080, and
15 74.14B.060, to children as were distributed to children through these
16 programs in fiscal year 1996.

17 **Sec. 358.** RCW 43.280.020 and 1996 c 123 s 3 are each amended to
18 read as follows:

19 There is established in the department of community(~~(, trade, and~~
20 ~~economic)~~) development a grant program to enhance the funding for
21 treating the victims of sex offenders. Activities that can be funded
22 through this grant program are limited to those that:

- 23 (1) Provide effective treatment to victims of sex offenders;
24 (2) Increase access to and availability of treatment for victims of
25 sex offenders, particularly if from underserved populations; and
26 (3) Create or build on efforts by existing community programs,
27 coordinate those efforts, or develop cooperative efforts or other
28 initiatives to make the most effective use of resources to provide
29 treatment services to these victims.

30 Funding shall be given to those applicants that emphasize providing
31 stable, victim-focused sexual abuse services and possess the
32 qualifications to provide core services, as defined in RCW 70.125.030.
33 Funds for specialized services, as defined in RCW 70.125.030, shall be
34 disbursed through the request for proposal or request for
35 qualifications process.

36 **Sec. 359.** RCW 43.280.060 and 1996 c 123 s 5 are each amended to
37 read as follows:

1 (1) Subject to funds appropriated by the legislature, the
2 department of community(~~(, trade, and economic)~~) development shall make
3 awards under the grant program established by RCW 43.280.020.

4 (2) To aid the department of community(~~(, trade, and economic)~~)
5 development in making its funding determinations, the department shall
6 form a peer review committee comprised of individuals who are
7 knowledgeable or experienced in the management or delivery of treatment
8 services to victims of sex offenders. The peer review committee shall
9 advise the department on the extent to which each eligible applicant
10 meets the treatment and management standards, as developed by the
11 department. The department shall consider this advice in making
12 awards.

13 (3) Activities funded under this section may be considered for
14 funding in future years, but shall be considered under the same terms
15 and criteria as new activities. Funding under this chapter shall not
16 constitute an obligation by the state of Washington to provide ongoing
17 funding.

18 **Sec. 360.** RCW 43.280.070 and 1995 c 399 s 115 are each amended to
19 read as follows:

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

26 **Sec. 361.** RCW 43.280.080 and 1995 c 241 s 1 are each amended to
27 read as follows:

28 The office of crime victims advocacy is established in the
29 department of community(~~(, trade, and economic)~~) development. The
30 office shall assist communities in planning and implementing services
31 for crime victims, advocate on behalf of crime victims in obtaining
32 needed services and resources, and advise local and state governments
33 on practices, policies, and priorities that impact crime victims. In
34 addition, the office shall administer grant programs for sexual assault
35 treatment and prevention services, as authorized in this chapter.

1 **Sec. 362.** RCW 43.280.090 and 1995 c 269 s 2102 are each amended to
2 read as follows:

3 The director of the department of community(~~(, trade, and~~
4 ~~economic))~~ development may establish ad hoc advisory committees, as
5 necessary, to obtain advice and guidance regarding the office of crime
6 victims advocacy program.

7 **Sec. 363.** RCW 43.310.020 and 1995 c 399 s 116 are each amended to
8 read as follows:

9 (1) The department of community(~~(, trade, and economic))~~
10 development may recommend existing programs or contract with either
11 school districts or community organizations, or both, through a request
12 for proposal process for the development, administration, and
13 implementation in the county of community-based gang risk prevention
14 and intervention pilot programs.

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

19 (3) The school district or community organization proposal shall
20 include:

21 (a) A description of the program goals, activities, and curriculum.
22 The description of the program goals shall include a list of measurable
23 objectives for the purpose of evaluation by the department of
24 community(~~(, trade, and economic))~~ development. To the extent
25 possible, proposals shall contain empirical data on current problems,
26 such as drop-out rates and occurrences of violence on and off campus by
27 school-age individuals.

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

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

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

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

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

1 **Sec. 364.** RCW 43.330.110 and 1993 c 280 s 14 are each amended to
2 read as follows:

3 (1) The department of community development shall maintain an
4 active effort to help communities, families, and individuals build and
5 maintain capacity to meet housing needs in Washington state. The
6 department shall facilitate partnerships among the many entities
7 related to housing issues and leverage a variety of resources and
8 services to produce comprehensive, cost-effective, and innovative
9 housing solutions.

10 (2) The department shall assist in the production, development,
11 rehabilitation, and operation of owner-occupied or rental housing for
12 very low, low, and moderate-income persons; operate programs to assist
13 home ownership, offer housing services, and provide emergency,
14 transitional, and special needs housing services; and qualify as a
15 participating state agency for all programs of the federal department
16 of housing and urban development or its successor. The department
17 shall develop or assist local governments in developing housing plans
18 required by the state or federal government.

19 (3) The department shall coordinate and administer energy
20 assistance and residential energy conservation and rehabilitation
21 programs of the federal and state government through nonprofit
22 organizations, local governments, and housing authorities.

23 **Sec. 365.** RCW 43.330.130 and 1993 c 280 s 16 are each amended to
24 read as follows:

25 (1) The department of community development shall coordinate
26 services to communities that are directed to the poor and disadvantaged
27 through private and public nonprofit organizations and units of general
28 purpose local governments. The department shall coordinate these
29 programs using, to the extent possible, integrated case management
30 methods, with other community and economic development efforts that
31 promote self-sufficiency.

32 (2) These services may include, but not be limited to,
33 comprehensive education services to preschool children from low-income
34 families, providing for human service needs and advocacy, promoting
35 volunteerism and citizen service as a means for accomplishing local
36 community and economic development goals, coordinating and providing
37 emergency food assistance to distribution centers and needy

1 individuals, and providing for human service needs through community-
2 based organizations.

3 (3) The department shall provide local communities and at-risk
4 individuals with programs that provide community protection and assist
5 in developing strategies to reduce substance abuse. The department
6 shall administer programs that develop collaborative approaches to
7 prevention, intervention, and interdiction programs. The department
8 shall administer programs that support crime victims, address youth and
9 domestic violence problems, provide indigent defense for low-income
10 persons, border town disputes, and administer family services and
11 programs to promote the state's policy as provided in RCW 74.14A.025.

12 ~~((4) The department shall provide fire protection and emergency
13 management services to support and strengthen local capacity for
14 controlling risk to life, property, and community vitality that may
15 result from fires, emergencies, and disasters.))~~

16 **Sec. 366.** RCW 43.330.210 and 2000 c 120 s 5 are each amended to
17 read as follows:

18 The developmental disabilities endowment governing board is
19 established to design and administer the developmental disabilities
20 endowment. To the extent funds are appropriated for this purpose, the
21 director of the department of community(~~(, trade, and economic)~~)
22 development shall provide staff and administrative support to the
23 governing board.

24 (1) The governing board shall consist of seven members as follows:

25 (a) Three of the members, who shall be appointed by the governor,
26 shall be persons who have demonstrated expertise and leadership in
27 areas such as finance, actuarial science, management, business, or
28 public policy.

29 (b) Three members of the board, who shall be appointed by the
30 governor, shall be persons who have demonstrated expertise and
31 leadership in areas such as business, developmental disabilities
32 service design, management, or public policy, and shall be family
33 members of persons with developmental disabilities.

34 (c) The seventh member of the board, who shall serve as chair of
35 the board, shall be appointed by the remaining six members of the
36 board.

37 (2) Members of the board shall serve terms of four years and may be
38 appointed for successive terms of four years at the discretion of the

1 appointing authority. However, the governor may stagger the terms of
2 the initial six members of the board so that approximately one-fourth
3 of the members' terms expire each year.

4 (3) Members of the board shall be compensated for their service
5 under RCW 43.03.240 and shall be reimbursed for travel expenses as
6 provided in RCW 43.03.050 and 43.03.060.

7 (4) The board shall meet periodically as specified by the call of
8 the chair, or a majority of the board.

9 (5) Members of the governing board and the state investment board
10 shall not be considered an insurer of the funds or assets of the
11 endowment trust fund or the individual trust accounts. Neither of
12 these two boards or their members shall be liable for the action or
13 (~~inactions~~~~[inaction]~~) inaction of the other.

14 (6) Members of the governing board and the state investment board
15 are not liable to the state, to the fund, or to any other person as a
16 result of their activities as members, whether ministerial or
17 discretionary, except for willful dishonesty or intentional violations
18 of law. The department and the state investment board, respectively,
19 may purchase liability insurance for members.

20 **Sec. 367.** RCW 46.12.295 and 1995 c 399 s 117 are each amended to
21 read as follows:

22 The department of (~~licensing~~) community, trade, and economic
23 development shall transfer all titling functions pertaining to mobile
24 homes to the housing division of the department of community(~~, trade,~~
25 ~~and economic~~) development by July 1, (~~1991~~) 2002. The department of
26 (~~licensing~~) community, trade, and economic development shall transfer
27 all books, records, files, and documents pertaining to mobile home
28 titling to the department of community(~~, trade, and economic~~)
29 development. The directors of the departments may immediately take
30 such steps as are necessary to ensure that (~~chapter 176, Laws of~~
31 ~~1990~~) this section is implemented (~~on June 7, 1990~~) July 1, 2002.

32 **Sec. 368.** RCW 47.06C.090 and 2001 1st sp.s. c 2 s 9 are each
33 amended to read as follows:

34 The legislature expects the department to continue its efforts to
35 improve training and compliance. The department shall:

36 (1) Provide training in environmental procedures and permit
37 requirements for those responsible for project delivery activities;

1 (2) Require wetland mitigation sites to be designed by a qualified
2 interdisciplinary team that meets training requirements developed by
3 the department's environmental affairs office in consultation with the
4 department of ecology. Environmental mitigation site improvements must
5 have oversight by environmental staff;

6 (3) Develop an environmental compliance data system to track all
7 permit conditions;

8 (4) Report all noncompliance activities to applicable agencies of
9 jurisdiction along with a remedy plan;

10 (5) Fund the departments of ecology, natural resources, and fish
11 and wildlife, operating under their permit-granting authority to
12 conduct audits of the department's permit drafting and compliance
13 activities. The department of ecology must collate the audits in an
14 annual report to the legislature;

15 (6) Seek federal funding for dedicated technical staff at federal
16 permit decision-making agencies and for state costs associated with
17 implementation of this chapter;

18 (7) Fund dedicated technical staff at federal permit decision-
19 making entities, as appropriate, and the state departments of ecology,
20 natural resources, community(~~(, trade, and economic)~~) development, and
21 fish and wildlife to implement the requirements of this chapter;

22 (8) Fund a technical specialist at the Northwest Indian Fisheries
23 Commission and the Columbia River Intertribal Fisheries Commission for
24 the purpose of implementing this chapter;

25 (9) Reimburse local jurisdictions for costs associated with local
26 participation on the committee and technical subcommittees.

27 **Sec. 369.** RCW 47.12.064 and 1995 c 399 s 121 are each amended to
28 read as follows:

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

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

7 **Sec. 370.** RCW 47.50.090 and 1995 c 399 s 124 are each amended to
8 read as follows:

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

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

17 (3) The control classification system shall be developed consistent
18 with the following:

19 (a) The department shall, no later than January 1, 1993, adopt
20 rules setting forth procedures governing the implementation of the
21 access control classification system required by this chapter. The
22 rule shall provide for input from the entities described in (b) of this
23 subsection as well as for public meetings to discuss the access control
24 classification system. Nothing in this chapter shall affect the
25 validity of the department's existing or subsequently adopted rules
26 concerning access to the state highway system. Such rules shall remain
27 in effect until repealed or replaced by the rules required by this
28 chapter.

29 (b) The access control classification system shall be developed in
30 cooperation with counties, cities and towns, the department of
31 community(~~(, trade, and economic)~~) development, regional transportation
32 planning organizations, and other local governmental entities, and for
33 city streets designated as state highways pursuant to chapter 47.24
34 RCW, adopted with the concurrence of the city design standards
35 committee.

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

- 1 (i) Local land use plans and zoning, as set forth in comprehensive
2 plans;
- 3 (ii) The current functional classification as well as potential
4 future functional classification of each road on the state highway
5 system;
- 6 (iii) Existing and projected traffic volumes;
- 7 (iv) Existing and projected state, local, and metropolitan planning
8 organization transportation plans and needs;
- 9 (v) Drainage requirements;
- 10 (vi) The character of lands adjoining the highway;
- 11 (vii) The type and volume of traffic requiring access;
- 12 (viii) Other operational aspects of access;
- 13 (ix) The availability of reasonable access by way of county roads
14 and city streets to a state highway; and
- 15 (x) The cumulative effect of existing and projected connections on
16 the state highway system's ability to provide for the safe and
17 efficient movement of people and goods within the state.
- 18 (d) Access management standards shall include, but not be limited
19 to, connection location standards, safety factors, design and
20 construction standards, desired levels of service, traffic control
21 devices, and effective maintenance of the roads. The standards shall
22 also contain minimum requirements for the spacing of connections,
23 intersecting streets, roads, and highways.
- 24 (e) An access control category shall be assigned to each segment of
25 the state highway system by July 1, 1993.

26 **Sec. 371.** RCW 53.36.030 and 1996 c 66 s 1 are each amended to read
27 as follows:

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

34 (b) Port districts having less than eight hundred million dollars
35 in value of taxable property during 1991 may at any time contract
36 indebtedness or borrow money for port district purposes and may issue
37 general obligation bonds therefor not exceeding an amount, combined
38 with existing indebtedness of the district not authorized by the

1 voters, of three-eighths of one percent of the value of the taxable
2 property in the district. Prior to contracting for any indebtedness
3 authorized by this subsection (1)(b), the port district must have a
4 comprehensive plan for harbor improvements or industrial development
5 and a long-term financial plan approved by the department of
6 community(~~(, trade, and economic)~~) development. The department of
7 community(~~(, trade, and economic)~~) development is immune from any
8 liability for its part in reviewing or approving port district's
9 improvement or development plans, or financial plans. Any indebtedness
10 authorized by this subsection (1)(b) may be used only to acquire or
11 construct a facility, and, prior to contracting for such indebtedness,
12 the port district must have a lease contract for a minimum of five
13 years for the facility to be acquired or constructed by the debt.

14 (2) With the assent of three-fifths of the voters voting thereon at
15 a general or special port election called for that purpose, a port
16 district may contract indebtedness or borrow money for district
17 purposes and may issue general obligation bonds therefor provided the
18 total indebtedness of the district at any such time shall not exceed
19 three-fourths of one percent of the value of the taxable property in
20 the district.

21 (3) In addition to the indebtedness authorized under subsections
22 (1) and (2) of this section, port districts having less than two
23 hundred million dollars in value of taxable property and operating a
24 municipal airport may at any time contract indebtedness or borrow money
25 for airport capital improvement purposes and may issue general
26 obligation bonds therefor not exceeding an additional one-eighth of one
27 percent of the value of the taxable property in the district without
28 authorization by the voters; and, with the assent of three-fifths of
29 the voters voting thereon at a general or special port election called
30 for that purpose, may contract indebtedness or borrow money for airport
31 capital improvement purposes and may issue general obligation bonds
32 therefor for an additional three-eighths of one percent provided the
33 total indebtedness of the district for all port purposes at any such
34 time shall not exceed one and one-fourth percent of the value of the
35 taxable property in the district.

36 (4) Any port district may issue general district bonds evidencing
37 any indebtedness, payable at any time not exceeding fifty years from
38 the date of the bonds. Any contract for indebtedness or borrowed money
39 authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years.

1 The bonds shall be issued and sold in accordance with chapter 39.46
2 RCW.

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

5 (6) For the purpose of this section, "indebtedness of the district"
6 shall not include any debt of a countywide district with a population
7 less than twenty-five hundred people when the debt is secured by a
8 mortgage on property leased to the federal government; and the term
9 "value of the taxable property" shall have the meaning set forth in RCW
10 39.36.015.

11 (7) This section does not apply to a loan made under a loan
12 agreement under chapter 39.69 RCW, and a computation of indebtedness
13 under this chapter must exclude the amount of a loan under such a loan
14 agreement.

15 **Sec. 372.** RCW 54.16.285 and 1995 c 399 s 144 are each amended to
16 read as follows:

17 (1) A district providing utility service for residential space
18 heating shall not terminate such utility service between November 15th
19 through March 15th if the customer:

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

28 (b) Provides self-certification of household income for the prior
29 twelve months to a grantee of the department of community(~~trade~~, and
30 ~~economic~~)) development which administers federally funded energy
31 assistance programs. The grantee shall determine that the household
32 income does not exceed the maximum allowed for eligibility under the
33 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
34 shall provide a dollar figure that is seven percent of household
35 income. The grantee may verify information provided in the self-
36 certification;

37 (c) Has applied for home heating assistance from applicable
38 government and private sector organizations and certifies that any

1 assistance received will be applied to the current bill and future
2 utility bills;

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

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

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

22 (2) The utility shall:

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

26 (b) Assist the customer in fulfilling the requirements under this
27 section;

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

31 (d) Be permitted to disconnect service if the customer fails to
32 honor the payment program. Utilities may continue to disconnect
33 service for those practices authorized by law other than for nonpayment
34 as provided for in this section. Customers who qualify for payment
35 plans under this section who default on their payment plans and are
36 disconnected can be reconnected and maintain the protections afforded
37 under this chapter by paying reconnection charges, if any, and by
38 paying all amounts that would have been due and owing under the terms

1 of the applicable payment plan, absent default, on the date on which
2 service is reconnected; and

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

6 (3) All districts providing utility service for residential space
7 heating shall offer residential customers the option of a budget
8 billing or equal payment plan. The budget billing or equal payment
9 plan shall be offered low-income customers eligible under the state's
10 plan for low-income energy assistance prepared in accordance with 42
11 U.S.C. 8624(C)(1) without limiting availability to certain months of
12 the year, without regard to the length of time the customer has
13 occupied the premises, and without regard to whether the customer is
14 the tenant or owner of the premises occupied.

15 (4) An agreement between the customer and the utility, whether oral
16 or written, shall not waive the protections afforded under this
17 chapter.

18 **Sec. 373.** RCW 54.52.010 and 1995 c 399 s 145 are each amended to
19 read as follows:

20 A public utility district may include along with, or as part of its
21 regular customer billings, a request for voluntary contributions to
22 assist qualified low-income residential customers of the district in
23 paying their electricity bills. All funds received by the district in
24 response to such requests shall be transmitted to the grantee of the
25 department of community(~~(, trade, and economic)~~) development which
26 administers federally funded energy assistance programs for the state
27 in the district's service area or to a charitable organization within
28 the district's service area. All such funds shall be used solely to
29 supplement assistance to low-income residential customers of the
30 district in paying their electricity bills. The grantee or charitable
31 organization shall be responsible to determine which of the district's
32 customers are qualified for low-income assistance and the amount of
33 assistance to be provided to those who are qualified.

34 **Sec. 374.** RCW 54.52.020 and 1995 c 399 s 146 are each amended to
35 read as follows:

36 All assistance provided under this chapter shall be disbursed by
37 the grantee or charitable organization. Where possible the public

1 utility district will be paid on behalf of the customer by the grantee
2 or the charitable organization. When direct vendor payment is not
3 feasible, a check will be issued jointly payable to the customer and
4 the public utility district. The availability of funds for assistance
5 to a district's low-income customers as a result of voluntary
6 contributions shall not reduce the amount of assistance for which the
7 district's customers are eligible under the federally funded energy
8 assistance programs administered by the grantee of the department of
9 community(~~(, trade, and economic)~~) development within the district's
10 service area. The grantee or charitable organization shall provide the
11 district with a quarterly report on January 15th, April 15th, July
12 15th, and October 15th which includes information concerning the total
13 amount of funds received from the district, the names of all recipients
14 of assistance from these funds, the amount received by each recipient,
15 and the amount of funds received from the district currently on hand
16 and available for future low-income assistance.

17 **Sec. 375.** RCW 57.46.010 and 1996 c 230 s 1401 are each amended to
18 read as follows:

19 A district may include along with, or as part of its regular
20 customer billings, a request for voluntary contributions to assist
21 qualified low-income residential customers of the district in paying
22 their district bills. All funds received by the district in response
23 to such requests shall be transmitted to the grantee of the department
24 of community(~~(, trade, and economic)~~) development which administers
25 federally funded energy assistance programs for the state in the
26 district's service area or to a charitable organization within the
27 district's service area. All such funds shall be used solely to
28 supplement assistance to low-income residential customers of the
29 district in paying their district bills. The grantee or charitable
30 organization shall be responsible to determine which of the district's
31 customers are qualified for low-income assistance and the amount of
32 assistance to be provided to those who are qualified.

33 **Sec. 376.** RCW 57.46.020 and 1996 c 230 s 1402 are each amended to
34 read as follows:

35 All assistance provided under this chapter shall be disbursed by
36 the grantee or charitable organization. Where possible the district
37 shall be paid on behalf of the customer by the grantee or the

1 charitable organization. When direct vendor payment is not feasible,
2 a check shall be issued jointly payable to the customer and the
3 district. The availability of funds for assistance to a district's
4 low-income customers as a result of voluntary contributions shall not
5 reduce the amount of assistance for which the district's customers are
6 eligible under the federally funded energy assistance programs
7 administered by the grantee of the department of community(~~(, trade,~~
8 ~~and economic~~)) development within the district's service area. The
9 grantee or charitable organization shall provide the district with a
10 quarterly report on January 15th, April 15th, July 15th, and October
11 15th which includes information concerning the total amount of funds
12 received from the district, the names of all recipients of assistance
13 from these funds, the amount received by each recipient, and the amount
14 of funds received from the district currently on hand and available for
15 future low-income assistance.

16 **Sec. 377.** RCW 59.18.440 and 1997 c 452 s 17 are each amended to
17 read as follows:

18 (1) Any city, town, county, or municipal corporation that is
19 required to develop a comprehensive plan under RCW 36.70A.040(1) is
20 authorized to require, after reasonable notice to the public and a
21 public hearing, property owners to provide their portion of reasonable
22 relocation assistance to low-income tenants upon the demolition,
23 substantial rehabilitation whether due to code enforcement or any other
24 reason, or change of use of residential property, or upon the removal
25 of use restrictions in an assisted-housing development. No city, town,
26 county, or municipal corporation may require property owners to provide
27 relocation assistance to low-income tenants, as defined in this
28 chapter, upon the demolition, substantial rehabilitation, upon the
29 change of use of residential property, or upon the removal of use
30 restrictions in an assisted-housing development, except as expressly
31 authorized herein or when authorized or required by state or federal
32 law. As used in this section, "assisted housing development" means a
33 multifamily rental housing development that either receives government
34 assistance and is defined as federally assisted housing in RCW
35 59.28.020, or that receives other federal, state, or local government
36 assistance and is subject to use restrictions.

37 (2) As used in this section, "low-income tenants" means tenants
38 whose combined total income per dwelling unit is at or below fifty

1 percent of the median income, adjusted for family size, in the county
2 where the tenants reside.

3 The department of community(~~(, trade, and economic)~~) development
4 shall adopt rules defining county median income in accordance with the
5 definitions promulgated by the federal department of housing and urban
6 development.

7 (3) A requirement that property owners provide relocation
8 assistance shall include the amounts of such assistance to be provided
9 to low-income tenants. In determining such amounts, the jurisdiction
10 imposing the requirement shall evaluate, and receive public testimony
11 on, what relocation expenses displaced tenants would reasonably incur
12 in that jurisdiction including:

13 (a) Actual physical moving costs and expenses;

14 (b) Advance payments required for moving into a new residence such
15 as the cost of first and last month's rent and security and damage
16 deposits;

17 (c) Utility connection fees and deposits; and

18 (d) Anticipated additional rent and utility costs in the residence
19 for one year after relocation.

20 (4)(a) Relocation assistance provided to low-income tenants under
21 this section shall not exceed two thousand dollars for each dwelling
22 unit displaced by actions of the property owner under subsection (1) of
23 this section. A city, town, county, or municipal corporation may make
24 future annual adjustments to the maximum amount of relocation
25 assistance required under this subsection in order to reflect any
26 changes in the housing component of the consumer price index as
27 published by the United States department of labor, bureau of labor
28 statistics.

29 (b) The property owner's portion of any relocation assistance
30 provided to low-income tenants under this section shall not exceed one-
31 half of the required relocation assistance under (a) of this subsection
32 in cash or services.

33 (c) The portion of relocation assistance not covered by the
34 property owner under (b) of this subsection shall be paid by the city,
35 town, county, or municipal corporation authorized to require relocation
36 assistance under subsection (1) of this section. The relocation
37 assistance may be paid from proceeds collected from the excise tax
38 imposed under RCW 82.46.010.

1 (5) A city, town, county, or municipal corporation requiring the
2 provision of relocation assistance under this section shall adopt
3 policies, procedures, or regulations to implement such requirement.
4 Such policies, procedures, or regulations shall include provisions for
5 administrative hearings to resolve disputes between tenants and
6 property owners relating to relocation assistance or unlawful detainer
7 actions during relocation, and shall require a decision within thirty
8 days of a request for a hearing by either a tenant or property owner.

9 Judicial review of an administrative hearing decision relating to
10 relocation assistance may be had by filing a petition, within ten days
11 of the decision, in the superior court in the county where the
12 residential property is located. Judicial review shall be confined to
13 the record of the administrative hearing and the court may reverse the
14 decision only if the administrative findings, inferences, conclusions,
15 or decision is:

16 (a) In violation of constitutional provisions;

17 (b) In excess of the authority or jurisdiction of the
18 administrative hearing officer;

19 (c) Made upon unlawful procedure or otherwise is contrary to law;
20 or

21 (d) Arbitrary and capricious.

22 (6) Any city, town, county, or municipal corporation may require
23 relocation assistance, under the terms of this section, for otherwise
24 eligible tenants whose living arrangements are exempted from the
25 provisions of this chapter under RCW 59.18.040(3) and if the living
26 arrangement is considered to be a rental or lease not defined as a
27 retail sale under RCW 82.04.050.

28 (7)(a) Persons who move from a dwelling unit prior to the
29 application by the owner of the dwelling unit for any governmental
30 permit necessary for the demolition, substantial rehabilitation, or
31 change of use of residential property or prior to any notification or
32 filing required for condominium conversion shall not be entitled to the
33 assistance authorized by this section.

34 (b) Persons who move into a dwelling unit after the application for
35 any necessary governmental permit or after any required condominium
36 conversion notification or filing shall not be entitled to the
37 assistance authorized by this section if such persons receive written
38 notice from the property owner prior to taking possession of the
39 dwelling unit that specifically describes the activity or condition

1 that may result in their temporary or permanent displacement and
2 advises them of their ineligibility for relocation assistance.

3 **Sec. 378.** RCW 59.21.010 and 1998 c 124 s 1 are each amended to
4 read as follows:

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

7 (1) "Director" means the director of the department of community(~~(~~
8 ~~trade, and economic)~~) development.

9 (2) "Department" means the department of community(~~(~~
10 ~~economic)~~) development.

11 (3) "Fund" means the mobile home park relocation fund established
12 under RCW 59.21.050.

13 (4) "Mobile home park" or "park" means real property that is rented
14 or held out for rent to others for the placement of two or more mobile
15 homes for the primary purpose of production of income, except where the
16 real property is rented or held out for rent for seasonal recreational
17 purpose only and is not intended for year-round occupancy.

18 (5) "Landlord" or "park-owner" means the owner of the mobile home
19 park that is being closed at the time relocation assistance is
20 provided.

21 (6) "Relocate" means to remove the mobile home from the mobile home
22 park being closed.

23 (7) "Relocation assistance" means the monetary assistance provided
24 under this chapter.

25 **Sec. 379.** RCW 59.22.020 and 1995 c 399 s 155 are each amended to
26 read as follows:

27 The following definitions shall apply throughout this chapter
28 unless the context clearly requires otherwise:

29 (1) "Account" means the mobile home affairs account created under
30 RCW 59.22.070.

31 (2) "Affordable" means that, where feasible, low-income residents
32 should not pay more than thirty percent of their monthly income for
33 housing costs.

34 (3) "Conversion costs" includes the cost of acquiring the mobile
35 home park, the costs of planning and processing the conversion, the
36 costs of any needed repairs or rehabilitation, and any expenditures
37 required by a government agency or lender for the project.

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

3 (5) "Fee" means the mobile home title transfer fee imposed under
4 RCW 59.22.080.

5 (6) "Fund" or "park purchase account" means the mobile home park
6 purchase account created pursuant to RCW 59.22.030.

7 (7) "Housing costs" means the total cost of owning, occupying, and
8 maintaining a mobile home and a lot or space in a mobile home park.

9 (8) "Individual interest in a mobile home park" means any interest
10 which is fee ownership or a lesser interest which entitles the holder
11 to occupy a lot or space in a mobile home park for a period of not less
12 than either fifteen years or the life of the holder. Individual
13 interests in a mobile home park include, but are not limited to, the
14 following:

15 (a) Ownership of a lot or space in a mobile home park or
16 subdivision;

17 (b) A membership or shares in a stock cooperative, or a limited
18 equity housing cooperative; or

19 (c) Membership in a nonprofit mutual benefit corporation which
20 owns, operates, or owns and operates the mobile home park.

21 (9) "Low-income resident" means an individual or household who
22 resided in the mobile home park prior to application for a loan
23 pursuant to this chapter and with an annual income at or below eighty
24 percent of the median income for the county of standard metropolitan
25 statistical area of residence. Net worth shall be considered in the
26 calculation of income with the exception of the resident's mobile/
27 manufactured home which is used as their primary residence.

28 (10) "Low-income spaces" means those spaces in a mobile home park
29 operated by a resident organization which are occupied by low-income
30 residents.

31 (11) "Mobile home park" means a mobile home park, as defined in RCW
32 59.20.030(~~(+4)~~), or a manufactured home park subdivision as defined by
33 RCW 59.20.030(~~(+6)~~) created by the conversion to resident ownership of
34 a mobile home park.

35 (12) "Resident organization" means a group of mobile home park
36 residents who have formed a nonprofit corporation, cooperative
37 corporation, or other entity or organization for the purpose of
38 acquiring the mobile home park in which they reside and converting the
39 mobile home park to resident ownership. The membership of a resident

1 organization shall include at least two-thirds of the households
2 residing in the mobile home park at the time of application for
3 assistance from the department.

4 (13) "Resident ownership" means, depending on the context, either
5 the ownership, by a resident organization, as defined in this section,
6 of an interest in a mobile home park which entitles the resident
7 organization to control the operations of the mobile home park for a
8 term of no less than fifteen years, or the ownership of individual
9 interests in a mobile home park, or both.

10 (14) "Landlord" shall have the same meaning as it does in RCW
11 59.20.030.

12 (15) "Manufactured housing" means residences constructed on one or
13 more chassis for transportation, and which bear an insignia issued by
14 a state or federal regulatory agency indication compliance with all
15 applicable construction standards of the United States department of
16 housing and urban development.

17 (16) "Mobile home" shall have the same meaning as it does in RCW
18 46.04.302.

19 (17) "Mobile home lot" shall have the same meaning as it does in
20 RCW 59.20.030.

21 (18) "Tenant" means a person who rents a mobile home lot for a term
22 of one month or longer and owns the mobile home on the lot.

23 **Sec. 380.** RCW 59.22.090 and 1998 c 245 s 105 are each amended to
24 read as follows:

25 (1) A manufactured housing task force is established to study and
26 make recommendations concerning the structure state government should
27 use to regulate manufactured housing in this state. In conducting this
28 study, the task force shall review the structures used in other states,
29 including those states with a commission structure. The task force
30 shall consider the report prepared by the department of licensing, the
31 department of labor and industries, and the department of community(~~ty~~
32 ~~trade, and economic~~) development on consolidating mobile home-related
33 functions in conducting its study. The task force may not consider any
34 form of mobile home rent control, but shall consider mobile home park
35 siting and density regulatory issues.

36 (2) The task force shall terminate on December 31, 1992.

37 (3) The task force shall consist of the following members:

1 (a) Two members of the house of representatives appointed by the
2 speaker of the house of representatives, from different political
3 caucuses;

4 (b) Two members of the senate appointed by the president of the
5 senate, from different political caucuses;

6 (c) Two members who represent mobile home park owners, appointed by
7 the governor;

8 (d) Two members who represent mobile home owners, appointed by the
9 governor;

10 (e) One member who represents mobile home manufacturers, appointed
11 by the governor;

12 (f) One member who represents mobile home dealers, appointed by the
13 governor;

14 (g) One member who represents mobile home transporters, appointed
15 by the governor;

16 (h) One member who represents local building officials, appointed
17 by the governor;

18 (i) One member who is either an elected or appointed government
19 official of a county with a population of one hundred thousand or more
20 persons, appointed by the governor;

21 (j) One member who is either an elected or appointed government
22 official of a county with a population of less than one hundred
23 thousand persons, appointed by the governor;

24 (k) One member who is either an elected or appointed government
25 official of a city with a population of thirty-five thousand persons,
26 appointed by the governor;

27 (l) One member who is either an elected or appointed government
28 official of a city with a population of less than thirty-five thousand
29 persons, appointed by the governor;

30 (m) One member who represents local health officials, appointed by
31 the governor; and

32 (n) The director, or the director's designee from the department of
33 community(~~(, trade, and economic)~~) development, the department of
34 licensing, the department of labor and industries, and the attorney
35 general's office. The designees shall be nonvoting, ex officio members
36 of the task force.

37 (4) The members of the task force shall select the chair or co-
38 chairs of the task force.

1 (5) Staff assistance for the task force will be provided by
2 legislative staff and staff from the agencies or offices listed in
3 subsection (3)(n) of this section.

4 **Sec. 381.** RCW 59.24.020 and 1995 c 399 s 157 are each amended to
5 read as follows:

6 (1) The department of community(~~(, trade, and economic)~~)
7 development shall establish the rental security deposit guarantee
8 program. Through this program the department of community(~~(, trade,~~
9 ~~and economic)~~) development shall provide grants and technical
10 assistance to local governments or nonprofit corporations, including
11 local housing authorities as defined in RCW 35.82.030, who operate
12 emergency housing shelters or transitional housing programs. The
13 grants are to be used for the payment of residential rental security
14 deposits under this chapter. The technical assistance is to help the
15 local government or nonprofit corporation apply for grants and carry
16 out the program. In order to be eligible for grants under this
17 program, the recipient local government or nonprofit corporation shall
18 provide fifteen percent of the total amount needed for the security
19 deposit. The security deposit may include last month's rent where such
20 rent is required as a normal practice by the landlord.

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

29 (3) Prospective tenants who are eligible to participate in the
30 rental security deposit guarantee program shall be limited to homeless
31 persons or families who are residing in an emergency shelter or
32 transitional housing operated by a local government or a nonprofit
33 corporation, or to families who are temporarily residing in a park,
34 car, or are otherwise without adequate shelter. The local government
35 or nonprofit corporation shall make a determination regarding the
36 person's or family's eligibility to participate in this program and a
37 determination that a local rental unit is available for occupation. A
38 determination of eligibility shall include, but is not limited to: (a)

1 A determination that the person or family is homeless or is in
2 transitional housing; (b) a verification of income and that the person
3 or family can reasonably make the monthly rental payment; and (c) a
4 determination that the person or family does not have the financial
5 resources to make the rental security deposit.

6 **Sec. 382.** RCW 59.24.050 and 1995 c 399 s 158 are each amended to
7 read as follows:

8 The department of community(~~(, trade, and economic)~~) development
9 may adopt rules to implement this chapter, including but not limited
10 to: (1) The eligibility of and the application process for local
11 governments and nonprofit corporations; (2) the criteria by which
12 grants and technical assistance shall be provided to local governments
13 and nonprofit corporations; and (3) the criteria local governments and
14 nonprofit corporations shall use in entering into contracts with
15 tenants and rental property owners.

16 **Sec. 383.** RCW 59.24.060 and 1995 c 399 s 159 are each amended to
17 read as follows:

18 The department of community(~~(, trade, and economic)~~) development
19 may receive such gifts, grants, or endowments from public or private
20 sources, as may be made from time to time, in trust or otherwise, to be
21 used by the department of community(~~(, trade, and economic)~~)
22 development for its programs, including the rental security deposit
23 guarantee program. Funds from the housing trust fund, chapter 43.185
24 RCW, up to one hundred thousand dollars, may be used for the rental
25 security deposit guarantee program by the department of community(~~(,
26 trade, and economic)~~) development, local governments, and nonprofit
27 organizations, provided all the requirements of this chapter and
28 chapter 43.185 RCW are met.

29 **Sec. 384.** RCW 59.28.040 and 2000 c 255 s 3 are each amended to
30 read as follows:

31 Except as provided in RCW 59.28.030, all owners of federally
32 assisted housing shall, at least twelve months before the expiration of
33 the rental assistance contract or prepayment of a mortgage or loan,
34 serve a written notice of the anticipated expiration or prepayment date
35 on each tenant household residing in the housing, on the clerk of the
36 city, or county if in an unincorporated area, in which the property is

1 located, on any public housing agency that would be responsible for
2 administering tenant-based rental assistance to persons who would
3 otherwise be displaced from this housing, and on the department of
4 community(~~(, trade, and economic)~~) development, by regular and
5 certified mail. All owners of federally assisted housing shall also
6 serve written notice of the anticipated expiration or prepayment date
7 on each tenant household that moves into the housing after the initial
8 notice has been given, but before the expiration of the rental
9 assistance contract or prepayment of the mortgage or loan. This notice
10 shall be given before a new tenant is asked to execute a rental
11 agreement or required to pay any deposits.

12 **Sec. 385.** RCW 59.28.050 and 1995 c 399 s 161 are each amended to
13 read as follows:

14 This chapter shall not in any way prohibit an owner of federally
15 assisted housing from terminating a rental assistance contract or
16 prepaying a mortgage or loan. The requirement in this chapter for
17 notice shall not be construed as conferring any new or additional
18 regulatory power upon the city or county clerk or upon the department
19 of community(~~(, trade, and economic)~~) development.

20 **Sec. 386.** RCW 59.28.060 and 2000 c 255 s 4 are each amended to
21 read as follows:

22 (1) The notice to tenants required by RCW 59.28.040 shall state:
23 (a) Whether the owner (i) intends to prepay the mortgage or loan or
24 allow the rental assistance contract to expire in order to operate the
25 housing without any low-income use restrictions, (ii) plans on renewing
26 the rental assistance contract subject to the availability of adequate
27 appropriations, or (iii) is seeking additional financial incentives or
28 higher rents as a condition of remaining in the federal program; (b)
29 the reason the owner plans on taking this action; (c) the owner's plans
30 for the project, including any timetables or deadlines for actions to
31 be taken by the owner and any specific federal, state, or local agency
32 approvals that the owner is required to obtain; (d) the anticipated
33 date of the prepayment of the mortgage or loan or expiration of the
34 rental assistance contract; (e) the effect, if any, that prepayment of
35 the mortgage or loan or expiration of the rental assistance contract
36 will have upon the tenants' rent and other terms of their rental
37 agreement; and (f) that additional information will be served on the

1 city or county, on the local public housing agency, and on the
2 department of community(~~(, trade, and economic)~~) development and will
3 be posted at the development. The owner shall also include with the
4 notice written information, prepared by the department of community(~~(, trade, and economic)~~) development under RCW 59.28.120(1), concerning
5 the legal rights, responsibilities, and options of owners and tenants
6 when an owner intends to prepay a mortgage or loan or terminate a
7 rental assistance contract.
8

9 (2) The notice to the city or county clerk and to the department of
10 community(~~(, trade, and economic)~~) development required by RCW
11 59.28.040 shall state: (a) The name, location, and project number of
12 the federally assisted housing and the type of assistance received from
13 the federal government; (b) the number and size of units; (c) the age,
14 race, family size, and estimated incomes of the tenants who will be
15 affected by the prepayment of the loan or mortgage or expiration of the
16 federal assistance contract; (d) the current rents and projected rent
17 increases for each affected tenant after the prepayment of the mortgage
18 or loan or expiration of the rental assistance contract without
19 disclosing the identities of the affected tenants; (e) the availability
20 and type, if any, of rental assistance after the prepayment of the
21 mortgage or loan or expiration of the rental assistance contract; and
22 (f) the age, race, family size, and estimated incomes of any applicants
23 on the project's waiting list without disclosing the identities of the
24 applicants. The owner shall attach to this notice a copy of the notice
25 the owner sends to the tenants under this chapter.

26 (3) All owners of federally assisted housing shall immediately post
27 a copy of any notices they send the city or county clerk, any public
28 housing agency, and the department of community(~~(, trade, and economic)~~) development, under RCW 59.28.040, in a conspicuous place at
29 the development where they are likely to be seen by current and
30 prospective tenants. The notices shall be maintained intact and in
31 legible form for twelve months from the date they are posted.
32

33 All owners of federally assisted housing shall, upon request of any
34 state or local agency, provide the agency with a copy of any rent
35 comparability study, market analysis, or projected budget that they
36 submit to the United States department of housing and urban development
37 or other federal agency in conjunction with the prepayment of their
38 mortgage or loan or in anticipation of the expiration of their rental
39 assistance contract, together with any physical inspection reports or

1 capital needs assessments completed by the owner or federal agency
2 within the last three years.

3 **Sec. 387.** RCW 66.08.195 and 2001 c 8 s 1 are each amended to read
4 as follows:

5 For the purposes of this chapter:

6 (1) "Border area" means any incorporated city or town, or
7 unincorporated area, located within seven miles of the Washington-
8 Canadian border or any unincorporated area that is a point of land
9 surrounded on three sides by saltwater and adjacent to the Canadian
10 border.

11 (2) "Border area per-capita law-enforcement spending" equals total
12 per capita expenditures in a border area on: Law enforcement operating
13 costs, court costs, law enforcement-related insurance, and detention
14 expenses, minus funds allocated to a border area under RCW 66.08.190
15 and 66.08.196.

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

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

25 **Sec. 388.** RCW 66.08.198 and 1995 c 159 s 4 are each amended to
26 read as follows:

27 The department of community(~~(, trade, and economic)~~) development
28 shall develop guidelines to determine the figures used under the three
29 distribution factors defined in RCW 66.08.195. At the request of any
30 border community, the department may review these guidelines once every
31 three years.

32 **Sec. 389.** RCW 67.38.070 and 1995 c 399 s 167 are each amended to
33 read as follows:

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

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

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

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

18 **Sec. 390.** RCW 68.60.030 and 1995 c 399 s 168 are each amended to
19 read as follows:

20 (1)(a) The archaeological and historical division of the department
21 of community(~~(, trade, and economic)~~) development may grant by
22 nontransferable certificate authority to maintain and protect an
23 abandoned cemetery upon application made by a preservation organization
24 which has been incorporated for the purpose of restoring, maintaining,
25 and protecting an abandoned cemetery. Such authority shall be limited
26 to the care, maintenance, restoration, protection, and historical
27 preservation of the abandoned cemetery, and shall not include authority
28 to make burials, unless specifically granted by the cemetery board.

29 (b) Those preservation and maintenance corporations that are
30 granted authority to maintain and protect an abandoned cemetery shall
31 be entitled to hold and possess burial records, maps, and other
32 historical documents as may exist. Maintenance and preservation
33 corporations that are granted authority to maintain and protect an
34 abandoned cemetery shall not be liable to those claiming burial rights,
35 ancestral ownership, or to any other person or organization alleging to
36 have control by any form of conveyance not previously recorded at the
37 county auditor's office within the county in which the abandoned
38 cemetery exists. Such organizations shall not be liable for any

1 reasonable alterations made during restoration work on memorials,
2 roadways, walkways, features, plantings, or any other detail of the
3 abandoned cemetery.

4 (c) Should the maintenance and preservation corporation be
5 dissolved, the archaeological and historical division of the department
6 of community(~~(, trade, and economic)~~) development shall revoke the
7 certificate of authority.

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

12 (2) Except as provided in subsection (1) of this section, the
13 department of community(~~(, trade, and economic)~~) development may, in
14 its sole discretion, authorize any Washington nonprofit corporation
15 that is not expressly incorporated for the purpose of restoring,
16 maintaining, and protecting an abandoned cemetery, to restore,
17 maintain, and protect one or more abandoned cemeteries. The
18 authorization may include the right of access to any burial records,
19 maps, and other historical documents, but shall not include the right
20 to be the permanent custodian of original records, maps, or documents.
21 This authorization shall be granted by a nontransferable certificate of
22 authority. Any nonprofit corporation authorized and acting under this
23 subsection is immune from liability to the same extent as if it were a
24 preservation organization holding a certificate of authority under
25 subsection (1) of this section.

26 (3) The department of community(~~(, trade, and economic)~~)
27 development shall establish standards and guidelines for granting
28 certificates of authority under subsections (1) and (2) of this section
29 to assure that any restoration, maintenance, and protection activities
30 authorized under this subsection are conducted and supervised in an
31 appropriate manner.

32 **Sec. 391.** RCW 70.05.125 and 1998 c 266 s 1 are each amended to
33 read as follows:

34 (1) The county public health account is created in the state
35 treasury. Funds deposited in the county public health account shall be
36 distributed by the state treasurer to each local public health
37 jurisdiction based upon amounts certified to it by the department of
38 community(~~(, trade, and economic)~~) development in consultation with the

1 Washington state association of counties. The account shall include
2 funds distributed under RCW ((~~82.44.110~~ and)) 82.14.200(8) and such
3 funds as are appropriated to the account from the health services
4 account under RCW 43.72.900, the public health services account under
5 RCW 43.72.902, and such other funds as the legislature may appropriate
6 to it.

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

11 (b) Only if funds are available and in an amount no greater than
12 available funds under RCW 82.14.200(8), the department of community((~~,~~
13 ~~trade, and economic~~)) development shall adjust the amount certified
14 under (a) of this subsection to compensate for any annexation of an
15 area with fifty thousand residents or more to any city as a result of
16 a petition during calendar year 1996 or 1997, or for any city that
17 became newly incorporated as a result of an election during calendar
18 year 1994 or 1995. The amount to be adjusted shall be equal to the
19 amount which otherwise would have been lost to the health jurisdiction
20 due to the annexation or incorporation as calculated using the
21 jurisdiction's 1995 funding formula.

22 (c) The county treasurer shall certify the actual 1995 city
23 contribution to the department. Funds in excess of the base shall be
24 distributed proportionately among the health jurisdictions based on
25 incorporated population figures as last determined by the office of
26 financial management.

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

29 **Sec. 392.** RCW 70.94.537 and 1997 c 250 s 5 are each amended to
30 read as follows:

31 (1) A twenty-eight member state commute trip reduction task force
32 is established as follows:

33 (a) The secretary of the department of transportation or the
34 secretary's designee who shall serve as chair;

35 (b) The director of the department of ecology or the director's
36 designee;

37 (c) The director of the department of community((~~, trade, and~~
38 ~~economic~~)) development or the director's designee;

1 (d) The director of the department of general administration or the
2 director's designee;

3 (e) Three representatives from counties appointed by the governor
4 from a list of at least six recommended by the Washington state
5 association of counties;

6 (f) Three representatives from cities and towns appointed by the
7 governor from a list of at least six recommended by the association of
8 Washington cities;

9 (g) Three representatives from transit agencies appointed by the
10 governor from a list of at least six recommended by the Washington
11 state transit association;

12 (h) Twelve representatives of employers or owners of major
13 worksites in Washington appointed by the governor from a list
14 recommended by the association of Washington business or other
15 statewide business associations representing major employers, provided
16 that every affected county shall have at least one representative; and

17 (i) Three citizens appointed by the governor.

18 Members of the commute trip reduction task force shall serve
19 without compensation but shall be reimbursed for travel expenses as
20 provided in RCW 43.03.050 and 43.03.060. Members appointed by the
21 governor shall be compensated in accordance with RCW 43.03.220. The
22 task force has all powers necessary to carry out its duties as
23 prescribed by this chapter. The task force shall be dissolved on July
24 1, 2006.

25 (2) By March 1, 1992, the commute trip reduction task force shall
26 establish guidelines for commute trip reduction plans. The guidelines
27 are intended to ensure consistency in commute trip reduction plans and
28 goals among jurisdictions while fairly taking into account differences
29 in employment and housing density, employer size, existing and
30 anticipated levels of transit service, special employer circumstances,
31 and other factors the task force determines to be relevant. The
32 guidelines shall include:

33 (a) Criteria for establishing commute trip reduction zones;

34 (b) Methods and information requirements for determining base year
35 values of the proportion of single-occupant vehicle commute trips and
36 the commute trip vehicle miles traveled per employee and progress
37 toward meeting commute trip reduction plan goals;

38 (c) Model commute trip reduction ordinances;

1 (d) Methods for assuring consistency in the treatment of employers
2 who have worksites subject to the requirements of this chapter in more
3 than one jurisdiction;

4 (e) An appeals process by which major employers, who as a result of
5 special characteristics of their business or its locations would be
6 unable to meet the requirements of a commute trip reduction plan, may
7 obtain a waiver or modification of those requirements and criteria for
8 determining eligibility for waiver or modification;

9 (f) Methods to ensure that employers shall receive full credit for
10 the results of transportation demand management efforts and commute
11 trip reduction programs which have been implemented by major employers
12 prior to the base year;

13 (g) Alternative commute trip reduction goals for major employers
14 which cannot meet the goals of this chapter because of the unique
15 nature of their business;

16 (h) Alternative commute trip reduction goals for major employers
17 whose worksites change and who contribute substantially to traffic
18 congestion in a trip reduction zone; and

19 (i) Methods to insure that employers receive credit for scheduling
20 changes enacted pursuant to the criteria identified in RCW
21 70.94.527(11).

22 (3) The task force shall work with jurisdictions, major employers,
23 and other parties to develop and implement a public awareness campaign
24 designed to increase the effectiveness of local commute trip reduction
25 programs and support achievement of the objectives identified in this
26 chapter.

27 (4) The task force shall assess the commute trip reduction options
28 available to employers other than major employers and make
29 recommendations to the legislature by October 1, 1992. The
30 recommendations shall include the minimum size of employer who shall be
31 required to implement trip reduction programs and the appropriate
32 methods those employers can use to accomplish trip reduction goals.

33 (5) The task force shall review progress toward implementing
34 commute trip reduction plans and programs and the costs and benefits of
35 commute trip reduction plans and programs and shall make
36 recommendations to the legislature by December 1, 1995, December 1,
37 1999, December 1, 2001, December 1, 2003, and December 1, 2005. In
38 assessing the costs and benefits, the task force shall consider the
39 costs of not having implemented commute trip reduction plans and

1 programs. The task force shall examine other transportation demand
2 management programs nationally and incorporate its findings into its
3 recommendations to the legislature. The recommendations shall address
4 the need for continuation, modification, or termination or any or all
5 requirements of this chapter. The recommendations made December 1,
6 1995, shall include recommendations regarding extension of the
7 requirements of this chapter to employers with fifty or more full-time
8 employees at a single worksite who begin their regular work day between
9 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous
10 months.

11 **Sec. 393.** RCW 70.95.260 and 1995 c 399 s 189 are each amended to
12 read as follows:

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

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

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

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

32 (4) Initiate, conduct, and support research, demonstration
33 projects, and investigations, and coordinate research programs
34 pertaining to solid waste management systems.

35 (5) Develop statewide programs to increase public awareness of and
36 participation in tire recycling, and to stimulate and encourage local
37 private tire recycling centers and public participation in tire
38 recycling.

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

5 **Sec. 394.** RCW 70.95.265 and 1995 c 399 s 190 are each amended to
6 read as follows:

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

13 **Sec. 395.** RCW 70.95.810 and 1998 c 245 s 132 are each amended to
14 read as follows:

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

18 (2) The department, in cooperation with the department of
19 community(~~(, trade, and economic)~~) development, may approve an
20 application if the project can demonstrate the essential parameters for
21 successful composting, including, but not limited to, cost-
22 effectiveness, handling and safety requirements, and current and
23 potential markets.

24 **Sec. 396.** RCW 70.105.020 and 1994 c 264 s 42 are each amended to
25 read as follows:

26 The department after notice and public hearing shall:

27 (1) Adopt regulations designating as extremely hazardous wastes
28 subject to the provisions of this chapter those substances which
29 exhibit characteristics consistent with the definition provided in RCW
30 70.105.010(6);

31 (2) Adopt and may revise when appropriate, minimum standards and
32 regulations for disposal of extremely hazardous wastes to protect
33 against hazards to the public, and to the environment. Before adoption
34 of such standards and regulations, the department shall consult with
35 appropriate agencies of interested local governments and secure
36 technical assistance from the department of agriculture, the department

1 of social and health services, the department of fish and wildlife, the
2 department of natural resources, the department of labor and
3 industries, and the department of community(~~(, trade, and economic)~~)
4 development, through the director of fire protection.

5 **Sec. 397.** RCW 70.114A.070 and 1995 c 220 s 7 are each amended to
6 read as follows:

7 The department of community(~~(, trade, and economic)~~) development
8 shall contract with private, nonprofit corporations to provide
9 technical assistance to any private individual or nonprofit
10 organization wishing to construct temporary or permanent worker
11 housing. The assistance may include information on state and local
12 application and approval procedures, information or assistance in
13 applying for federal, state, or local financial assistance, including
14 tax incentives, information on cost-effective housing designs, or any
15 other assistance the department of community(~~(, trade, and economic)~~)
16 development may deem helpful in obtaining the active participation of
17 private individuals or groups in constructing or operating temporary or
18 permanent worker housing.

19 **Sec. 398.** RCW 70.119A.170 and 2001 c 141 s 4 are each amended to
20 read as follows:

21 (1) A drinking water assistance account is created in the state
22 treasury. Such subaccounts as are necessary to carry out the purposes
23 of this chapter are permitted to be established within the account.
24 Therefore, the drinking water assistance administrative account and the
25 drinking water assistance repayment account are created in the state
26 treasury. The purpose of the account is to allow the state to use any
27 federal funds that become available to states from congress to fund a
28 state revolving loan fund program as part of the reauthorization of the
29 federal safe drinking water act. Expenditures from the account may
30 only be made by the secretary, the public works board, or the
31 department of community(~~(, trade, and economic)~~) development, after
32 appropriation. Moneys in the account may only be used, consistent with
33 federal law, to assist water systems to provide safe drinking water
34 through a program administered through the department of health, the
35 public works board, and the department of community(~~(, trade, and
36 economic)~~) development and for other activities authorized under
37 federal law. Money may be placed in the account from the proceeds of

1 bonds when authorized by the legislature, transfers from other state
2 funds or accounts, federal capitalization grants or other financial
3 assistance, all repayments of moneys borrowed from the account, all
4 interest payments made by borrowers from the account or otherwise
5 earned on the account, or any other lawful source. All interest earned
6 on moneys deposited in the account, including repayments, shall remain
7 in the account and may be used for any eligible purpose. Moneys in the
8 account may only be used to assist local governments and water systems
9 to provide safe and reliable drinking water, for other services and
10 assistance authorized by federal law to be funded from these federal
11 funds, and to administer the program.

12 (2) The department and the public works board shall establish and
13 maintain a program to use the moneys in the drinking water assistance
14 account as provided by the federal government under the safe drinking
15 water act. The department and the public works board, in consultation
16 with purveyors, local governments, local health jurisdictions,
17 financial institutions, commercial construction interests, other state
18 agencies, and other affected and interested parties, shall by January
19 1, 1999, adopt final joint rules and requirements for the provision of
20 financial assistance to public water systems as authorized under
21 federal law. Prior to the effective date of the final rules, the
22 department and the public works board may establish and utilize
23 guidelines for the sole purpose of ensuring the timely procurement of
24 financial assistance from the federal government under the safe
25 drinking water act, but such guidelines shall be converted to rules by
26 January 1, 1999. The department and the public works board shall make
27 every reasonable effort to ensure the state's receipt and disbursement
28 of federal funds to eligible public water systems as quickly as
29 possible after the federal government has made them available. By
30 December 15, 1997, the department and the public works board shall
31 provide a report to the appropriate committees of the legislature
32 reflecting the input from the affected interests and parties on the
33 status of the program. The report shall include significant issues and
34 concerns, the status of rule making and guidelines, and a plan for the
35 adoption of final rules.

36 (3) If the department, public works board, or any other department,
37 agency, board, or commission of state government participates in
38 providing service under this section, the administering entity shall
39 endeavor to provide cost-effective and timely services. Mechanisms to

1 provide cost-effective and timely services include: (a) Adopting
2 federal guidelines by reference into administrative rules; (b) using
3 existing management mechanisms rather than creating new administrative
4 structures; (c) investigating the use of service contracts, either with
5 other governmental entities or with nongovernmental service providers;
6 (d) the use of joint or combined financial assistance applications; and
7 (e) any other method or practice designed to streamline and expedite
8 the delivery of services and financial assistance.

9 (4) The department shall have the authority to establish assistance
10 priorities and carry out oversight and related activities, other than
11 financial administration, with respect to assistance provided with
12 federal funds. The department, the public works board, and the
13 department of community(~~(, trade, and economic)~~) development shall
14 jointly develop, with the assistance of water purveyors and other
15 affected and interested parties, a memorandum of understanding setting
16 forth responsibilities and duties for each of the parties. The
17 memorandum of understanding at a minimum, shall include:

18 (a) Responsibility for developing guidelines for providing
19 assistance to public water systems and related oversight prioritization
20 and oversight responsibilities including requirements for
21 prioritization of loans or other financial assistance to public water
22 systems;

23 (b) Department submittal of preapplication information to the
24 public works board for review and comment;

25 (c) Department submittal of a prioritized list of projects to the
26 public works board for determination of:

27 (i) Financial capability of the applicant; and

28 (ii) Readiness to proceed, or the ability of the applicant to
29 promptly commence the project;

30 (d) A process for determining consistency with existing water
31 resource planning and management, including coordinated water supply
32 plans, regional water resource plans, and comprehensive plans under the
33 growth management act, chapter 36.70A RCW;

34 (e) A determination of:

35 (i) Least-cost solutions, including consolidation and restructuring
36 of small systems, where appropriate, into more economical units;

37 (ii) The provision of regional facilities;

38 (iii) Projects and activities that facilitate compliance with the
39 federal safe drinking water act; and

1 (iv) Projects and activities that are intended to achieve the
2 public health objectives of federal and state drinking water laws;

3 (f) Implementation of water conservation and other demand
4 management measures consistent with state guidelines for water
5 utilities;

6 (g) Assistance for the necessary planning and engineering to assure
7 that consistency, coordination, and proper professional review are
8 incorporated into projects or activities proposed for funding;

9 (h) Minimum standards for water system capacity, financial
10 viability, and water system planning;

11 (i) Testing and evaluation of the water quality of the state's
12 public water system to assure that priority for financial assistance is
13 provided to systems and areas with threats to public health from
14 contaminated supplies and reduce in appropriate cases the substantial
15 increases in costs and rates that customers of small systems would
16 otherwise incur under the monitoring and testing requirements of the
17 federal safe drinking water act;

18 (j) Coordination, to the maximum extent possible, with other state
19 programs that provide financial assistance to public water systems and
20 state programs that address existing or potential water quality or
21 drinking contamination problems;

22 (k) Definitions of "affordability" and "disadvantaged community"
23 that are consistent with these and similar terms in use by other state
24 or federal assistance programs;

25 (l) Criteria for the financial assistance program for public water
26 systems, which shall include, but are not limited to:

27 (i) Determining projects addressing the most serious risk to human
28 health;

29 (ii) Determining the capacity of the system to effectively manage
30 its resources, including meeting state financial viability criteria;
31 and

32 (iii) Determining the relative benefit to the community served; and

33 (m) Ensure that each agency fulfills the audit, accounting, and
34 reporting requirements under federal law for its portion of the
35 administration of this program.

36 (5) The department and the public works board shall begin the
37 process to disburse funds no later than October 1, 1997, and shall
38 adopt such rules as are necessary under chapter 34.05 RCW to administer
39 the program by January 1, 1999.

1 **Sec. 399.** RCW 70.125.030 and 2000 c 54 s 1 are each amended to
2 read as follows:

3 As used in this chapter and unless the context indicates otherwise:

4 (1) "Core services" means treatment services for victims of sexual
5 assault including information and referral, crisis intervention,
6 medical advocacy, legal advocacy, support, system coordination, and
7 prevention for potential victims of sexual assault.

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

10 (3) "Law enforcement agencies" means police and sheriff's
11 departments of this state.

12 (4) "Personal representative" means a friend, relative, attorney,
13 or employee or volunteer from a community sexual assault program or
14 specialized treatment service provider.

15 (5) "Rape crisis center" means a community-based social service
16 agency which provides services to victims of sexual assault.

17 (6) "Community sexual assault program" means a community-based
18 social service agency that is qualified to provide and provides core
19 services to victims of sexual assault.

20 (7) "Sexual assault" means one or more of the following:

21 (a) Rape or rape of a child;

22 (b) Assault with intent to commit rape or rape of a child;

23 (c) Incest or indecent liberties;

24 (d) Child molestation;

25 (e) Sexual misconduct with a minor;

26 (f) Custodial sexual misconduct;

27 (g) Crimes with a sexual motivation; or

28 (h) An attempt to commit any of the aforementioned offenses.

29 (8) "Specialized services" means treatment services for victims of
30 sexual assault including support groups, therapy, and specialized
31 sexual assault medical examination.

32 (9) "Victim" means any person who suffers physical and/or mental
33 anguish as a proximate result of a sexual assault.

34 **Sec. 400.** RCW 70.164.020 and 1995 c 399 s 199 are each amended to
35 read as follows:

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

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

3 (2) "Energy assessment" means an analysis of a dwelling unit to
4 determine the need for cost-effective energy conservation measures as
5 determined by the department.

6 (3) "Household" means an individual or group of individuals living
7 in a dwelling unit as defined by the department.

8 (4) "Low income" means household income that is at or below one
9 hundred twenty-five percent of the federally established poverty level.

10 (5) "Nonutility sponsor" means any sponsor other than a public
11 service company, municipality, public utility district, mutual or
12 cooperative, furnishing gas or electricity used to heat low-income
13 residences.

14 (6) "Residence" means a dwelling unit as defined by the department.

15 (7) "Sponsor" means any entity that submits a proposal under RCW
16 70.164.040, including but not limited to any local community action
17 agency, community service agency, or any other participating agency or
18 any public service company, municipality, public utility district,
19 mutual or cooperative, or any combination of such entities that jointly
20 submits a proposal.

21 (8) "Sponsor match" means the share, if any, of the cost of
22 weatherization to be paid by the sponsor.

23 (9) "Weatherization" means materials or measures, and their
24 installation, that are used to improve the thermal efficiency of a
25 residence.

26 (10) "Weatherizing agency" means any approved department grantee or
27 any public service company, municipality, public utility district,
28 mutual or cooperative, or other entity that bears the responsibility
29 for ensuring the performance of weatherization of residences under this
30 chapter and has been approved by the department.

31 **Sec. 401.** RCW 70.190.010 and 1996 c 132 s 2 are each amended to
32 read as follows:

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

35 (1) "Administrative costs" means the costs associated with
36 procurement; payroll processing; personnel functions; management;
37 maintenance and operation of space and property; data processing and

1 computer services; accounting; budgeting; auditing; indirect costs; and
2 organizational planning, consultation, coordination, and training.

3 (2) "Assessment" has the same meaning as provided in RCW 43.70.010.

4 (3) "At-risk" children are children who engage in or are victims of
5 at-risk behaviors.

6 (4) "At-risk behaviors" means violent delinquent acts, teen
7 substance abuse, teen pregnancy and male parentage, teen suicide
8 attempts, dropping out of school, child abuse or neglect, and domestic
9 violence.

10 (5) "Community public health and safety networks" or "networks"
11 means the organizations authorized under RCW 70.190.060.

12 (6) "Comprehensive plan" means a two-year plan that examines
13 available resources and unmet needs for a county or multicounty area,
14 barriers that limit the effective use of resources, and a plan to
15 address these issues that is broadly supported by local residents.

16 (7) "Participating state agencies" means the office of the
17 superintendent of public instruction, the department of social and
18 health services, the department of health, the employment security
19 department, the department of community(~~(, trade, and economic)~~)
20 development, and such other departments as may be specifically
21 designated by the governor.

22 (8) "Family policy council" or "council" means the superintendent
23 of public instruction, the secretary of social and health services, the
24 secretary of health, the commissioner of the employment security
25 department, and the director of the department of community(~~(, trade,~~
26 ~~and economic)~~) development or their designees, one legislator from each
27 caucus of the senate and house of representatives, and one
28 representative of the governor.

29 (9) "Fiduciary interest" means (a) the right to compensation from
30 a health, educational, social service, or justice system organization
31 that receives public funds, or (b) budgetary or policy-making authority
32 for an organization listed in (a) of this subsection. A person who
33 acts solely in an advisory capacity and receives no compensation from
34 a health, educational, social service, or justice system organization,
35 and who has no budgetary or policy-making authority is deemed to have
36 no fiduciary interest in the organization.

37 (10) "Outcome" or "outcome based" means defined and measurable
38 outcomes used to evaluate progress in reducing the rate of at-risk

1 children and youth through reducing risk factors and increasing
2 protective factors.

3 (11) "Matching funds" means an amount no less than twenty-five
4 percent of the amount budgeted for a network. The network's matching
5 funds may be in-kind goods and services. Funding sources allowable for
6 match include appropriate federal or local levy funds, private
7 charitable funding, and other charitable giving. Basic education funds
8 shall not be used as a match. State general funds shall not be used as
9 a match for violence reduction and drug enforcement account funds
10 created under RCW 69.50.520.

11 (12) "Policy development" has the same meaning as provided in RCW
12 43.70.010.

13 (13) "Protective factors" means those factors determined by the
14 department of health to be empirically associated with behaviors that
15 contribute to socially acceptable and healthy nonviolent behaviors.
16 Protective factors include promulgation, identification, and acceptance
17 of community norms regarding appropriate behaviors in the area of
18 delinquency, early sexual activity, alcohol and substance abuse,
19 educational opportunities, employment opportunities, and absence of
20 crime.

21 (14) "Risk factors" means those factors determined by the
22 department of health to be empirically associated with at-risk
23 behaviors that contribute to violence.

24 **Sec. 402.** RCW 71.09.255 and 2001 2nd sp.s. c 12 s 204 are each
25 amended to read as follows:

26 (1) Upon receiving the notification required by RCW 71.09.250,
27 counties must promptly notify the cities within the county of the
28 maximum number of secure community transition facility beds that may be
29 required and the projected number of beds to be needed in that county.

30 (2) The incentive grants provided under this section are subject to
31 the following provisions:

32 (a) Counties and the cities within the county must notify each
33 other of siting plans to promote the establishment and equitable
34 distribution of secure community transition facilities;

35 (b) Development regulations, ordinances, plans, laws, and criteria
36 established for siting must be consistent with statutory requirements
37 and rules applicable to siting and operating secure community
38 transition facilities;

1 (c) The minimum size for any facility is three beds; and

2 (d) The department must approve any sites selected.

3 (3) Any county or city that makes a commitment to initiate the
4 process to site one or more secure community transition facilities by
5 February 1, 2002, shall receive a planning grant as proposed and
6 approved by the department of community(~~(, trade, and economic)~~)
7 development.

8 (4) Any county or city that has issued all necessary permits by May
9 1, 2003, for one or more secure community transition facilities that
10 comply with the requirements of this section shall receive an incentive
11 grant in the amount of fifty thousand dollars for each bed sited.

12 (5) To encourage the rapid permitting of sites, any county or city
13 that has issued all necessary permits by January 1, 2003, for one or
14 more secure community transition facilities that comply with the
15 requirements of this section shall receive a bonus in the amount of
16 twenty percent of the amount provided under subsection (4) of this
17 section.

18 (6) Any county or city that establishes secure community transition
19 facility beds in excess of the maximum number that could be required to
20 be sited in that county shall receive a bonus payment of one hundred
21 thousand dollars for each bed established in excess of the maximum
22 requirement.

23 (7) No payment shall be made under subsection (4), (5), or (6) of
24 this section until all necessary permits have been issued.

25 **Sec. 403.** RCW 72.09.055 and 1995 c 399 s 202 are each amended to
26 read as follows:

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

36 (2) By November 1st of each year, beginning in 1994, the department
37 shall purge the inventory of real property of sites that are no longer
38 available for the development of affordable housing. The department

1 shall include an updated listing of real property that has become
2 available since the last update. As used in this section, "real
3 property" means buildings, land, or buildings and land.

4 **Sec. 404.** RCW 72.65.210 and 1998 c 245 s 142 are each amended to
5 read as follows:

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

8 (2) The department shall:

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

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

13 (c) Establish physical standards for future work release structures
14 to ensure the safety of inmates, employees, and the surrounding
15 communities;

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

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

23 (f) Adopt a policy to encourage businesses employing work release
24 inmates to contact the appropriate work release facility whenever an
25 inmate is absent from his or her work schedule. The department of
26 corrections shall provide each employer with written information and
27 instructions on who should be called if a work release employee is
28 absent from work or leaves the job site without authorization; and

29 (g) Develop a siting policy, in conjunction with cities, counties,
30 community groups, and the department of community(~~(, trade, and~~
31 ~~economic~~)) development for the establishment of additional work release

32 facilities. Such policy shall include at least the following elements:

33 (i) Guidelines for appropriate site selection of work-release
34 facilities; (ii) notification requirements to local government and
35 community groups of intent to site a work release facility; and (iii)

36 guidelines for effective community relations by the work release
37 program operator.

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

3 **Sec. 405.** RCW 74.08A.010 and 1997 c 58 s 103 are each amended to
4 read as follows:

5 (1) A family that includes an adult who has received temporary
6 assistance for needy families for sixty months after July 27, 1997,
7 shall be ineligible for further temporary assistance for needy families
8 assistance.

9 (2) For the purposes of applying the rules of this section, the
10 department shall count any month in which an adult family member
11 received a temporary assistance for needy families cash assistance
12 grant unless the assistance was provided when the family member was a
13 minor child and not the head of the household or married to the head of
14 the household.

15 (3) The department shall refer recipients who require specialized
16 assistance to appropriate department programs, crime victims' programs
17 through the department of community(~~(, trade, and economic)~~)
18 development, or the crime victims' compensation program of the
19 department of labor and industries.

20 (4) The department may exempt a recipient and the recipient's
21 family from the application of subsection (1) of this section by reason
22 of hardship or if the recipient meets the family violence options of
23 section 402(A)(7) of Title IVA of the federal social security act as
24 amended by P.L. 104-193. The number of recipients and their families
25 exempted from subsection (1) of this section for a fiscal year shall
26 not exceed twenty percent of the average monthly number of recipients
27 and their families to which assistance is provided under the temporary
28 assistance for needy families program.

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

33 **Sec. 406.** RCW 74.14B.060 and 1996 c 123 s 8 are each amended to
34 read as follows:

35 (1) Treatment services for children who have been sexually
36 assaulted must be designed and delivered in a manner that accommodates
37 their unique developmental needs and also considers the impact of

1 family dynamics on treatment issues. In addition, the complexity of
2 the civil and criminal justice systems requires that children who are
3 involved receive appropriate consideration and attention that
4 recognizes their unique vulnerability in a system designed primarily
5 for adults.

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

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

17 (4) As part of the request for proposal or request for
18 qualifications process the department of community(~~(, trade, and
19 economic)~~) development shall ensure that there be no duplication of
20 services with existing programs including the crime victims'
21 compensation program as provided in chapter 7.68 RCW. The department
22 shall also ensure that victims exhaust private insurance benefits
23 available to the child victim before providing services to the child
24 victim under this section.

25 **Sec. 407.** RCW 79A.30.050 and 1995 c 200 s 6 are each amended to
26 read as follows:

27 (1) If the authority and state agencies find it mutually beneficial
28 to do so, they are authorized to collaborate and cooperate on projects
29 of shared interest. Agencies authorized to collaborate with the
30 authority include but are not limited to: The commission for
31 activities and projects related to public recreation; the department of
32 agriculture for projects related to the equine agricultural industry;
33 the department of community(~~(, trade, and economic)~~) development with
34 respect to community and economic development and tourism issues
35 associated with development of the state horse park; Washington State
36 University with respect to opportunities for animal research,
37 education, and extension; the department of ecology with respect to
38 opportunities for making the state horse park's waste treatment

1 facilities a demonstration model for the handling of waste to protect
2 water quality; and with local community colleges with respect to
3 programs related to horses, economic development, business, and
4 tourism.

5 (2) The authority shall cooperate with 4-H clubs, pony clubs, youth
6 groups, and local park departments to provide youth recreational
7 activities. The authority shall also provide for preferential use of
8 an area of the horse park facility for youth and the disabled at
9 nominal cost.

10 **Sec. 408.** RCW 79A.50.100 and 1995 c 399 s 209 are each amended to
11 read as follows:

12 (1) A public hearing may be held prior to any withdrawal of state
13 trust lands and shall be held prior to any revocation of withdrawal or
14 modification of withdrawal of state trust lands used for recreational
15 purposes by the department of natural resources or by other state
16 agencies.

17 (2) The department shall cause notice of the withdrawal, revocation
18 of withdrawal or modification of withdrawal of state trust lands as
19 described in subsection (1) of this section to be published by
20 advertisement once a week for four weeks prior to the public hearing in
21 at least one newspaper published and of general circulation in the
22 county or counties in which the state trust lands are situated, and by
23 causing a copy of said notice to be posted in a conspicuous place in
24 the department's Olympia office, in the district office in which the
25 land is situated, and in the office of the county auditor in the county
26 where the land is situated thirty days prior to the public hearing.
27 The notice shall specify the time and place of the public hearing and
28 shall describe with particularity each parcel of state trust lands
29 involved in said hearing.

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

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

1 **Sec. 409.** RCW 80.28.010 and 1995 c 399 s 211 are each amended to
2 read as follows:

3 (1) All charges made, demanded or received by any gas company,
4 electrical company or water company for gas, electricity or water, or
5 for any service rendered or to be rendered in connection therewith,
6 shall be just, fair, reasonable and sufficient.

7 (2) Every gas company, electrical company and water company shall
8 furnish and supply such service, instrumentalities and facilities as
9 shall be safe, adequate and efficient, and in all respects just and
10 reasonable.

11 (3) All rules and regulations issued by any gas company, electrical
12 company or water company, affecting or pertaining to the sale or
13 distribution of its product, shall be just and reasonable.

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

16 (a) Notifies the utility of the inability to pay the bill,
17 including a security deposit. This notice should be provided within
18 five business days of receiving a payment overdue notice unless there
19 are extenuating circumstances. If the customer fails to notify the
20 utility within five business days and service is terminated, the
21 customer can, by paying reconnection charges, if any, and fulfilling
22 the requirements of this section, receive the protections of this
23 chapter;

24 (b) Provides self-certification of household income for the prior
25 twelve months to a grantee of the department of community(~~(, trade, and~~
26 ~~economie~~)) development which administers federally funded energy
27 assistance programs. The grantee shall determine that the household
28 income does not exceed the maximum allowed for eligibility under the
29 state's plan for low-income energy assistance under 42 U.S.C. 8624 and
30 shall provide a dollar figure that is seven percent of household
31 income. The grantee may verify information provided in the self-
32 certification;

33 (c) Has applied for home heating assistance from applicable
34 government and private sector organizations and certifies that any
35 assistance received will be applied to the current bill and future
36 utility bills;

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

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

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

17 (5) The utility shall:

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

21 (b) Assist the customer in fulfilling the requirements under this
22 section;

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

26 (d) Be permitted to disconnect service if the customer fails to
27 honor the payment program. Utilities may continue to disconnect
28 service for those practices authorized by law other than for nonpayment
29 as provided for in this subsection. Customers who qualify for payment
30 plans under this section who default on their payment plans and are
31 disconnected can be reconnected and maintain the protections afforded
32 under this chapter by paying reconnection charges, if any, and by
33 paying all amounts that would have been due and owing under the terms
34 of the applicable payment plan, absent default, on the date on which
35 service is reconnected; and

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

1 (6) A payment plan implemented under this section is consistent
2 with RCW 80.28.080.

3 (7) Every gas company and electrical company shall offer
4 residential customers the option of a budget billing or equal payment
5 plan. The budget billing or equal payment plan shall be offered low-
6 income customers eligible under the state's plan for low-income energy
7 assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without
8 limiting availability to certain months of the year, without regard to
9 the length of time the customer has occupied the premises, and without
10 regard to whether the customer is the tenant or owner of the premises
11 occupied.

12 (8) Every gas company, electrical company and water company shall
13 construct and maintain such facilities in connection with the
14 manufacture and distribution of its product as will be efficient and
15 safe to its employees and the public.

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

19 (10) In establishing rates or charges for water service, water
20 companies as defined in RCW 80.04.010 may consider the achievement of
21 water conservation goals and the discouragement of wasteful water use
22 practices.

23 **Sec. 410.** RCW 82.14.330 and 1998 c 321 s 13 are each amended to
24 read as follows:

25 (1) Beginning in fiscal year 2000, the state treasurer shall
26 transfer into the municipal criminal justice assistance account for
27 distribution under this section from the general fund the sum of four
28 million six hundred thousand dollars divided into four equal deposits
29 occurring on July 1st, October 1st, January 1st, and April 1st. For
30 each fiscal year thereafter, the state treasurer shall increase the
31 total transfer by the fiscal growth factor, as defined in RCW
32 43.135.025, forecast for that fiscal year by the office of financial
33 management in November of the preceding year. The moneys deposited in
34 the municipal criminal justice assistance account for distribution
35 under this section, less any moneys appropriated for purposes under
36 subsection (4) of this section, shall be distributed to the cities of
37 the state as follows:

1 (a) Twenty percent appropriated for distribution shall be
2 distributed to cities with a three-year average violent crime rate for
3 each one thousand in population in excess of one hundred fifty percent
4 of the statewide three-year average violent crime rate for each one
5 thousand in population. The three-year average violent crime rate
6 shall be calculated using the violent crime rates for each of the
7 preceding three years from the annual reports on crime in Washington
8 state as published by the Washington association of sheriffs and police
9 chiefs. Moneys shall be distributed under this subsection (1)(a)
10 ratably based on population as last determined by the office of
11 financial management, but no city may receive more than one dollar per
12 capita. Moneys remaining undistributed under this subsection at the
13 end of each calendar year shall be distributed to the criminal justice
14 training commission to reimburse participating city law enforcement
15 agencies with ten or fewer full-time commissioned patrol officers the
16 cost of temporary replacement of each officer who is enrolled in basic
17 law enforcement training, as provided in RCW 43.101.200.

18 (b) Sixteen percent shall be distributed to cities ratably based on
19 population as last determined by the office of financial management,
20 but no city may receive less than one thousand dollars.

21 The moneys deposited in the municipal criminal justice assistance
22 account for distribution under this subsection shall be distributed at
23 such times as distributions are made under RCW 82.44.150.

24 Moneys distributed under this subsection shall be expended
25 exclusively for criminal justice purposes and shall not be used to
26 replace or supplant existing funding. Criminal justice purposes are
27 defined as activities that substantially assist the criminal justice
28 system, which may include circumstances where ancillary benefit to the
29 civil justice system occurs, and which includes domestic violence
30 services such as those provided by domestic violence programs,
31 community advocates, and legal advocates, as defined in RCW 70.123.020.
32 Existing funding for purposes of this subsection is defined as calendar
33 year 1989 actual operating expenditures for criminal justice purposes.
34 Calendar year 1989 actual operating expenditures for criminal justice
35 purposes exclude the following: Expenditures for extraordinary events
36 not likely to reoccur, changes in contract provisions for criminal
37 justice services, beyond the control of the local jurisdiction
38 receiving the services, and major nonrecurring capital expenditures.

1 (2) In addition to the distributions under subsection (1) of this
2 section:

3 (a) Fourteen percent shall be distributed to cities that have
4 initiated innovative law enforcement strategies, including alternative
5 sentencing and crime prevention programs. No city may receive more
6 than one dollar per capita under this subsection (2)(a).

7 (b) Twenty percent shall be distributed to cities that have
8 initiated programs to help at-risk children or child abuse victim
9 response programs. No city may receive more than fifty cents per
10 capita under this subsection (2)(b).

11 (c) Twenty percent shall be distributed to cities that have
12 initiated programs designed to reduce the level of domestic violence
13 within their jurisdictions or to provide counseling for domestic
14 violence victims. No city may receive more than fifty cents per capita
15 under this subsection (2)(c).

16 (d) Ten percent shall be distributed to cities that contract with
17 another governmental agency for a majority of the city's law
18 enforcement services.

19 Moneys distributed under this subsection shall be distributed to
20 those cities that submit funding requests under this subsection to the
21 department of community(~~(, trade, and economic)~~) development based on
22 criteria developed under RCW 82.14.335. Allocation of funds shall be
23 in proportion to the population of qualified jurisdictions, but the
24 distribution to a city shall not exceed the amount of funds requested.
25 Cities shall submit requests for program funding to the department of
26 community(~~(, trade, and economic)~~) development by November 1st of each
27 year for funding the following year. The department shall certify to
28 the state treasurer the cities eligible for funding under this
29 subsection and the amount of each allocation.

30 The moneys deposited in the municipal criminal justice assistance
31 account for distribution under this subsection, less any moneys
32 appropriated for purposes under subsection (4) of this section, shall
33 be distributed at the times as distributions are made under RCW
34 82.44.150. Moneys remaining undistributed under this subsection at the
35 end of each calendar year shall be distributed to the criminal justice
36 training commission to reimburse participating city law enforcement
37 agencies with ten or fewer full-time commissioned patrol officers the
38 cost of temporary replacement of each officer who is enrolled in basic
39 law enforcement training, as provided in RCW 43.101.200.

1 If a city is found by the state auditor to have expended funds
2 received under this subsection in a manner that does not comply with
3 the criteria under which the moneys were received, the city shall be
4 ineligible to receive future distributions under this subsection until
5 the use of the moneys are justified to the satisfaction of the director
6 or are repaid to the state general fund. The director may allow
7 noncomplying use of moneys received under this subsection upon a
8 showing of hardship or other emergent need.

9 (3) Notwithstanding other provisions of this section, the
10 distributions to any city that substantially decriminalizes or repeals
11 its criminal code after July 1, 1990, and that does not reimburse the
12 county for costs associated with criminal cases under RCW 3.50.800 or
13 3.50.805(2), shall be made to the county in which the city is located.

14 (4) Not more than five percent of the funds deposited to the
15 municipal criminal justice assistance account shall be available for
16 appropriations for enhancements to the state patrol crime laboratory
17 system and the continuing costs related to these enhancements. Funds
18 appropriated from this account for such enhancements shall not supplant
19 existing funds from the state general fund.

20 **Sec. 411.** RCW 82.14.335 and 1995 c 399 s 213 are each amended to
21 read as follows:

22 The department of community(~~(, trade, and economic)~~) development
23 shall adopt criteria to be used in making grants to cities under RCW
24 82.14.330(2). In developing the criteria, the department shall create
25 a temporary advisory committee consisting of the director of
26 community(~~(, trade, and economic)~~) development, two representatives
27 nominated by the association of Washington cities, and two
28 representatives nominated by the Washington association of sheriffs and
29 police chiefs.

30 **Sec. 412.** RCW 82.16.0497 and 2001 c 214 s 13 are each amended to
31 read as follows:

32 (1) Unless the context clearly requires otherwise, the definitions
33 in this subsection apply throughout this section.

34 (a) "Base credit" means the maximum amount of credit against the
35 tax imposed by this chapter that each light and power business or gas
36 distribution business may take each fiscal year as calculated by the
37 department. The base credit is equal to the proportionate share that

1 the total grants received by each light and power business or gas
2 distribution business in the prior fiscal year bears to the total
3 grants received by all light and power businesses and gas distribution
4 businesses in the prior fiscal year multiplied by two million five
5 hundred thousand dollars.

6 (b) "Billing discount" means a reduction in the amount charged for
7 providing service to qualifying persons in Washington made by a light
8 and power business or a gas distribution business. Billing discount
9 does not include grants received by the light and power business or a
10 gas distribution business.

11 (c) "Grant" means funds provided to a light and power business or
12 gas distribution business by the department of community(~~(, trade, and~~
13 ~~economic~~)) development or by a qualifying organization.

14 (d) "Low-income home energy assistance program" means energy
15 assistance programs for low-income households as defined on December
16 31, 2000, in the low-income home energy assistance act of 1981 as
17 amended August 1, 1999, 42 U.S.C. Sec. 8623 et seq.

18 (e) "Qualifying person" means a Washington resident who applies for
19 assistance and qualifies for a grant regardless of whether that person
20 receives a grant.

21 (f) "Qualifying contribution" means money given by a light and
22 power business or a gas distribution business to a qualifying
23 organization, exclusive of money received in the prior fiscal year from
24 its customers for the purpose of assisting other customers.

25 (g) "Qualifying organization" means an entity that has a
26 contractual agreement with the department of community(~~(, trade, and~~
27 ~~economic~~)) development to administer in a specified service area low-
28 income home energy assistance funds received from the federal
29 government and such other funds that may be received by the entity.

30 (2) Subject to the limitations in this section, a light and power
31 business or a gas distribution business may take a credit each fiscal
32 year against the tax imposed under this chapter.

33 (a)(i) A credit may be taken for qualifying contributions if the
34 dollar amount of qualifying contributions for the fiscal year in which
35 the tax credit is taken is greater than one hundred twenty-five percent
36 of the dollar amount of qualifying contributions given in fiscal year
37 2000.

38 (ii) If no qualifying contributions were given in fiscal year 2000,
39 a credit shall be allowed for the first fiscal year that qualifying

1 contributions are given. Thereafter, credit shall be allowed if the
2 qualifying contributions given exceed one hundred twenty-five percent
3 of qualifying contributions given in the first fiscal year.

4 (iii) The amount of credit shall be fifty percent of the dollar
5 amount of qualifying contributions given in the fiscal year in which
6 the tax credit is taken.

7 (b)(i) A credit may be taken for billing discounts if the dollar
8 amount of billing discounts for the fiscal year in which the tax credit
9 is taken is greater than one hundred twenty-five percent of the dollar
10 amount of billing discounts given in fiscal year 2000.

11 (ii) If no billing discounts were given in fiscal year 2000, a
12 credit shall be allowed in the first fiscal year that billing discounts
13 are given. Thereafter, credit shall be allowed if the dollar amount of
14 billing discounts given exceeds one hundred twenty-five percent of
15 billing discounts given in the first fiscal year.

16 (iii) The amount of credit shall be fifty percent of the dollar
17 amount of the billing discounts given in the fiscal year in which the
18 tax credit is taken.

19 (c) The total amount of credit that may be taken for qualifying
20 contributions and billing discounts in a fiscal year is limited to the
21 base credit for the same fiscal year.

22 (3) The total amount of credit, statewide, that may be taken in any
23 fiscal year shall not exceed two million five hundred thousand dollars.
24 By May 1st of each year starting in 2002, the department of
25 community(~~(, trade, and economic)~~) development shall notify the
26 department of revenue in writing of the grants received in the current
27 fiscal year by each light and power business and gas distribution
28 business.

29 (4)(a) Not later than June 1st of each year beginning in 2002, the
30 department shall publish the base credit for each light and power
31 business and gas distribution business for the next fiscal year.

32 (b) Not later than July 1st of each year beginning in 2002,
33 application for credit must be made to the department including but not
34 limited to the following information: Billing discounts given by the
35 applicant in fiscal year 2000; qualifying contributions given by the
36 applicant in the prior fiscal year; the amount of money received in the
37 prior fiscal year from customers for the purpose of assisting other
38 customers; the base credit for the next fiscal year for the applicant;
39 the qualifying contributions anticipated to be given in the next fiscal

1 year; and billing discounts anticipated to be given in the next fiscal
2 year. No credit under this section will be allowed to a light and
3 power business or gas distribution business that does not file the
4 application by July 1st.

5 (c) Not later than August 1st of each year beginning in 2002, the
6 department shall notify each applicant of the amount of credit that may
7 be taken in that fiscal year.

8 (d) The balance of base credits not used by other light and power
9 businesses and gas distribution businesses shall be ratably distributed
10 to applicants under the formula in subsection (1)(a) of this section.
11 The total amount of credit that may be taken by an applicant is the
12 base credit plus any ratable portion of unused base credit.

13 (5) The credit taken under this section is limited to the amount of
14 tax imposed under this chapter for the fiscal year. The credit must be
15 claimed in the fiscal year in which the billing reduction is made. Any
16 unused credit expires. Refunds shall not be given in place of credits.

17 (6) No credit may be taken for billing discounts made before July
18 1, 2001. Within two weeks of May 8, 2001, the department of
19 community(~~(, trade, and economic)~~) development shall notify the
20 department of revenue in writing of the grants received in fiscal year
21 2001 by each light and power business and gas distribution business.
22 Within four weeks of May 8, 2001, the department of revenue shall
23 publish the base credit for each light and power business and gas
24 distribution business for fiscal year 2002. Within eight weeks of May
25 8, 2001, application to the department must be made showing the
26 information required in subsection (4)(b) of this section. Within
27 twelve weeks of May 8, 2001, the department shall notify each applicant
28 of the amount of credit that may be taken in fiscal year 2002.

29 **Sec. 413.** RCW 82.34.075 and 2001 c 214 s 32 are each amended to
30 read as follows:

31 (1) The following definitions apply throughout this section:

32 (a) "Qualifying facility" means an air pollution control facility
33 as that term is defined in RCW 82.34.010(1)(a) to be installed or
34 acquired for a thermal electric peaking plant with a capacity of less
35 than one hundred megawatts and which is approved pursuant to the
36 Washington clean air act, chapter 70.94 RCW.

37 (b) "Thermal electric peaking plant" means a natural gas-fired
38 thermal electric generating facility operated by a light and power

1 business and placed into service between January 1, 1978, and December
2 31, 1984, and that is registered for the calendar year 2000 pursuant to
3 RCW 70.94.151.

4 (c) "Light and power business" has the same meaning as in RCW
5 82.16.010.

6 (2) A light and power business is exempt from sales tax on the
7 installation or acquisition of up to two qualifying facilities after
8 January 1, 2001, as provided in this section. Upon written request of
9 a light and power business to which the approval issued under chapter
10 70.94 RCW is attached, the department shall make a determination as to
11 whether a plant is a thermal electric peaking plant acquiring or
12 installing a qualifying facility eligible under this section. The
13 department shall consult with the department of community(~~(, trade, and~~
14 ~~economic~~)) development and the department of ecology in making the
15 determination. If the determination is in the affirmative, the
16 department shall issue the light and power business a sales and use tax
17 exemption certificate in a form and manner as deemed appropriate by the
18 department.

19 (3) The charges for installation or acquisition of a qualifying
20 facility by the holder of the certificate are exempt from sales tax
21 imposed under chapter 82.08 RCW and use tax imposed under chapter 82.12
22 RCW. The purchaser must provide the seller with a copy of the sales
23 and use tax exemption certificate. The seller shall retain a copy of
24 the certificate for the seller's files.

25 (4) The exemption in this section is limited to the installation or
26 acquisition of a qualifying facility and does not apply to servicing,
27 maintenance, operation, or repairs of a thermal electric peaking plant
28 or of an air pollution control facility.

29 (5) This section expires June 30, 2003.

30 **Sec. 414.** RCW 84.36.560 and 2001 1st sp.s. c 7 s 1 are each
31 amended to read as follows:

32 (1) The real and personal property owned or used by a nonprofit
33 entity in providing rental housing for very low-income households or
34 used to provide space for the placement of a mobile home for a very
35 low-income household within a mobile home park is exempt from taxation
36 if:

37 (a) The benefit of the exemption inures to the nonprofit entity;

1 (b) At least seventy-five percent of the occupied dwelling units in
2 the rental housing or lots in a mobile home park are occupied by a very
3 low-income household; and

4 (c) The rental housing or lots in a mobile home park were insured,
5 financed, or assisted in whole or in part through:

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

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

9 (2) If less than seventy-five percent of the occupied dwelling
10 units within the rental housing or lots in the mobile home park are
11 occupied by very low-income households, the rental housing or mobile
12 home park is eligible for a partial exemption on the real property and
13 a total exemption of the housing's or park's personal property as
14 follows:

15 (a) A partial exemption shall be allowed for each dwelling unit in
16 the rental housing or for each lot in a mobile home park occupied by a
17 very low-income household.

18 (b) The amount of exemption shall be calculated by multiplying the
19 assessed value of the property reasonably necessary to provide the
20 rental housing or to operate the mobile home park by a fraction. The
21 numerator of the fraction is the number of dwelling units or lots
22 occupied by very low-income households as of December 31st of the first
23 assessment year in which the rental housing or mobile home park becomes
24 operational or on January 1st of each subsequent assessment year for
25 which the exemption is claimed. The denominator of the fraction is the
26 total number of dwelling units or lots occupied as of December 31st of
27 the first assessment year the rental housing or mobile home park
28 becomes operational and January 1st of each subsequent assessment year
29 for which exemption is claimed.

30 (3) If a currently exempt rental housing unit in a facility with
31 ten units or fewer or mobile home lot in a mobile home park with ten
32 lots or fewer was occupied by a very low-income household at the time
33 the exemption was granted and the income of the household subsequently
34 rises above fifty percent of the median income but remains at or below
35 eighty percent of the median income, the exemption will continue as
36 long as the housing continues to meet the certification requirements of
37 a very low-income housing program administered by the department of
38 community(~~(, trade, and economic)~~) development or the affordable
39 housing levy under RCW 84.52.105. For purposes of this section, median

1 income, as most recently determined by the federal department of
2 housing and urban development for the county in which the rental
3 housing or mobile home park is located, shall be adjusted for family
4 size. However, if a dwelling unit or a lot becomes vacant and is
5 subsequently rerented, the income of the new household must be at or
6 below fifty percent of the median income adjusted for family size as
7 most recently determined by the federal department of housing and urban
8 development for the county in which the rental housing or mobile home
9 park is located to remain exempt from property tax.

10 (4) If at the time of initial application the property is
11 unoccupied, or subsequent to the initial application the property is
12 unoccupied because of renovations, and the property is not currently
13 being used for the exempt purpose authorized by this section but will
14 be used for the exempt purpose within two assessment years, the
15 property shall be eligible for a property tax exemption for the
16 assessment year in which the claim for exemption is submitted under the
17 following conditions:

18 (a) A commitment for financing to acquire, construct, renovate, or
19 otherwise convert the property to provide housing for very low-income
20 households has been obtained, in whole or in part, by the nonprofit
21 entity claiming the exemption from:

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

24 (ii) An affordable housing levy authorized under RCW 84.52.105;

25 (b) The nonprofit entity has manifested its intent in writing to
26 construct, remodel, or otherwise convert the property to housing for
27 very low-income households; and

28 (c) Only the portion of property that will be used to provide
29 housing or lots for very low-income households shall be exempt under
30 this section.

31 (5) To be exempt under this section, the property must be used
32 exclusively for the purposes for which the exemption is granted, except
33 as provided in RCW 84.36.805.

34 (6) The nonprofit entity qualifying for a property tax exemption
35 under this section may agree to make payments to the city, county, or
36 other political subdivision for improvements, services, and facilities
37 furnished by the city, county, or political subdivision for the benefit
38 of the rental housing. However, these payments shall not exceed the

1 amount last levied as the annual tax of the city, county, or political
2 subdivision upon the property prior to exemption.

3 (7) As used in this section:

4 (a) "Group home" means a single-family dwelling financed, in whole
5 or in part, by the department of community(~~(, trade, and economic))~~
6 development or by an affordable housing levy under RCW 84.52.105. The
7 residents of a group home shall not be considered to jointly constitute
8 a household, but each resident shall be considered to be a separate
9 household occupying a separate dwelling unit. The individual incomes
10 of the residents shall not be aggregated for purposes of this
11 exemption;

12 (b) "Mobile home lot" or "mobile home park" means the same as these
13 terms are defined in RCW 59.20.030;

14 (c) "Occupied dwelling unit" means a living unit that is occupied
15 by an individual or household as of December 31st of the first
16 assessment year the rental housing becomes operational or is occupied
17 by an individual or household on January 1st of each subsequent
18 assessment year in which the claim for exemption is submitted. If the
19 housing facility is comprised of three or fewer dwelling units and
20 there are any unoccupied units on January 1st, the department shall
21 base the amount of the exemption upon the number of occupied dwelling
22 units as of December 31st of the first assessment year the rental
23 housing becomes operational and on May 1st of each subsequent
24 assessment year in which the claim for exemption is submitted;

25 (d) "Rental housing" means a residential housing facility or group
26 home that is occupied but not owned by very low-income households;

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

34 (f) "Nonprofit entity" means a:

35 (i) Nonprofit as defined in RCW 84.36.800 that is exempt from
36 income tax under section 501(c) of the federal internal revenue code;

37 (ii) Limited partnership where a nonprofit as defined in RCW
38 84.36.800 that is exempt from income tax under section 501(c) of the
39 federal internal revenue code, a public corporation established under

1 RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created
2 under RCW 35.82.030 or 35.82.300, or a housing authority meeting the
3 definition in RCW 35.82.210(2)(a) is a general partner; or

4 (iii) Limited liability company where a nonprofit as defined in RCW
5 84.36.800 that is exempt from income tax under section 501(c) of the
6 federal internal revenue code, a public corporation established under
7 RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established
8 under RCW 35.82.030 or 35.82.300, or a housing authority meeting the
9 definition in RCW 35.82.210(2)(a) is a managing member.

10 **Sec. 415.** RCW 88.02.053 and 1996 c 3 s 2 are each amended to read
11 as follows:

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

18 (2) At the end of each fiscal year, the state treasurer shall pay
19 from this account to the department of licensing an amount equal to the
20 reasonable administrative expenses of that agency for that fiscal year
21 for collecting the voluntary donations and transmitting them to the
22 state treasurer and shall pay to the state treasurer an amount equal to
23 the reasonable administrative expenses of that agency for that fiscal
24 year for maintaining the account and disbursing funds from the account.

25 (3) At the end of each fiscal year, the state treasurer shall pay
26 one-half of the balance of the funds in the account after payment of
27 the administrative costs provided in subsection (2) of this section, to
28 the Grays Harbor historical seaport or its corporate successor and the
29 remainder to the Steamer Virginia V foundation or its corporate
30 successor.

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

36 (5) If both the Grays Harbor historical seaport and its corporate
37 successors and the Steamer Virginia V foundation and its corporate
38 successors legally cease to exist, the department of licensing shall

1 discontinue the collection of the voluntary donations in conjunction
2 with the registration of vessels under RCW 88.02.052, and the balance
3 of the funds in the account escheat to the state. If funds in the
4 account escheat to the state, one-half of the fund balance shall be
5 provided to the office of archaeology and historic preservation and the
6 remainder shall be deposited into the parks renewal and stewardship
7 account.

8 (6) The secretary of state, the directors of the state historical
9 societies, the director of the office of archaeology and historic
10 preservation within the department of community(~~(, trade, and~~
11 ~~economic~~)) development, and two members representing the recreational
12 boating community appointed by the secretary of state, shall review the
13 success of the voluntary donation program for maritime historic
14 restoration and preservation established under RCW 88.02.052 and report
15 their findings to the appropriate legislative committees by January 31,
16 1998. The findings must include the progress of the program and the
17 potential to expand the voluntary funding to other historic vessels.

18 **Sec. 416.** RCW 90.03.247 and 1996 c 186 s 523 are each amended to
19 read as follows:

20 Whenever an application for a permit to make beneficial use of
21 public waters is approved relating to a stream or other water body for
22 which minimum flows or levels have been adopted and are in effect at
23 the time of approval, the permit shall be conditioned to protect the
24 levels or flows. No agency may establish minimum flows and levels or
25 similar water flow or level restrictions for any stream or lake of the
26 state other than the department of ecology whose authority to establish
27 is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and
28 90.54.040. The provisions of other statutes, including but not limited
29 to RCW (~~(75.20.100)~~) 77.55.100 and chapter 43.21C RCW, may not be
30 interpreted in a manner that is inconsistent with this section. In
31 establishing such minimum flows, levels, or similar restrictions, the
32 department shall, during all stages of development by the department of
33 ecology of minimum flow proposals, consult with, and carefully consider
34 the recommendations of, the department of fish and wildlife, the
35 department of community(~~(, trade, and economic)~~) development, the
36 department of agriculture, and representatives of the affected Indian
37 tribes. Nothing herein shall preclude the department of fish and
38 wildlife, the department of community(~~(, trade, and economic)~~)

1 development, or the department of agriculture from presenting its views
2 on minimum flow needs at any public hearing or to any person or agency,
3 and the department of fish and wildlife, the department of community(~~(~~
4 ~~trade, and economic~~)) development, and the department of agriculture
5 are each empowered to participate in proceedings of the federal energy
6 regulatory commission and other agencies to present its views on
7 minimum flow needs.

8 **Sec. 417.** RCW 90.71.020 and 1998 c 246 s 14 are each amended to
9 read as follows:

10 (1) The Puget Sound action team is created. The action team shall
11 consist of: The directors of the departments of ecology; agriculture;
12 natural resources; fish and wildlife; and community(~~(~~~~trade, and~~
13 ~~economic~~)) development; the secretaries of the departments of health
14 and transportation; the director of the parks and recreation
15 commission; the director of the interagency committee for outdoor
16 recreation; the administrative officer of the conservation commission
17 designated in RCW 89.08.050; one person representing cities, appointed
18 by the governor; one person representing counties, appointed by the
19 governor; one person representing federally recognized tribes,
20 appointed by the governor; and the chair of the action team. The
21 action team shall also include the following ex officio nonvoting
22 members: The regional director of the United States environmental
23 protection agency; the regional administrator of the national marine
24 fisheries service; and the regional supervisor of the United States
25 fish and wildlife service. The members representing cities and
26 counties shall each be reimbursed for travel expenses as provided in
27 RCW 43.03.050 and 43.03.060.

28 (2) The action team shall:

29 (a) Prepare a Puget Sound work plan and budget for inclusion in the
30 governor's biennial budget;

31 (b) Coordinate monitoring and research programs as provided in RCW
32 90.71.060;

33 (c) Work under the direction of the action team chair as provided
34 in RCW 90.71.040;

35 (d) Coordinate permitting requirements as necessary to expedite
36 permit issuance for any local watershed plan developed pursuant to
37 rules adopted under this chapter;

- 1 (e) Identify and resolve any policy or rule conflicts that may
2 exist between one or more agencies represented on the action team;
- 3 (f) Periodically amend the Puget Sound management plan;
- 4 (g) Enter into, amend, and terminate contracts with individuals,
5 corporations, or research institutions for the purposes of this
6 chapter;
- 7 (h) Receive such gifts, grants, and endowments, in trust or
8 otherwise, for the use and benefit of the purposes of the action team.
9 The action team may expend the same or any income therefrom according
10 to the terms of the gifts, grants, or endowments;
- 11 (i) Promote extensive public participation, and otherwise seek to
12 broadly disseminate information concerning Puget Sound;
- 13 (j) Receive and expend funding from other public agencies;
- 14 (k) To reduce costs and improve efficiency, review by December 1,
15 1996, all requirements for reports and documentation from state
16 agencies and local governments specified in the plan for the purpose of
17 eliminating and consolidating reporting requirements; and
- 18 (l) Beginning in December 1998, and every two years thereafter,
19 submit a report to the appropriate policy and fiscal committees of the
20 legislature that describes and evaluates the successes and shortcomings
21 of the current work plan relative to the priority problems identified
22 for each geographic area of Puget Sound.
- 23 (3) By July 1, 1996, the action team shall begin developing its
24 initial work plan, which shall include the coordination of necessary
25 support staff.
- 26 (4) The action team shall incorporate, to the maximum extent
27 possible, the recommendations of the council regarding amendments to
28 the Puget Sound management plan and the work plan.
- 29 (5) All proceedings of the action team are subject to the open
30 public meetings act under chapter 42.30 RCW.

31 **PART IV**
32 **REFERENCES TO DEPARTMENT OF**
33 **TRADE AND ECONOMIC DEVELOPMENT**

34 **Sec. 501.** RCW 19.27A.020 and 1998 c 245 s 8 are each amended to
35 read as follows:

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

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

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

18 (4) The Washington state energy code for residential buildings
19 shall require:

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

23 (i) Ceilings insulated to a level of R-38. The code shall contain
24 an exception which permits single rafter or joist vaulted ceilings
25 insulated to a level of R-30 (R value includes insulation only);

26 (ii) In zone 1, walls insulated to a level of R-19 (R value
27 includes insulation only), or constructed with two by four members,
28 R-13 insulation batts, R-3.2 insulated sheathing, and other normal
29 assembly components; in zone 2 walls insulated to a level of R-24 (R
30 value includes insulation only), or constructed with two by six
31 members, R-22 insulation batts, R-3.2 insulated sheathing, and other
32 normal construction assembly components; for the purpose of determining
33 equivalent thermal performance, the wall U-value shall be 0.058 in zone
34 1 and 0.044 in zone 2;

35 (iii) Below grade walls, insulated on the interior side, to a level
36 of R-19 or, if insulated on the exterior side, to a level of R-10 in
37 zone 1 and R-12 in zone 2 (R value includes insulation only);

38 (iv) Floors over unheated spaces insulated to a level of R-30 (R
39 value includes insulation only);

1 (v) Slab on grade floors insulated to a level of R-10 at the
2 perimeter;

3 (vi) Double glazed windows with values not more than U-0.4;

4 (vii) In zone 1 the glazing area may be up to twenty-one percent of
5 floor area and in zone 2 the glazing area may be up to seventeen
6 percent of floor area where consideration of the thermal resistance
7 values for other building components and solar heat gains through the
8 glazing result in thermal performance equivalent to that achieved with
9 thermal resistance values for other components determined in accordance
10 with the equivalent thermal performance criteria of (a) of this
11 subsection and glazing area equal to fifteen percent of the floor area.
12 Throughout the state for the purposes of determining equivalent thermal
13 performance, the maximum glazing area shall be fifteen percent of the
14 floor area; and

15 (viii) Exterior doors insulated to a level of R-5; or an exterior
16 wood door with a thermal resistance value of less than R-5 and values
17 for other components determined in accordance with the equivalent
18 thermal performance criteria of (a) of this subsection.

19 (b) New residential buildings which are space-heated with all other
20 forms of space heating to achieve energy use equivalent to that used in
21 typical buildings constructed with:

22 (i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in
23 zone 2 the code shall contain an exception which permits single rafter
24 or joist vaulted ceilings insulated to a level of R-30 (R value
25 includes insulation only);

26 (ii) Walls insulated to a level of R-19 (R value includes
27 insulation only), or constructed with two by four members, R-13
28 insulation batts, R-3.2 insulated sheathing, and other normal assembly
29 components;

30 (iii) Below grade walls, insulated on the interior side, to a level
31 of R-19 or, if insulated on the exterior side, to a level of R-10 in
32 zone 1 and R-12 in zone 2 (R value includes insulation only);

33 (iv) Floors over unheated spaces insulated to a level of R-19 in
34 zone 1 and R-30 in zone 2 (R value includes insulation only);

35 (v) Slab on grade floors insulated to a level of R-10 at the
36 perimeter;

37 (vi) Heat pumps with a minimum heating season performance factor
38 (HSPF) of 6.8 or with all other energy sources with a minimum annual
39 fuel utilization efficiency (AFUE) of seventy-eight percent;

1 (vii) Double glazed windows with values not more than U-0.65 in
2 zone 1 and U-0.60 in zone 2. The state building code council, in
3 consultation with the department of ((community,)) trade((,)) and
4 economic development, shall review these U-values, and, if economically
5 justified for consumers, shall amend the Washington state energy code
6 to improve the U-values by December 1, 1993. The amendment shall not
7 take effect until July 1, 1994; and

8 (viii) In zone 1, the maximum glazing area shall be twenty-one
9 percent of the floor area. In zone 2 the maximum glazing area shall be
10 seventeen percent of the floor area. Throughout the state for the
11 purposes of determining equivalent thermal performance, the maximum
12 glazing area shall be fifteen percent of the floor area.

13 (c) The requirements of (b)(ii) of this subsection do not apply to
14 residences with log or solid timber walls with a minimum average
15 thickness of three and one-half inches and with space heat other than
16 electric resistance.

17 (d) The state building code council may approve an energy code for
18 pilot projects of residential construction that use innovative energy
19 efficiency technologies intended to result in savings that are greater
20 than those realized in the levels specified in this section.

21 (5) U-values for glazing shall be determined using the area
22 weighted average of all glazing in the building. U-values for vertical
23 glazing shall be determined, certified, and labeled in accordance with
24 the appropriate national fenestration rating council (NFRC) standard,
25 as determined and adopted by the state building code council.
26 Certification of U-values shall be conducted by a certified,
27 independent agency licensed by the NFRC. The state building code
28 council may develop and adopt alternative methods of determining,
29 certifying, and labeling U-values for vertical glazing that may be used
30 by fenestration manufacturers if determined to be appropriate by the
31 council. The state building code council shall review and consider the
32 adoption of the NFRC standards for determining, certifying, and
33 labeling U-values for doors and skylights when developed and published
34 by the NFRC. The state building code council may develop and adopt
35 appropriate alternative methods for determining, certifying, and
36 labeling U-values for doors and skylights. U-values for doors and
37 skylights determined, certified, and labeled in accordance with the
38 appropriate NFRC standard shall be acceptable for compliance with the
39 state energy code. Sealed insulation glass, where used, shall conform

1 to, or be in the process of being tested for, ASTM E-774-81 class A or
2 better.

3 (6) The minimum state energy code for new nonresidential buildings
4 shall be the Washington state energy code, 1986 edition, as amended.

5 (7)(a) Except as provided in (b) of this subsection, the Washington
6 state energy code for residential structures shall preempt the
7 residential energy code of each city, town, and county in the state of
8 Washington.

9 (b) The state energy code for residential structures does not
10 preempt a city, town, or county's energy code for residential
11 structures which exceeds the requirements of the state energy code and
12 which was adopted by the city, town, or county prior to March 1, 1990.
13 Such cities, towns, or counties may not subsequently amend their energy
14 code for residential structures to exceed the requirements adopted
15 prior to March 1, 1990.

16 (8) The state building code council shall consult with the
17 department of ((community₇)) trade((₇)) and economic development as
18 provided in RCW 34.05.310 prior to publication of proposed rules. The
19 department of ((community₇)) trade((₇)) and economic development shall
20 review the proposed rules for consistency with the guidelines adopted
21 in subsection (4) of this section. The director of the department of
22 ((community₇)) trade((₇)) and economic development shall recommend to
23 the state building code council any changes necessary to conform the
24 proposed rules to the requirements of this section.

25 **Sec. 502.** RCW 19.29A.010 and 2000 c 213 s 2 are each amended to
26 read as follows:

27 The definitions in this section apply throughout this chapter
28 unless the context clearly requires otherwise.

29 (1) "Biomass generation" means electricity derived from burning
30 solid organic fuels from wood, forest, or field residue, or dedicated
31 energy crops that do not include wood pieces that have been treated
32 with chemical preservatives such as creosote, pentachlorophenol, or
33 copper-chroma-arsenic.

34 (2) "Bonneville power administration system mix" means a generation
35 mix sold by the Bonneville power administration that is net of any
36 resource specific sales and that is net of any electricity sold to
37 direct service industrial customers, as defined in section 3(8) of the

1 Pacific Northwest electric power planning and conservation act (16
2 U.S.C. Sec. 839(a)(8)).

3 (3) "Coal generation" means the electricity produced by a
4 generating facility that burns coal as the primary fuel source.

5 (4) "Commission" means the utilities and transportation commission.

6 (5) "Conservation" means an increase in efficiency in the use of
7 energy use that yields a decrease in energy consumption while providing
8 the same or higher levels of service. Conservation includes low-income
9 weatherization programs.

10 (6) "Consumer-owned utility" means a municipal electric utility
11 formed under Title 35 RCW, a public utility district formed under Title
12 54 RCW, an irrigation district formed under chapter 87.03 RCW, a
13 cooperative formed under chapter 23.86 RCW, or a mutual corporation or
14 association formed under chapter 24.06 RCW, that is engaged in the
15 business of distributing electricity to more than one retail electric
16 customer in the state.

17 (7) "Declared resource" means an electricity source specifically
18 identified by a retail supplier to serve retail electric customers. A
19 declared resource includes a stated quantity of electricity tied
20 directly to a specified generation facility or set of facilities either
21 through ownership or contract purchase, or a contractual right to a
22 stated quantity of electricity from a specified generation facility or
23 set of facilities.

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

26 (9) "Electricity information coordinator" means the organization
27 selected by the department under RCW 19.29A.080 to: (a) Compile
28 generation data in the Northwest power pool by generating project and
29 by resource category; (b) compare the quantity of electricity from
30 declared resources reported by retail suppliers with available
31 generation from such resources; (c) calculate the net system power mix;
32 and (d) coordinate with other comparable organizations in the western
33 interconnection.

34 (10) "Electric meters in service" means those meters that record in
35 at least nine of twelve calendar months in any calendar year not less
36 than two hundred fifty kilowatt hours per month.

37 (11) "Electricity product" means the electrical energy produced by
38 a generating facility or facilities that a retail supplier sells or
39 offers to sell to retail electric customers in the state of Washington,

1 provided that nothing in this title shall be construed to mean that
2 electricity is a good or product for the purposes of Title 62A RCW, or
3 any other purpose. It does not include electrical energy generated on-
4 site at a retail electric customer's premises.

5 (12) "Electric utility" means a consumer-owned or investor-owned
6 utility as defined in this section.

7 (13) "Electricity" means electric energy measured in kilowatt
8 hours, or electric capacity measured in kilowatts, or both.

9 (14) "Fuel mix" means the actual or imputed sources of electricity
10 sold to retail electric customers, expressed in terms of percentage
11 contribution by resource category. The total fuel mix included in each
12 disclosure shall total one hundred percent.

13 (15) "Geothermal generation" means electricity derived from thermal
14 energy naturally produced within the earth.

15 (16) "Governing body" means the council of a city or town, the
16 commissioners of an irrigation district, municipal electric utility, or
17 public utility district, or the board of directors of an electric
18 cooperative or mutual association that has the authority to set and
19 approve rates.

20 (17) "High efficiency cogeneration" means electricity produced by
21 equipment, such as heat or steam used for industrial, commercial,
22 heating, or cooling purposes, that meets the federal energy regulatory
23 commission standards for qualifying facilities under the public utility
24 regulatory policies act of 1978.

25 (18) "Hydroelectric generation" means a power source created when
26 water flows from a higher elevation to a lower elevation and the flow
27 is converted to electricity in one or more generators at a single
28 facility.

29 (19) "Investor-owned utility" means a company owned by investors
30 that meets the definition of RCW 80.04.010 and is engaged in
31 distributing electricity to more than one retail electric customer in
32 the state.

33 (20) "Landfill gas generation" means electricity produced by a
34 generating facility that uses waste gases produced by the decomposition
35 of organic materials in landfills.

36 (21) "Natural gas generation" means electricity produced by a
37 generating facility that burns natural gas as the primary fuel source.

1 (22) "Northwest power pool" means the generating resources included
2 in the United States portion of the Northwest power pool area as
3 defined by the western systems coordinating council.

4 (23) "Net system power mix" means the fuel mix in the Northwest
5 power pool, net of: (a) Any declared resources in the Northwest power
6 pool identified by in-state retail suppliers or out-of-state entities
7 that offer electricity for sale to retail electric customers; (b) any
8 electricity sold by the Bonneville power administration to direct
9 service industrial customers; and (c) any resource specific sales made
10 by the Bonneville power administration.

11 (24) "Oil generation" means electricity produced by a generating
12 facility that burns oil as the primary fuel source.

13 (25) "Proprietary customer information" means: (a) Information
14 that relates to the source and amount of electricity used by a retail
15 electric customer, a retail electric customer's payment history, and
16 household data that is made available by the customer solely by virtue
17 of the utility-customer relationship; and (b) information contained in
18 a retail electric customer's bill.

19 (26) "Renewable resources" means electricity generation facilities
20 fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal
21 energy; (e) landfill gas; or (f) biomass energy based on solid organic
22 fuels from wood, forest, or field residues, or dedicated energy crops
23 that do not include wood pieces that have been treated with chemical
24 preservatives such as creosote, pentachlorophenol, or copper-chrome-
25 arsenic.

26 (27) "Resale" means the purchase and subsequent sale of electricity
27 for profit, but does not include the purchase and the subsequent sale
28 of electricity at the same rate at which the electricity was purchased.

29 (28) "Retail electric customer" means a person or entity that
30 purchases electricity for ultimate consumption and not for resale.

31 (29) "Retail supplier" means an electric utility that offers an
32 electricity product for sale to retail electric customers in the state.

33 (30) "Small utility" means any consumer-owned utility with twenty-
34 five thousand or fewer electric meters in service, or that has an
35 average of seven or fewer customers per mile of distribution line.

36 (31) "Solar generation" means electricity derived from radiation
37 from the sun that is directly or indirectly converted to electrical
38 energy.

39 (32) "State" means the state of Washington.

1 (33) "Waste incineration generation" means electricity derived from
2 burning solid or liquid wastes from businesses, households,
3 municipalities, or waste treatment operations.

4 (34) "Wind generation" means electricity created by movement of air
5 that is converted to electrical energy.

6 **Sec. 503.** RCW 24.46.010 and 1995 c 399 s 12 are each amended to
7 read as follows:

8 It is the finding of the legislature that foreign trade zones serve
9 an important public purpose by the creation of employment opportunities
10 within the state and that the establishment of zones designed to
11 accomplish this purpose is to be encouraged. It is the further intent
12 of the legislature that the department of ((community₇)) trade((₇)) and
13 economic development provide assistance to entities planning to apply
14 to the United States for permission to establish such zones.

15 **Sec. 504.** RCW 28A.515.320 and 1996 c 186 s 503 are each amended to
16 read as follows:

17 The common school construction fund is to be used exclusively for
18 the purpose of financing the construction of facilities for the common
19 schools. The sources of said fund shall be: (1) Those proceeds
20 derived from sale or appropriation of timber and other crops from
21 school and state land other than those granted for specific purposes;
22 (2) the interest accruing on the permanent common school fund less the
23 allocations to the state treasurer's service ((~~account~~{fund})) fund
24 pursuant to RCW 43.08.190 and the state investment board expense
25 account pursuant to RCW 43.33A.160 together with all rentals and other
26 revenue derived therefrom and from land and other property devoted to
27 the permanent common school fund; (3) all moneys received by the state
28 from the United States under the provisions of section 191, Title 30,
29 United States Code, Annotated, and under section 810, chapter 12, Title
30 16, (Conservation), United States Code, Annotated, except moneys
31 received before June 30, 2001, and when thirty megawatts of geothermal
32 power is certified as commercially available by the receiving utilities
33 and the department of ((community₇)) trade((₇)) and economic
34 development, eighty percent of such moneys, under the Geothermal Steam
35 Act of 1970 pursuant to RCW 43.140.030; and (4) such other sources as
36 the legislature may direct. That portion of the common school
37 construction fund derived from interest on the permanent common school

1 fund may be used to retire such bonds as may be authorized by law for
2 the purpose of financing the construction of facilities for the common
3 schools.

4 The interest accruing on the permanent common school fund less the
5 allocations to the state treasurer's service fund pursuant to RCW
6 43.08.190 and the state investment board expense account pursuant to
7 RCW 43.33A.160 together with all rentals and other revenues accruing
8 thereto pursuant to subsection (2) of this section prior to July 1,
9 1967, shall be exclusively applied to the current use of the common
10 schools.

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

20 **Sec. 505.** RCW 28B.20.283 and 1995 c 399 s 25 are each amended to
21 read as follows:

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

24 The legislature also finds that it is in the interests of the state
25 of Washington to provide a mechanism to transfer and apply research and
26 technology developed at the institutions of higher education to the
27 private sector in order to create new products and technologies which
28 provide job opportunities in advanced technology for the citizens of
29 this state.

30 It is the intent of the legislature that the University of
31 Washington, the Washington State University, and the department of
32 ((community)) trade(()) and economic development work cooperatively
33 with the private sector in the development and implementation of a
34 world class technology transfer program.

35 **Sec. 506.** RCW 28B.20.289 and 1995 c 399 s 26 are each amended to
36 read as follows:

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

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

26 (3) The duties of the board include:

27 (a) Developing the general operating policies for the technology
28 center;

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

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

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

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

37 (f) In cooperation with the department of ((community,)) trade((,))
38 and economic development, developing a biennial work plan and five-year

1 strategic plan for the technology center that are consistent with the
2 statewide technology development and commercialization goals;

3 (g) Coordinating with the University of Washington, Washington
4 State University, and other participating institutions of higher
5 education in the development of training, research, and development
6 programs to be conducted at the technology center that shall be
7 targeted to meet industrial needs;

8 (h) Assisting the department of ((community₇)) trade((₇)) and
9 economic development in the department's efforts to develop state
10 science and technology public policies and coordinate publicly funded
11 programs;

12 (i) Reviewing annual progress reports on funded research projects
13 that are prepared by the advisory committees for each of the research
14 centers;

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

17 (k) Submitting annually to the department of ((community₇))
18 trade((₇)) and economic development an updated strategic plan and a
19 statement of performance measured against the mission, roles, and
20 contractual obligations of the technology center.

21 **Sec. 507.** RCW 28B.20.293 and 1995 c 399 s 27 are each amended to
22 read as follows:

23 The department of ((community₇)) trade((₇)) and economic
24 development shall contract with the University of Washington for the
25 expenditure of state-appropriated funds for the operation of the
26 Washington technology center. The department of ((community₇))
27 trade((₇)) and economic development shall provide guidance to the
28 technology center regarding expenditure of state-appropriated funds and
29 the development of the center's strategic plan. The director of the
30 department of ((community₇)) trade((₇)) and economic development shall
31 not withhold funds appropriated for the technology center if the
32 technology center complies with the provisions of its contract with the
33 department of ((community₇)) trade((₇)) and economic development. The
34 department shall be responsible to the legislature for the contractual
35 performance of the center.

36 **Sec. 508.** RCW 28B.30.537 and 1998 c 245 s 20 are each amended to
37 read as follows:

1 The IMPACT center shall:

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

5 (a) The design and development of information and strategies to
6 expand the long-term international markets for Washington agricultural
7 products; and

8 (b) The dissemination of such information and strategies to
9 Washington exporters, overseas users, and public and private trade
10 organizations;

11 (2) Research and identify current impediments to increased exports
12 of Washington agricultural products, and determine methods of
13 surmounting those impediments and opportunities for exporting new
14 agricultural products and commodities to foreign markets;

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

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

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

25 (6) Link itself through cooperative agreements with the center for
26 international trade in forest products at the University of Washington,
27 the state department of agriculture, the department of ((community,))
28 trade((,)) and economic development, Washington's agriculture
29 businesses and associations, and other state agency data collection,
30 processing, and dissemination efforts.

31 **Sec. 509.** RCW 28B.30.900 and 1996 c 186 s 201 are each amended to
32 read as follows:

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

37 (2) The specific programs transferred to Washington State
38 University shall include but not be limited to the following:

1 Renewable energy, energy software, industrial energy efficiency,
2 education and information, energy ideas clearinghouse, and
3 telecommunications.

4 (3)(a) All reports, documents, surveys, books, records, files,
5 papers, or written material in the possession of the state energy
6 office pertaining to the powers, functions, and duties transferred
7 shall be delivered to the custody of Washington State University. All
8 cabinets, furniture, office equipment, software, data base, motor
9 vehicles, and other tangible property employed by the state energy
10 office in carrying out the powers, functions, and duties transferred
11 shall be made available to Washington State University.

12 (b) Any appropriations made to, any other funds provided to, or any
13 grants made to or contracts with the state energy office for carrying
14 out the powers, functions, and duties transferred shall, on July 1,
15 1996, be transferred and credited to Washington State University.

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

23 (d) All rules and all pending business before the state energy
24 office pertaining to the powers, functions, and duties transferred
25 shall be continued and acted upon by Washington State University. All
26 existing contracts, grants, and obligations, excluding personnel
27 contracts and obligations, shall remain in full force and shall be
28 assigned to and performed by Washington State University.

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

32 (f) If apportionments of budgeted funds are required because of the
33 transfers directed by this section, the director of the office of
34 financial management shall certify the apportionments to the agencies
35 affected, the state auditor, and the state treasurer. Each of these
36 shall make the appropriate transfer and adjustments in funds and
37 appropriation.

38 (4) Washington State University shall enter into an interagency
39 agreement with the department of ((community)) trade(()) and economic

1 development regarding the relationship between policy development and
2 public outreach. The department of ((community,)) trade((,)) and
3 economic development shall provide Washington State University
4 available existing and future oil overcharge restitution and federal
5 energy block funding for a minimum period of five years to carry out
6 energy programs. Nothing in chapter 186, Laws of 1996 prohibits
7 Washington State University from seeking grant funding for energy-
8 related programs directly from other entities.

9 (5) Washington State University shall select and appoint existing
10 state energy office employees to positions to perform the duties and
11 functions transferred. Employees appointed by Washington State
12 University are exempt from the provisions of chapter 41.06 RCW unless
13 otherwise designated by the institution. Any future vacant or new
14 positions will be filled using Washington State University's standard
15 hiring procedures.

16 **Sec. 510.** RCW 28B.38.020 and 1998 c 344 s 10 are each amended to
17 read as follows:

18 (1) The institute shall be administered by the board of directors.

19 (2) The board shall consist of the following members:

20 (a) Nine members of the general public. Of the general public
21 membership, at least six shall be individuals who are associated with
22 or employed by technology-based or manufacturing-based industries and
23 have broad business experience and an understanding of high technology;

24 (b) The executive director of the Washington technology center or
25 the director's designee;

26 (c) The provost of Washington State University or the provost's
27 designee;

28 (d) The provost of Eastern Washington University or the provost's
29 designee;

30 (e) The provost of Central Washington University or the provost's
31 designee;

32 (f) The provost of the University of Washington or the provost's
33 designee;

34 (g) An academic representative from the Spokane community colleges;

35 (h) One member from Gonzaga University; and

36 (i) One member from Whitworth College.

37 (3) The term of office for each board member, excluding the
38 executive director of the Washington technology center, the provosts of

1 Washington State University, Eastern Washington University, Central
2 Washington University, and the University of Washington, shall be three
3 years. The executive director of the institute shall be an ex officio,
4 nonvoting member of the board. Board members shall be appointed by the
5 governor. Initial appointments shall be for staggered terms to ensure
6 the long-term continuity of the board. The board shall meet at least
7 quarterly.

8 (4) The duties of the board include:

9 (a) Developing the general operating policies for the institute;

10 (b) Appointing the executive director of the institute;

11 (c) Approving the annual operating budget of the institute;

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

15 (e) Approving and allocating funding for research projects
16 conducted by the institute;

17 (f) In cooperation with the department of ((community~~7~~)) trade((~~7~~))
18 and economic development, developing a biennial work plan and five-year
19 strategic plan for the institute that are consistent with the statewide
20 technology development and commercialization goals;

21 (g) Coordinating with public, independent, and private institutions
22 of higher education, and other participating institutions of higher
23 education in the development of training, research, and development
24 programs to be conducted at the institute that are targeted to meet
25 industrial needs;

26 (h) Assisting the department of ((community~~7~~)) trade((~~7~~)) and
27 economic development in the department's efforts to develop state
28 science and technology public policies and coordinate publicly funded
29 programs;

30 (i) Reviewing annual progress reports on funded research projects;

31 (j) Providing an annual report to the governor and the legislature
32 detailing the activities and performance of the institute; and

33 (k) Submitting annually to the department of ((community~~7~~))
34 trade((~~7~~)) and economic development an updated strategic plan and a
35 statement of performance measured against the mission, roles, and
36 contractual obligations of the institute.

37 (5) The board may enter into contracts to fulfill its
38 responsibilities and purposes under this chapter.

1 **Sec. 511.** RCW 28B.38.050 and 1998 c 344 s 13 are each amended to
2 read as follows:

3 The department of ((community₇)) trade((₇)) and economic
4 development shall contract with the institute for the expenditure of
5 state-appropriated funds for the operation of the institute. The
6 department of ((community₇)) trade((₇)) and economic development shall
7 provide guidance to the institute regarding expenditure of state-
8 appropriated funds and the development of the institute's strategic
9 plan. The director of the department of ((community₇)) trade((₇)) and
10 economic development shall not withhold funds appropriated for the
11 institute if the institute complies with the provisions of its contract
12 with the department of ((community₇)) trade((₇)) and economic
13 development. The department is responsible to the legislature for the
14 contractual performance of the institute.

15 **Sec. 512.** RCW 28B.50.262 and 1995 c 226 s 19 are each amended to
16 read as follows:

17 The state board for community and technical colleges shall develop,
18 in conjunction with the center for international trade in forest
19 products, the Washington State University wood materials and
20 engineering laboratory, and the department of ((community₇)) trade((₇))
21 and economic development, a competency-based technical degree program
22 in wood product manufacturing and wood technology and make it available
23 in every college district that serves a rural natural resources impact
24 area.

25 **Sec. 513.** RCW 28B.65.040 and 1995 c 399 s 29 are each amended to
26 read as follows:

27 (1) The Washington high-technology coordinating board is hereby
28 created.

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

30 (a) Eleven shall be citizen members appointed by the governor, with
31 the consent of the senate, for four-year terms. In making the
32 appointments the governor shall ensure that a balanced geographic
33 representation of the state is achieved and shall attempt to choose
34 persons experienced in high-technology fields, including at least one
35 representative of labor. Any person appointed to fill a vacancy
36 occurring before a term expires shall be appointed only for the
37 remainder of that term; and

1 (b) Seven of the members shall be as follows: One representative
2 from each of the state's two research universities, one representative
3 of the state college and regional universities, the director for the
4 state system of community and technical colleges or the director's
5 designee, the superintendent of public instruction or the
6 superintendent's designee, a representative of the higher education
7 coordinating board, and the director of the department of
8 ((community)) trade(()) and economic development or the director's
9 designee.

10 (3) Members of the board shall not receive any salary for their
11 services, but shall be reimbursed for travel expenses under RCW
12 43.03.050 and 43.03.060 for each day actually spent in attending to
13 duties as a member of the board.

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

17 **Sec. 514.** RCW 28B.65.050 and 1998 c 245 s 22 are each amended to
18 read as follows:

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

21 (2) The board shall:

22 (a) Determine the specific high-technology occupational fields in
23 which technical training is needed and advise the institutions of
24 higher education and the higher education coordinating board on their
25 findings;

26 (b) Identify economic areas and high-technology industries in need
27 of technical training and research and development critical to economic
28 development and advise the institutions of higher education and the
29 higher education coordinating board on their findings;

30 (c) Oversee and coordinate the Washington high-technology education
31 and training program to ensure high standards, efficiency, and
32 effectiveness;

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

36 (e) Work cooperatively with and provide any information or advice
37 which may be requested by the higher education coordinating board
38 during the board's review of new baccalaureate degree program proposals

1 which are submitted under this chapter. Nothing in this chapter shall
2 be construed as altering or superseding the powers or prerogatives of
3 the higher education coordinating board over the review of new degree
4 programs as established in (~~section 6(2) of this 1985 act~~) RCW
5 28B.80.340;

6 (f) Work cooperatively with the department of (~~community,~~)
7 trade(~~,~~) and economic development to identify the high-technology
8 education and training needs of existing Washington businesses and
9 businesses with the potential to locate in Washington;

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

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

14 (i) Establish and maintain a plan, including priorities, to guide
15 high-technology program development in public institutions of higher
16 education, which plan shall include an assessment of current high-
17 technology programs, steps to increase existing programs, new
18 initiatives and programs necessary to promote high technology, and
19 methods to coordinate and target high-technology programs to changing
20 market opportunities in business and industry.

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

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

25 **Sec. 515.** RCW 28B.65.060 and 1995 c 399 s 31 are each amended to
26 read as follows:

27 Staff support for the high-technology coordinating board shall be
28 provided by the department of (~~community,~~) trade(~~,~~) and economic
29 development.

30 **Sec. 516.** RCW 28B.109.020 and 1996 c 253 s 402 are each amended to
31 read as follows:

32 The Washington international exchange scholarship program is
33 created subject to funding under RCW 28B.109.060. The program shall be
34 administered by the board. In administering the program, the board
35 may:

36 (1) Convene an advisory committee that may include but need not be
37 limited to representatives of the office of the superintendent of

1 public instruction, the department of ((community)) trade(()) and
2 economic development, the secretary of state, private business, and
3 institutions of higher education;

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

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

9 (4) Publicize the program;

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

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

13 (7) Establish a formula for selecting the countries from which
14 participants may be selected in consultation with the department of
15 ((community)) trade(()) and economic development.

16 **Sec. 517.** RCW 28C.18.060 and 1996 c 99 s 4 are each amended to
17 read as follows:

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

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

23 (2) Advocate for the state training system and for meeting the
24 needs of employers and the work force for work force education and
25 training.

26 (3) Establish and maintain an inventory of the programs of the
27 state training system, and related state programs, and perform a
28 biennial assessment of the vocational education, training, and adult
29 basic education and literacy needs of the state; identify ongoing and
30 strategic education needs; and assess the extent to which employment,
31 training, vocational and basic education, rehabilitation services, and
32 public assistance services represent a consistent, integrated approach
33 to meet such needs.

34 (4) Develop and maintain a state comprehensive plan for work force
35 training and education, including but not limited to, goals,
36 objectives, and priorities for the state training system, and review
37 the state training system for consistency with the state comprehensive
38 plan. In developing the state comprehensive plan for work force

1 training and education, the board shall use, but shall not be limited
2 to: Economic, labor market, and populations trends reports in office
3 of financial management forecasts; joint office of financial management
4 and employment security department labor force, industry employment,
5 and occupational forecasts; the results of scientifically based
6 outcome, net-impact and cost-benefit evaluations; the needs of
7 employers as evidenced in formal employer surveys and other employer
8 input; and the needs of program participants and workers as evidenced
9 in formal surveys and other input from program participants and the
10 labor community.

11 (5) In consultation with the higher education coordinating board,
12 review and make recommendations to the office of financial management
13 and the legislature on operating and capital facilities budget requests
14 for operating agencies of the state training system for purposes of
15 consistency with the state comprehensive plan for work force training
16 and education.

17 (6) Provide for coordination among the different operating agencies
18 and components of the state training system at the state level and at
19 the regional level.

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

23 (8) Establish standards for data collection and maintenance for the
24 operating agencies of the state training system in a format that is
25 accessible to use by the board. The board shall require a minimum of
26 common core data to be collected by each operating agency of the state
27 training system.

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

31 (9) Establish minimum standards for program evaluation for the
32 operating agencies of the state training system, including, but not
33 limited to, the use of common survey instruments and procedures for
34 measuring perceptions of program participants and employers of program
35 participants, and monitor such program evaluation.

36 (10) Every two years administer scientifically based outcome
37 evaluations of the state training system, including, but not limited
38 to, surveys of program participants, surveys of employers of program
39 participants, and matches with employment security department payroll

1 and wage files. Every five years administer scientifically based net-
2 impact and cost-benefit evaluations of the state training system.

3 (11) In cooperation with the employment security department,
4 provide for the improvement and maintenance of quality and utility in
5 occupational information and forecasts for use in training system
6 planning and evaluation. Improvements shall include, but not be
7 limited to, development of state-based occupational change factors
8 involving input by employers and employees, and delineation of skill
9 and training requirements by education level associated with current
10 and forecasted occupations.

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

14 (13) Provide for effectiveness and efficiency reviews of the state
15 training system.

16 (14) In cooperation with the higher education coordinating board,
17 facilitate transfer of credit policies and agreements between
18 institutions of the state training system, and encourage articulation
19 agreements for programs encompassing two years of secondary work force
20 education and two years of postsecondary work force education.

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

24 (16) Participate in the development of coordination criteria for
25 activities under the job training partnership act with related programs
26 and services provided by state and local education and training
27 agencies.

28 (17) Make recommendations to the commission of student assessment,
29 the state board of education, and the superintendent of public
30 instruction, concerning basic skill competencies and essential core
31 competencies for K-12 education. Basic skills for this purpose shall
32 be reading, writing, computation, speaking, and critical thinking,
33 essential core competencies for this purpose shall be English, math,
34 science/technology, history, geography, and critical thinking. The
35 board shall monitor the development of and provide advice concerning
36 secondary curriculum which integrates vocational and academic
37 education.

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

1 (19) Facilitate the location of support services, including but not
2 limited to, child care, financial aid, career counseling, and job
3 placement services, for students and trainees at institutions in the
4 state training system, and advocate for support services for trainees
5 and students in the state training system.

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

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

12 (22) Encourage and assess progress for the equitable representation
13 of racial and ethnic minorities, women, and people with disabilities
14 among the students, teachers, and administrators of the state training
15 system. Equitable, for this purpose, shall mean substantially
16 proportional to their percentage of the state population in the
17 geographic area served. This function of the board shall in no way
18 lessen more stringent state or federal requirements for representation
19 of racial and ethnic minorities, women, and people with disabilities.

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

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

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

26 (26) Work with the director of ((community₇)) trade((₇)) and
27 economic development to ensure coordination between work force training
28 priorities and that department's economic development efforts.

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

30 The board may delegate to the director any of the functions of this
31 section.

32 **Sec. 518.** RCW 36.01.120 and 1995 c 399 s 40 are each amended to
33 read as follows:

34 It is the finding of the legislature that foreign trade zones serve
35 an important public purpose by the creation of employment opportunities
36 within the state and that the establishment of zones designed to
37 accomplish this purpose is to be encouraged. It is the further intent
38 of the legislature that the department of ((community₇)) trade((₇)) and

1 economic development provide assistance to entities planning to apply
2 to the United States for permission to establish such zones.

3 **Sec. 519.** RCW 36.110.030 and 1995 c 399 s 45 are each amended to
4 read as follows:

5 A statewide jail industries board of directors is established. The
6 board shall consist of the following members:

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

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

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

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

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

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

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

22 (8) Three representatives from labor to be selected by the
23 governor. The representatives may be chosen from a list of nominations
24 provided by statewide labor organizations representing a cross-section
25 of trade organizations;

26 (9) Three representatives from business to be selected by the
27 governor. The representatives may be chosen from a list of nominations
28 provided by statewide business organizations representing a cross-
29 section of businesses, industries, and all sizes of employers;

30 (10) The governor's representative from the employment security
31 department;

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

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

36 (13) One member from the department of ((community₇)) trade((₇))
37 and economic development to be selected by the governor;

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

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

8 **Sec. 520.** RCW 39.86.110 and 1995 c 399 s 57 are each amended to
9 read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Agency" means the department of ((community~~7~~)) trade((~~7~~)) and
13 economic development.

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

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

17 (4) "Bond use category" means any of the following categories of
18 bonds which are subject to the state ceiling: (a) Housing, (b) student
19 loans, (c) small issue, (d) exempt facility, (e) redevelopment, (f)
20 public utility; and (g) remainder.

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

24 (6) "Code" means the federal internal revenue code of 1986 as it
25 exists on May 8, 1987. It also means the code as amended after May 8,
26 1987, but only if the amendments are approved by the agency under RCW
27 39.86.180.

28 (7) "Director" means the director of the agency or the director's
29 designee.

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

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

37 (10) "Housing" means the bond use category which includes: (a)
38 Mortgage revenue bonds and mortgage credit certificates as described in

1 the code; and (b) exempt facility bonds for qualified residential
2 rental projects as described in the code.

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

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

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

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

15 (15) "Public utility" means the bond use category which includes
16 those bonds described in section 1317(25) of the tax reform act of
17 1986.

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

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

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

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

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

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

31 **Sec. 521.** RCW 43.17.065 and 1995 c 226 s 24 are each amended to
32 read as follows:

33 (1) Where power is vested in a department to issue permits,
34 licenses, certifications, contracts, grants, or otherwise authorize
35 action on the part of individuals, businesses, local governments, or
36 public or private organizations, such power shall be exercised in an
37 expeditious manner. All departments with such power shall cooperate
38 with officials of the (~~business assistance center of the~~) department

1 of ((community,)) trade((,)) and economic development, and any other
2 state officials, when such officials request timely action on the part
3 of the issuing department.

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

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

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

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

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

18 **Sec. 522.** RCW 42.17.319 and 2001 c 87 s 1 are each amended to read
19 as follows:

20 (1) Notwithstanding the provisions of RCW 42.17.260 through
21 42.17.340, the following information supplied to the department of
22 ((community,)) trade((,)) and economic development is exempt from
23 disclosure under this chapter:

24 (a) Financial and proprietary information collected from any person
25 and provided to the department of ((community,)) trade((,)) and
26 economic development pursuant to RCW 43.330.050(8) and 43.330.080(4);
27 and

28 (b) Financial or proprietary information collected from any person
29 and provided to the department or the office of the governor in
30 connection with the siting, recruitment, expansion, retention, or
31 relocation of that person's business and until a siting decision is
32 made, identifying information of any person supplying information under
33 this section and the locations being considered for siting, relocation,
34 or expansion of a business.

35 (2) Any work product developed by the department based on
36 information as described in subsection (1)(a) of this section is not
37 exempt from disclosure.

1 (3) For the purposes of this section, "siting decision" means the
2 decision to acquire or not to acquire a site.

3 (4) If there is no written contact for a period of sixty days to
4 the department from a person connected with siting, recruitment,
5 expansion, retention, or relocation of that person's business,
6 information described in subsection (1)(b) of this section will be
7 available to the public under the provisions of RCW 42.17.250 through
8 42.17.340.

9 (5) Nothing in this section shall apply to records of any other
10 state agency or of a local agency.

11 **Sec. 523.** RCW 43.20A.750 and 1997 c 367 s 16 are each amended to
12 read as follows:

13 (1) The department of social and health services shall help
14 families and workers in rural natural resources impact areas make the
15 transition through economic difficulties and shall provide services to
16 assist workers to gain marketable skills. The department, as a member
17 of the agency rural community assistance task force and, where
18 appropriate, under an interagency agreement with the department of
19 (~~community~~) trade(~~ing~~) and economic development, shall provide
20 grants through the office of the secretary for services to the
21 unemployed in rural natural resources impact areas and to dislocated
22 salmon fishing workers as defined in RCW 43.63A.021 (as recodified by
23 this act) who live in urban areas of qualifying rural natural resource
24 impact counties, including providing direct or referral services,
25 establishing and operating service delivery programs, and coordinating
26 delivery programs and delivery of services. These grants may be
27 awarded for family support centers, reemployment centers, or other
28 local service agencies.

29 (2) The services provided through the grants may include, but need
30 not be limited to: Credit counseling; social services including
31 marital counseling; psychotherapy or psychological counseling; mortgage
32 foreclosures and utilities problems counseling; drug and alcohol abuse
33 services; medical services; and residential heating and food
34 acquisition.

35 (3) Funding for these services shall be coordinated through the
36 agency rural community assistance task force which will establish a
37 fund to provide child care assistance, mortgage assistance, and
38 counseling which cannot be met through current programs. No funds

1 shall be used for additional full-time equivalents for administering
2 this section.

3 (4)(a) Grants for family support centers are intended to provide
4 support to families by responding to needs identified by the families
5 and communities served by the centers. Services provided by family
6 support centers may include parenting education, child development
7 assessments, health and nutrition education, counseling, and
8 information and referral services. Such services may be provided
9 directly by the center or through referral to other agencies
10 participating in the interagency team.

11 (b) The department shall consult with the council on child abuse or
12 neglect regarding grants for family support centers.

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

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

17 (b) A nonmetropolitan county with a population of less than forty
18 thousand in the 1990 decennial census, that meets two of the five
19 criteria as set forth in subsection (6) of this section; or

20 (c) A nonurbanized area, as defined by the 1990 decennial census,
21 that is located in a metropolitan county that meets three of the five
22 criteria set forth in subsection (6) of this section.

23 (6) For the purposes of designating rural natural resources impact
24 areas, the following criteria shall be considered:

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

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

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

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

33 (e) An unemployment rate twenty percent or more above the state
34 average. The counties that meet these criteria shall be determined by
35 the employment security department for the most recent year for which
36 data is available. For the purposes of administration of programs
37 under this chapter, the United States post office five-digit zip code
38 delivery areas will be used to determine residence status for
39 eligibility purposes. For the purpose of this definition, a zip code

1 delivery area of which any part is ten miles or more from an urbanized
2 area is considered nonurbanized. A zip code totally surrounded by zip
3 codes qualifying as nonurbanized under this definition is also
4 considered nonurbanized. The office of financial management shall make
5 available a zip code listing of the areas to all agencies and
6 organizations providing services under this chapter.

7 **Sec. 524.** RCW 43.21A.510 and 1995 c 399 s 66 are each amended to
8 read as follows:

9 In order to assist the department of ((community₇)) trade((₇)) and
10 economic development in providing information to businesses interested
11 in locating in Washington state, the department shall develop an
12 environmental profile of the state. This profile shall identify the
13 state's natural resources and describe how these assets are valuable to
14 industry. Examples of information to be included are water resources
15 and quality, air quality, and recreational opportunities related to
16 natural resources.

17 **Sec. 525.** RCW 43.21A.515 and 1995 c 399 s 67 are each amended to
18 read as follows:

19 In order to emphasize the importance of the state's environmental
20 laws and regulations and to facilitate compliance with them, the
21 department of ecology shall provide assistance to businesses interested
22 in locating in Washington state. When the department of ((community₇))
23 trade((₇)) and economic development receives a query from an interested
24 business through its industrial marketing activities, it shall arrange
25 for the department of ecology to provide information on the state's
26 environmental laws and regulations and methods of compliance. This
27 section shall facilitate compliance with state environmental laws and
28 regulations and shall not weaken their application or effectiveness.

29 **Sec. 526.** RCW 43.21F.025 and 1996 c 186 s 102 are each amended to
30 read as follows:

31 (1) "Energy" means petroleum or other liquid fuels; natural or
32 synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear
33 material; electricity; solar radiation; geothermal resources;
34 hydropower; organic waste products; wind; tidal activity; any other
35 substance or process used to produce heat, light, or motion; or the
36 savings from nongeneration technologies, including conservation or

1 improved efficiency in the usage of any of the sources described in
2 this subsection;

3 (2) "Person" means an individual, partnership, joint venture,
4 private or public corporation, association, firm, public service
5 company, political subdivision, municipal corporation, government
6 agency, public utility district, joint operating agency, or any other
7 entity, public or private, however organized;

8 (3) "Director" means the director of the department of
9 (~~community~~) trade(~~)~~ and economic development;

10 (4) "Assistant director" means the assistant director of the
11 department of (~~community~~) trade(~~)~~ and economic development
12 responsible for energy policy activities;

13 (5) "Department" means the department of (~~community~~) trade(~~)~~
14 and economic development;

15 (6) "Distributor" means any person, private corporation,
16 partnership, individual proprietorship, utility, including investor-
17 owned utilities, municipal utility, public utility district, joint
18 operating agency, or cooperative, which engages in or is authorized to
19 engage in the activity of generating, transmitting, or distributing
20 energy in this state; and

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

24 **Sec. 527.** RCW 43.21F.090 and 1996 c 186 s 106 are each amended to
25 read as follows:

26 With the guidance of an advisory committee, the department shall
27 review the state energy strategy as originally developed under section
28 1, chapter 201, Laws of 1991, (~~periodically with the guidance of an~~
29 advisory committee) and subsequently revised. (~~For each review,~~) An
30 advisory committee shall be established with a membership resembling
31 (~~as closely as possible~~) but not limited by the composition of the
32 original energy strategy advisory committee specified under section 1,
33 chapter 201, Laws of 1991. Upon completion of (~~a~~) one or more public
34 hearings regarding the advisory committee's advice and recommendations
35 for revisions to the energy strategy, a written report shall be
36 conveyed by the department to the governor and the appropriate
37 legislative committees. Any advisory committee established under this

1 section shall be (~~dissolved within three months after their written~~
2 ~~report is conveyed~~) the advisory committee for the energy division.

3 **Sec. 528.** RCW 43.21G.010 and 1996 c 186 s 507 are each amended to
4 read as follows:

5 The legislature finds that energy in various forms is increasingly
6 subject to possible shortages and supply disruptions, to the point that
7 there may be foreseen an emergency situation, and that without the
8 ability to institute appropriate emergency measures to regulate the
9 production, distribution, and use of energy, a severe impact on the
10 public health, safety, and general welfare of our state's citizens may
11 occur. The prevention or mitigation of such energy shortages or
12 disruptions and their effects is necessary for preservation of the
13 public health, safety, and general welfare of the citizens of this
14 state.

15 It is the intent of this chapter to:

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

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

19 It is further the intent of the legislature that in developing
20 proposed orders under the powers granted in RCW 43.21G.040 as now or
21 hereafter amended the governor may utilize, on a temporary or ad hoc
22 basis, the knowledge and expertise of persons experienced in the
23 technical aspects of energy supply, distribution, or use. Such
24 utilization shall be in addition to support received by the governor
25 from the department of (~~community~~) trade(~~)~~ and economic
26 development under RCW 43.21F.045 (~~and 43.21F.065~~) and from other
27 state agencies.

28 **Sec. 529.** RCW 43.23.035 and 1995 c 399 s 70 are each amended to
29 read as follows:

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

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

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

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

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

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

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

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

21 (8) To publish and disseminate to interested citizens and others
22 information which will aid in carrying out the purposes of chapters
23 43.23, 15.64, 15.65, and 15.66 RCW;

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

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

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

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

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

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

3 **Sec. 530.** RCW 43.31.805 and 1998 c 345 s 3 are each amended to
4 read as follows:

5 The state trade fair fund is created in the custody of the state
6 treasury. All moneys received by the department of ((community,))
7 trade((,)) and economic development for the purposes of this fund shall
8 be deposited into the fund. Expenditures from the fund may be used
9 only for the purpose of assisting state trade fairs. Only the director
10 of ((community,)) trade((,)) and economic development or the director's
11 designee may authorize expenditures from the fund. The fund is subject
12 to allotment procedures under chapter 43.88 RCW, but no appropriation
13 is required for expenditures.

14 **Sec. 531.** RCW 43.63A.230 and 1993 c 280 s 63 are each amended to
15 read as follows:

16 (1) The department ((of community, trade, and economic
17 development)) shall integrate an employee ownership program within its
18 existing technical assistance programs. The employee ownership program
19 shall provide technical assistance to cooperatives authorized under
20 chapter 23.78 RCW and conduct educational programs on employee
21 ownership and self-management. The department shall include
22 information on the option of employee ownership wherever appropriate in
23 its various programs.

24 (2) The department shall maintain a list of firms and individuals
25 with expertise in the field of employee ownership and utilize such
26 firms and individuals, as appropriate, in delivering and coordinating
27 the delivery of technical, managerial, and educational services. In
28 addition, the department shall work with and rely on the services of
29 the employment security department and state institutions of higher
30 education to promote employee ownership.

31 (3) ((The department shall report to the governor, the appropriate
32 economic development committees of the senate and the house of
33 representatives, and the ways and means committees of each house by
34 December 1 of 1988, and each year thereafter, on the accomplishments of
35 the employee ownership program. Such reports shall include the number
36 and types of firms assisted, the number of jobs created by such firms,
37 the types of services, the number of workshops presented, the number of

1 employees trained, and the results of client satisfaction surveys
2 distributed to those using the services of the program.

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

7 **Sec. 532.** RCW 43.88.093 and 1998 c 299 s 3 are each amended to
8 read as follows:

9 (1) When developing a biennial budget for the tourism development
10 division of the department of ((community,)) trade((,)) and economic
11 development, the request for funding submitted to the office of
12 financial management shall be calculated according to the formula in
13 RCW 43.88.094. The request shall be a specific designated amount in
14 the budget request for the department of ((community,)) trade((,)) and
15 economic development.

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

17 **Sec. 533.** RCW 43.88.094 and 1998 c 299 s 4 are each amended to
18 read as follows:

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

22 (2) The director of the department of ((community,)) trade((,)) and
23 economic development shall calculate the tourism development division
24 budget in consultation with the appropriate agencies in the following
25 manner:

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

30 (b) For the growth component, beginning in the budget for the
31 biennium ending June 30, 2001: (i) Compute the state retail sales tax
32 revenues for the target business categories for the calendar year two
33 years prior to the beginning of the biennium for which the budget
34 request will be made; (ii) compute the state retail sales tax revenues
35 for the target business categories for the calendar year four years
36 prior to the beginning of the biennium for which the budget request
37 will be made; (iii) calculate the percentage change in these two sales

1 tax revenue amounts; (iv) if the percentage exceeds eight percent
2 growth, calculate the amount of sales tax revenue that represents the
3 excess in revenue growth greater than six percent; and (v) calculate
4 the growth component by dividing the excess revenue growth by two. The
5 amount of the growth component for any biennium shall not exceed two
6 million dollars per fiscal year for the biennium.

7 (3) As used in this section:

8 (a) "Target business categories" means businesses in standard
9 industrial classification codes 58 (eating and drinking), 70 (lodging),
10 7514 (auto rental), and 79 (recreation). If at any time the United
11 States office of management and budget or a successor agency should
12 change or replace the present standard industrial classification code
13 system, the department of ((community,)) trade((,)) and economic
14 development shall use the code system issued by the office of
15 management and budget or its successor agency to determine codes
16 corresponding to those listed in this definition.

17 (b) "Retail sales" means the gross sales subject to the tax imposed
18 in chapter 82.08 RCW received by businesses identified in department of
19 revenue records by standard industrial classification codes 58, 70,
20 7514, and 79.

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

22 **Sec. 534.** RCW 43.160.020 and 1999 c 164 s 102 are each amended to
23 read as follows:

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

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

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

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

32 (4) "Financial institution" means any bank, savings and loan
33 association, credit union, development credit corporation, insurance
34 company, investment company, trust company, savings institution, or
35 other financial institution approved by the board and maintaining an
36 office in the state.

37 (5) "Industrial development facilities" means "industrial
38 development facilities" as defined in RCW 39.84.020.

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

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

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

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

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

20 (11) "Public facilities" means a project of a local government for
21 the planning, acquisition, construction, repair, reconstruction,
22 replacement, rehabilitation, or improvement of bridges, roads, domestic
23 and industrial water, earth stabilization, sanitary sewer, storm sewer,
24 railroad, electricity, telecommunications, transportation, natural gas,
25 buildings or structures, and port facilities, all for the purpose of
26 job creation, job retention, or job expansion.

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

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

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

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

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

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

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

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

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

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

11 (e) An unemployment rate twenty percent or more above the state
12 average. The counties that meet these criteria shall be determined by
13 the employment security department for the most recent year for which
14 data is available. For the purposes of administration of programs
15 under this chapter, the United States post office five-digit zip code
16 delivery areas will be used to determine residence status for
17 eligibility purposes. For the purpose of this definition, a zip code
18 delivery area of which any part is ten miles or more from an urbanized
19 area is considered nonurbanized. A zip code totally surrounded by zip
20 codes qualifying as nonurbanized under this definition is also
21 considered nonurbanized. The office of financial management shall make
22 available a zip code listing of the areas to all agencies and
23 organizations providing services under this chapter.

24 **Sec. 535.** RCW 43.160.115 and 1995 c 399 s 87 are each amended to
25 read as follows:

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

1 **Sec. 536.** RCW 43.160.180 and 1995 c 399 s 88 are each amended to
2 read as follows:

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

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

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

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

17 (5) Members of the subcommittee shall receive no compensation but
18 shall be reimbursed for travel expenses under RCW 43.03.050 and
19 43.03.060.

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

24 **Sec. 537.** RCW 43.163.020 and 1995 c 399 s 89 are each amended to
25 read as follows:

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

31 The authority shall consist of eighteen (~~(seventeen)~~) members as
32 follows: The director of the department of (~~(community,)~~) trade(~~(7)~~)
33 and economic development, the director of the department of community
34 development, the director of the department of agriculture, the state
35 treasurer, one member from each caucus in the house of representatives
36 appointed by the speaker of the house, one member from each caucus in
37 the senate appointed by the president of the senate, and ten public
38 members with one representative of women-owned businesses and one

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

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

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

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

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

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

38 A majority of the authority shall constitute a quorum.

1 **Sec. 538.** RCW 43.163.120 and 1998 c 245 s 51 are each amended to
2 read as follows:

3 The authority shall receive no appropriation of state funds. The
4 department of ((community₇)) trade((₇)) and economic development shall
5 provide staff to the authority, to the extent permitted by law, to
6 enable the authority to accomplish its purposes; the staff from the
7 department of ((community₇)) trade((₇)) and economic development may
8 assist the authority in organizing itself and in designing programs,
9 but shall not be involved in the issuance of bonds or in making credit
10 decisions regarding financing provided to borrowers by the authority.

11 **Sec. 539.** RCW 43.170.020 and 1995 c 399 s 93 are each amended to
12 read as follows:

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

15 (1) "Department" means the department of ((community₇)) trade((₇))
16 and economic development.

17 (2) "Director" means the director of ((community₇)) trade((₇)) and
18 economic development.

19 (3) "Program" means the small business innovators' opportunity
20 program.

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

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

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

29 **Sec. 540.** RCW 43.172.011 and 1995 c 399 s 96 are each amended to
30 read as follows:

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

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

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

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

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

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

11 **Sec. 541.** RCW 43.210.030 and 1998 c 109 s 2 are each amended to
12 read as follows:

13 The small business export finance assistance center and its
14 branches shall be governed and managed by a board of seven directors
15 appointed by the governor, with the advice of the board, and confirmed
16 by the senate. The directors shall serve terms of four years following
17 the terms of service established by the initial appointments after June
18 11, 1998. Three appointees, including directors on June 11, 1998, who
19 are reappointed, must serve initial terms of two years and, if a
20 director is reappointed that director may serve a consecutive four-year
21 term. Four appointees, including directors on June 11, 1998, who are
22 reappointed, must serve initial terms of four years and, if a director
23 is reappointed that director may serve a consecutive four-year term.
24 After the initial appointments, directors may serve two consecutive
25 terms. The directors may provide for the payment of their expenses.
26 The directors shall include the director of ((community,)) trade((,))
27 and economic development or the director's designee; representatives of
28 a large financial institution engaged in financing export transactions
29 in the state of Washington; a small financial institution engaged in
30 financing export transactions in the state of Washington; a large
31 exporting company domiciled in the state of Washington; a small
32 exporting company in the state of Washington; organized labor in a
33 trade involved in international commerce; and a representative at
34 large. To the extent possible, appointments to the board shall reflect
35 geographical balance and the diversity of the state population. Any
36 vacancies on the board due to the expiration of a term or for any other
37 reason shall be filled by appointment by the governor for the unexpired
38 term.

1 **Sec. 542.** RCW 43.210.050 and 1998 c 245 s 84 are each amended to
2 read as follows:

3 The small business export finance assistance center formed under
4 RCW 43.210.020 and 43.210.030 shall enter into a contract under this
5 chapter with the department of ((community)) trade(()) and economic
6 development or its statutory successor. The contract shall require the
7 center to provide export assistance services, consistent with RCW
8 43.210.070 and 43.210.100 through 43.210.120, shall have a duration of
9 two years, and shall require the center to aggressively seek to fund
10 its continued operation from nonstate funds. The contract shall also
11 require the center to report annually to the department on its success
12 in obtaining nonstate funding. Upon expiration of the contract, any
13 provisions within the contract applicable to the Pacific Northwest
14 export assistance project shall be automatically renewed without change
15 provided the legislature appropriates funds for administration of the
16 small business export assistance center and the Pacific Northwest
17 export assistance project. The provisions of the contract related to
18 the Pacific Northwest export assistance project may be changed at any
19 time if the director of the department of ((community)) trade(()) and
20 economic development or the president of the small business export
21 finance assistance center present compelling reasons supporting the
22 need for a contract change to the board of directors and a majority of
23 the board of directors agrees to the changes. The department of
24 agriculture shall be included in the contracting negotiations with the
25 department of ((community)) trade(()) and economic development and
26 the small business export finance assistance center when the Pacific
27 Northwest export assistance project provides export services to
28 industrial sectors within the administrative domain of the Washington
29 state department of agriculture.

30 **Sec. 543.** RCW 43.210.060 and 1995 c 399 s 108 are each amended to
31 read as follows:

32 The department of ((community)) trade(()) and economic
33 development or its statutory successor shall adopt rules under chapter
34 34.05 RCW as necessary to carry out the purposes of this chapter.

35 **Sec. 544.** RCW 43.330.092 and 1997 c 220 s 222 are each amended to
36 read as follows:

1 The film and video promotion account is created in the state
2 treasury. All receipts from RCW 36.102.060(14) must be deposited into
3 the account. Moneys in the account may be spent only after
4 appropriation. Expenditures from the account may be used by the
5 department ((of community, trade, and economic development)) only for
6 the purposes of promotion of the film and video production industry in
7 the state of Washington.

8 **Sec. 545.** RCW 43.330.094 and 1997 c 220 s 223 are each amended to
9 read as follows:

10 The tourism development and promotion account is created in the
11 state treasury. All receipts from RCW 36.102.060(10) must be deposited
12 into the account. Moneys in the account may be spent only after
13 appropriation. Expenditures from the account may be used by the
14 department ((of community, trade, and economic development)) only for
15 the purposes of promotion of the tourism industry in the state of
16 Washington.

17 **Sec. 546.** RCW 50.72.030 and 1994 sp.s. c 3 s 3 are each amended to
18 read as follows:

19 The Washington youthbuild program is established within the
20 department. The commissioner, in cooperation and consultation with the
21 director of the department of ((community,)) trade((,)) and economic
22 development, shall:

23 (1) Make grants, up to the lesser of three hundred thousand dollars
24 or twenty-five percent of the total costs of the youthbuild activities,
25 to applicants eligible to provide education and employment training
26 under federal or state employment training programs, for the purpose of
27 carrying out a wide range of multidisciplinary activities and services
28 to assist economically disadvantaged youth under the federal
29 opportunities for youth: Youthbuild program (106 Stat. 3723; 42 U.S.C.
30 Sec. 8011), or locally developed youthbuild-type programs for
31 economically disadvantaged youth; and

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

1 **Sec. 547.** RCW 67.28.8001 and 1997 c 452 s 6 are each amended to
2 read as follows:

3 (1) Each municipality imposing a tax under chapter 67.28 RCW shall
4 submit a report to the department of ((community)) trade(()) and
5 economic development on October 1, 1998, and October 1, 2000. Each
6 report shall include the following information:

7 (a) The rate of tax imposed under chapter 67.28 RCW;

8 (b) The total revenue received under chapter 67.28 RCW for each of
9 the preceding six years;

10 (c) A list of projects and activities funded with revenue received
11 under chapter 67.28 RCW; and

12 (d) The amount of revenue under chapter 67.28 RCW expended for each
13 project and activity.

14 (2) The department of ((community)) trade(()) and economic
15 development shall summarize and analyze the data received under
16 subsection (1) of this section in a report submitted to the legislature
17 on January 1, 1999, and January 1, 2001. The report shall include, but
18 not be limited to, analysis of factors contributing to growth in
19 revenue received under chapter 67.28 RCW and the effects of projects
20 and activities funded with revenue received under chapter 67.28 RCW on
21 tourism growth.

22 **Sec. 548.** RCW 70.95H.007 and 1995 c 399 s 192 are each amended to
23 read as follows:

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

27 **Sec. 549.** RCW 70.95H.050 and 1995 c 399 s 194 are each amended to
28 read as follows:

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

35 **Sec. 550.** RCW 74.13.090 and 1995 c 399 s 204 are each amended to
36 read as follows:

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

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

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

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

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

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

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

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

18 (h) At least one representative of early childhood development
19 experts;

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

22 (j) At least one parent education specialist;

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

24 (l) One pediatric or other health professional;

25 (m) At least one representative of college or university child care
26 providers;

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

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

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

32 (q) At least one employer who provides child care assistance to
33 employees;

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

37 The named state agencies shall select their representative to the
38 child care coordinating committee. The department of social and health
39 services shall select the remaining members, considering

1 recommendations from lists submitted by professional associations and
2 other interest groups until such time as the committee adopts a member
3 selection process. The department shall use any federal funds which
4 may become available to accomplish the purposes of RCW 74.13.085
5 through 74.13.095.

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

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

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

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

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

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

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

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

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

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

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

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

7 **Sec. 551.** RCW 76.09.030 and 1999 sp.s. c 4 s 1001 are each amended
8 to read as follows:

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

12 (a) The commissioner of public lands or the commissioner's
13 designee;

14 (b) The director of the department of ((community~~7~~)) trade((~~7~~)) and
15 economic development or the director's designee;

16 (c) The director of the department of agriculture or the director's
17 designee;

18 (d) The director of the department of ecology or the director's
19 designee;

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

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

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

30 (2) The director of the department of fish and wildlife's service
31 on the board may be terminated two years after August 18, 1999, if the
32 legislature finds that after two years the department has not made
33 substantial progress toward integrating the laws, rules, and programs
34 governing forest practices, chapter 76.09 RCW, and the laws, rules, and
35 programs governing hydraulic projects, chapter ((75.20)) 77.55 RCW.
36 Such a finding shall be based solely on whether the department of fish
37 and wildlife makes substantial progress as defined in this subsection,
38 and will not be based on other actions taken as a member of the board.

1 Substantial progress shall include recommendations to the legislature
2 for closer integration of the existing rule-making authorities of the
3 board and the department of fish and wildlife, and closer integration
4 of the forest practices and hydraulics permitting processes, including
5 exploring the potential for a consolidated permitting process. These
6 recommendations shall be designed to resolve problems currently
7 associated with the existing dual regulatory and permitting processes.

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

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

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

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

30 **Sec. 552.** RCW 76.56.020 and 1994 c 282 s 1 are each amended to
31 read as follows:

32 The center shall:

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

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

1 (b) The development of technology or commercialization support for
2 manufactured products that will meet the evolving needs of
3 international customers;

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

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

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

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

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

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

37 (6) Cooperate with personnel from the state's community and
38 technical colleges in their development of wood products manufacturing
39 and wood technology curriculum and offer periodic workshops on wood

1 products manufacturing, wood technology, and trade opportunities to
2 community colleges and private educators and trainers;

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

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

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

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

36 **Sec. 553.** RCW 77.12.710 and 1998 c 245 s 159 are each amended to
37 read as follows:

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

14 The plan shall include the following critical elements:

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

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

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

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

23 (5) Methods for increasing the productivity of natural spawning
24 game fish;

25 (6) Application of new technology to increase hatchery and natural
26 productivity;

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

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

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

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

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

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

38 (13) Future needs for game fish predator control measures;

39 (14) Development of disease control measures;

1 (15) Methods for obtaining access to waters currently not available
2 to anglers; and

3 (16) Development of research programs to support game fish
4 management and enhancement programs.

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

12 **Sec. 554.** RCW 79A.60.480 and 2000 c 11 s 109 are each amended to
13 read as follows:

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

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

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

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

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

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

35 (e) Certification by the applicant that for a period of not less
36 than twenty-four months immediately preceding the application the
37 applicant:

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

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

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

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

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

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

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

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

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

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

36 **Sec. 555.** RCW 81.80.450 and 1998 c 245 s 167 are each amended to
37 read as follows:

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

7 (a) The cost and timeliness of transporting recovered materials
8 within the state;

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

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

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

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

18 **Sec. 556.** RCW 82.35.080 and 1999 c 358 s 15 are each amended to
19 read as follows:

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

24 (a) The certificate was obtained by fraud or deliberate
25 misrepresentation;

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

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

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

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

1 department may provide for the continuance of the certificate and
2 whatever modification it considers in the public interest.

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

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

14 **PART V**

15 **REFERENCES TO DEPARTMENT OF COMMUNITY DEVELOPMENT**

16 **AND DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**

17 NEW SECTION. **Sec. 601.** The department of community development
18 and the department of trade and economic development shall continue to
19 strengthen their existing working relationships. The existing
20 partnerships are especially notable in rural economic development, and
21 in infrastructure financing but there should be no limitation placed
22 on, or barriers raised to continuing efforts to find new areas of
23 collaboration. To increase the efficiency of service delivery by both
24 departments, new ways of collaborating in the delivery of services
25 should not be limited only to the two departments but should be sought
26 and implemented with other departments of state government and with
27 local and federal governments.

28 **Sec. 602.** RCW 41.06.070 and 1998 c 245 s 40 are each amended to
29 read as follows:

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

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

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

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

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

8 (e) Elective officers of the state;

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

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

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

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

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

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

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

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

35 (j) Assistant attorneys general;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **Sec. 603.** RCW 42.17.2401 and 2001 c 36 s 1 and 2001 c 9 s 1 are
14 each reenacted and amended to read as follows:

15 For the purposes of RCW 42.17.240, the term "executive state
16 officer" includes:

17 (1) The chief administrative law judge, the director of
18 agriculture, the administrator of the Washington basic health plan, the
19 director of the department of services for the blind, the director of
20 the state system of community and technical colleges, the director of
21 community(~~(, trade, and economic))~~ development, the secretary of
22 corrections, the director of ecology, the commissioner of employment
23 security, the chairman of the energy facility site evaluation council,
24 the secretary of the state finance committee, the director of financial
25 management, the director of fish and wildlife, the executive secretary
26 of the forest practices appeals board, the director of the gambling
27 commission, the director of general administration, the secretary of
28 health, the administrator of the Washington state health care
29 authority, the executive secretary of the health care facilities
30 authority, the executive secretary of the higher education facilities
31 authority, the executive secretary of the horse racing commission, the
32 executive secretary of the human rights commission, the executive
33 secretary of the indeterminate sentence review board, the director of
34 the department of information services, the director of the interagency
35 committee for outdoor recreation, the executive director of the state
36 investment board, the director of labor and industries, the director of
37 licensing, the director of the lottery commission, the director of the
38 office of minority and women's business enterprises, the director of

1 parks and recreation, the director of personnel, the executive director
2 of the public disclosure commission, the director of retirement
3 systems, the director of revenue, the secretary of social and health
4 services, the chief of the Washington state patrol, the executive
5 secretary of the board of tax appeals, the director of trade and
6 economic development, the secretary of transportation, the secretary of
7 the utilities and transportation commission, the director of veterans
8 affairs, the president of each of the regional and state universities
9 and the president of The Evergreen State College, each district and
10 each campus president of each state community college;

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

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

13 (4) Central Washington University board of trustees, board of
14 trustees of each community college, each member of the state board for
15 community and technical colleges, state convention and trade center
16 board of directors, committee for deferred compensation, Eastern
17 Washington University board of trustees, Washington economic
18 development finance authority, The Evergreen State College board of
19 trustees, executive ethics board, forest practices appeals board,
20 forest practices board, gambling commission, Washington health care
21 facilities authority, each member of the Washington health services
22 commission, higher education coordinating board, higher education
23 facilities authority, horse racing commission, state housing finance
24 commission, human rights commission, indeterminate sentence review
25 board, board of industrial insurance appeals, information services
26 board, interagency committee for outdoor recreation, state investment
27 board, commission on judicial conduct, legislative ethics board, liquor
28 control board, lottery commission, marine oversight board, Pacific
29 Northwest electric power and conservation planning council, parks and
30 recreation commission, personnel appeals board, board of pilotage
31 commissioners, pollution control hearings board, public disclosure
32 commission, public pension commission, shorelines hearing board, public
33 employees' benefits board, salmon recovery funding board, board of tax
34 appeals, transportation commission, University of Washington board of
35 regents, utilities and transportation commission, Washington state
36 maritime commission, Washington personnel resources board, Washington
37 public power supply system executive board, Washington State University
38 board of regents, Western Washington University board of trustees, and
39 fish and wildlife commission.

1 **Sec. 604.** RCW 43.06.115 and 1998 c 245 s 47 are each amended to
2 read as follows:

3 (1) The governor may, by executive order, after consultation with
4 or notification of the executive-legislative committee on economic
5 development created by chapter . . . (Senate Bill No. 5300), Laws of
6 1993, declare a community to be a "military impacted area." A
7 "military impacted area" means a community or communities, as
8 identified in the executive order, that experience serious social and
9 economic hardships because of a change in defense spending by the
10 federal government in that community or communities.

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

30 **605.** RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17, and
31 1993 c 280 s 18 are each reenacted and amended to read as follows:

32 There shall be departments of the state government which shall be
33 known as (1) the department of social and health services, (2) the
34 department of ecology, (3) the department of labor and industries, (4)
35 the department of agriculture, (5) the department of fish and wildlife,
36 (6) the department of transportation, (7) the department of licensing,
37 (8) the department of general administration, (9) the department of
38 community(~~, trade, and economic~~) development, (10) the department of

1 veterans affairs, (11) the department of revenue, (12) the department
2 of retirement systems, (13) the department of corrections, ((and)) (14)
3 the department of health, ((and)) (15) the department of financial
4 institutions, and (16) the department of trade and economic
5 development, which shall be charged with the execution, enforcement,
6 and administration of such laws, and invested with such powers and
7 required to perform such duties, as the legislature may provide.

8 **Sec. 606.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each
9 amended to read as follows:

10 There shall be a chief executive officer of each department to be
11 known as: (1) The secretary of social and health services, (2) the
12 director of ecology, (3) the director of labor and industries, (4) the
13 director of agriculture, (5) the director of fish and wildlife, (6) the
14 secretary of transportation, (7) the director of licensing, (8) the
15 director of general administration, (9) the director of community(~~7~~
16 ~~trade, and economic~~) development, (10) the director of veterans
17 affairs, (11) the director of revenue, (12) the director of retirement
18 systems, (13) the secretary of corrections, ((and)) (14) the secretary
19 of health, ((and)) (15) the director of financial institutions, and
20 (16) the director of trade and economic development.

21 Such officers, except the secretary of transportation and the
22 director of fish and wildlife, shall be appointed by the governor, with
23 the consent of the senate, and hold office at the pleasure of the
24 governor. The secretary of transportation shall be appointed by the
25 transportation commission as prescribed by RCW 47.01.041. The director
26 of fish and wildlife shall be appointed by the fish and wildlife
27 commission as prescribed by RCW 77.04.055.

28 **Sec. 607.** RCW 19.02.050 and 1997 c 391 s 11 are each amended to
29 read as follows:

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

- 32 (1) Department of agriculture;
- 33 (2) Secretary of state;
- 34 (3) Department of social and health services;
- 35 (4) Department of revenue;
- 36 (5) Department of fish and wildlife;
- 37 (6) Department of employment security;

1 (7) Department of labor and industries;
2 (8) Department of (~~community,~~) trade(~~,~~) and economic
3 development;
4 (9) Department of community development;
5 (~~10~~) Liquor control board;
6 (~~11~~) (~~11~~) Department of health;
7 (~~12~~) (~~12~~) Department of licensing;
8 (~~13~~) (~~13~~) Parks and recreation commission;
9 (~~14~~) (~~14~~) Utilities and transportation commission; and
10 (~~15~~) (~~15~~) Other agencies as determined by the governor.

11 **Sec. 608.** RCW 43.21J.030 and 1998 c 245 s 60 are each amended to
12 read as follows:

13 (1) There is created the environmental enhancement and job creation
14 task force within the office of the governor. The purpose of the task
15 force is to provide a coordinated and comprehensive approach to
16 implementation of chapter 516, Laws of 1993. The task force shall
17 consist of the commissioner of public lands, the director of the
18 department of fish and wildlife, the director of the department of
19 ecology, the director of the parks and recreation commission, the
20 timber team coordinator, the executive director of the work force
21 training and education coordinating board, and the executive director
22 of the Puget Sound (~~water quality authority~~) action team, or their
23 designees. The task force may seek the advice of the following
24 agencies and organizations: The department of community(~~,~~ trade, ~~and~~
25 economic) development, the department of trade and economic
26 development, the conservation commission, the employment security
27 department, the interagency committee for outdoor recreation,
28 appropriate federal agencies, appropriate special districts, the
29 Washington state association of counties, the association of Washington
30 cities, labor organizations, business organizations, timber-dependent
31 communities, environmental organizations, and Indian tribes. The
32 governor shall appoint the task force chair. Members of the task force
33 shall serve without additional pay. Participation in the work of the
34 committee by agency members shall be considered in performance of their
35 employment. The governor shall designate staff and administrative
36 support to the task force and shall solicit the participation of agency
37 personnel to assist the task force.

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

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

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

10 (c) Considering unemployment profile data provided by the
11 employment security department.

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

14 (a) To solicit and evaluate proposals from state and local
15 agencies, private nonprofit organizations, and tribes for environmental
16 and forest restoration projects;

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

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

22 **Sec. 609.** RCW 43.157.010 and 1997 c 369 s 2 are each amended to
23 read as follows:

24 (1) For purposes of this chapter and RCW 28A.525.166, 28B.80.330,
25 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and (~~{an}~~) an
26 industrial project of statewide significance is a border crossing
27 project that involves both private and public investments carried out
28 in conjunction with adjacent states or provinces or a private
29 industrial development with private capital investment in manufacturing
30 or research and development. To qualify as an industrial project of
31 statewide significance, the project must be completed after January 1,
32 1997, and have:

33 (a) In counties with a population of less than or equal to twenty
34 thousand, a capital investment of twenty million dollars;

35 (b) In counties with a population of greater than twenty thousand
36 but no more than fifty thousand, a capital investment of fifty million
37 dollars;

1 (c) In counties with a population of greater than fifty thousand
2 but no more than one hundred thousand, a capital investment of one
3 hundred million dollars;

4 (d) In counties with a population of greater than one hundred
5 thousand but no more than two hundred thousand, a capital investment of
6 two hundred million dollars;

7 (e) In counties with a population of greater than two hundred
8 thousand but no more than four hundred thousand, a capital investment
9 of four hundred million dollars;

10 (f) In counties with a population of greater than four hundred
11 thousand but no more than one million, a capital investment of six
12 hundred million dollars;

13 (g) In counties with a population of greater than one million, a
14 capital investment of one billion dollars; or

15 (h) Been designated by the director of community(~~(, trade, and~~
16 ~~economic~~)) development or the director of trade and economic
17 development as an industrial project of statewide significance either:

18 (i) Because the county in which the project is to be located is a
19 distressed county and the economic circumstances of the county merit
20 the additional assistance such designation will bring; or (ii) because
21 the impact on a region due to the size and complexity of the project
22 merits such designation.

23 (2) The term manufacturing shall have the meaning assigned it in
24 RCW 82.61.010.

25 (3) The term research and development shall have the meaning
26 assigned it in RCW 82.61.010.

27 **Sec. 610.** RCW 43.157.030 and 1997 c 369 s 4 are each amended to
28 read as follows:

29 The department of community(~~(, trade, and economic~~)) development
30 and the department of trade and economic development shall assign an
31 ombudsman to each industrial project of statewide significance. The
32 (~~ombudsman~~) ombudsmen shall be responsible for assembling a team of
33 state and local government and private officials to help meet the
34 planning and development needs of each project. The (~~ombudsman~~)
35 ombudsmen shall strive to include in the teams those responsible for
36 planning, permitting and licensing, infrastructure development, work
37 force development services including higher education, transportation
38 services, and the provision of utilities. The (~~ombudsman~~) ombudsmen

1 shall encourage each team member to expedite their actions in
2 furtherance of the project.

3 **Sec. 611.** RCW 43.160.030 and 1996 c 51 s 3 are each amended to
4 read as follows:

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

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

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

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

36 (5) If a vacancy occurs by death, resignation, or otherwise of
37 appointive members of the board, the governor shall fill the same for
38 the unexpired term. Members of the board may be removed for

1 malfeasance or misfeasance in office, upon specific written charges by
2 the governor, under chapter 34.05 RCW.

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

8 **Sec. 612.** RCW 43.163.060 and 1995 c 399 s 90 are each amended to
9 read as follows:

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

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

28 **Sec. 613.** RCW 47.39.090 and 1995 c 399 s 123 are each amended to
29 read as follows:

30 In developing the scenic and recreational highways program, the
31 department shall consult with the department of community(~~(, trade, and~~
32 ~~economic))~~ development, the department of trade and economic
33 development, the department of natural resources, the parks and
34 recreation commission, affected cities, towns, and counties, regional
35 transportation planning organizations, statewide bicycling
36 organizations, and other interested parties. The scenic and
37 recreational highways program may identify entire highway loops or

1 similar tourist routes that could be developed to promote tourist
2 activity and provide concurrent economic growth while protecting the
3 scenic and recreational quality surrounding state highways.

4 **Sec. 614.** RCW 47.76.230 and 1995 c 380 s 4 are each amended to
5 read as follows:

6 (1) The department of transportation shall continue its
7 responsibility for the development and implementation of the state rail
8 plan and programs, and the utilities and transportation commission
9 shall continue its responsibility for intrastate rates, service, and
10 safety issues.

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

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

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

20 (b) Assistance in the formation of county rail districts and port
21 districts; and

22 (c) Feasibility studies for rail service continuation and/or rail
23 service assistance.

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

31 **Sec. 615.** RCW 50.38.030 and 1995 c 399 s 142 are each amended to
32 read as follows:

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

35 (1) Office of financial management;

36 (2) Department of community(~~(~~~~trade, and economic~~)) development;

37 (3) Department of labor and industries;

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

8 These agencies shall cooperate with the employment security
9 department, submitting information relevant to the generation of
10 occupational forecasts.

11 **Sec. 616.** RCW 80.50.030 and 2001 c 214 s 4 are each amended to
12 read as follows:

13 (1) There is created and established the energy facility site
14 evaluation council.

15 (2)(a) The chair of the council shall be appointed by the governor
16 with the advice and consent of the senate, shall have a vote on matters
17 before the council, shall serve for a term coextensive with the term of
18 the governor, and is removable for cause. The chair may designate a
19 member of the council to serve as acting chair in the event of the
20 chair's absence. The salary of the chair shall be determined under RCW
21 43.03.040. The chair is a "state employee" for the purposes of chapter
22 42.52 RCW. As applicable, when attending meetings of the council,
23 members may receive reimbursement for travel expenses in accordance
24 with RCW 43.03.050 and 43.03.060, and are eligible for compensation
25 under RCW 43.03.250.

26 (b) The chair or a designee shall execute all official documents,
27 contracts, and other materials on behalf of the council. The
28 ~~((Washington state))~~ department of community~~((, trade, and economic))~~
29 development shall provide all administrative and staff support for the
30 council. The director of the department of community~~((, trade, and~~
31 ~~economic))~~ development has supervisory authority over the staff of the
32 council and shall employ such personnel as are necessary to implement
33 this chapter. Not more than three such employees may be exempt from
34 chapter 41.06 RCW.

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

38 (i) Department of ecology;

- 1 (ii) Department of fish and wildlife;
2 (iii) Department of community(~~(, trade, and economic)~~) development;
3 (iv) Utilities and transportation commission; (~~and~~)
4 (v) Department of trade and economic development; and
5 (vi) Department of natural resources.

6 (b) The directors, administrators, or their designees, of the
7 following departments, agencies, and commissions, or their statutory
8 successors, may participate as councilmembers at their own discretion
9 provided they elect to participate no later than sixty days after an
10 application is filed:

- 11 (i) Department of agriculture;
12 (ii) Department of health;
13 (iii) Military department; and
14 (iv) Department of transportation.

15 (c) Council membership is discretionary for agencies that choose to
16 participate under (b) of this subsection only for applications that are
17 filed with the council on or after May 8, 2001. For applications filed
18 before May 8, 2001, council membership is mandatory for those agencies
19 listed in (b) of this subsection.

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

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

34 (6) For any port district wherein an application for a proposed
35 port facility is filed subject to this chapter, the port district shall
36 appoint a member or designee as a nonvoting member to the council. The
37 member or designee so appointed shall sit with the council only at such
38 times as the council considers the proposed site for the port district
39 which he or she represents, and such member or designee shall serve

1 until there has been a final acceptance or rejection of the proposed
2 site. The provisions of this subsection shall not apply if the port
3 district is the applicant, either singly or in partnership or
4 association with any other person.

5 **PART VI**

6 **MISCELLANEOUS REFERENCES**

7 **Sec. 701.** RCW 46.16.340 and 1995 c 391 s 8 are each amended to
8 read as follows:

9 The director, from time to time, shall furnish the state military
10 department, (~~the department of community, trade, and economic~~
11 ~~development,~~) the Washington state patrol, and all county sheriffs a
12 list of the names, addresses, and license plate or radio station call
13 letters of each person possessing the special amateur radio station
14 license plates so that the facilities of such radio stations may be
15 utilized to the fullest extent in the work of these governmental
16 agencies.

17 **Sec. 702.** RCW 43.220.070 and 1999 c 280 s 5 are each amended to
18 read as follows:

19 (1) Conservation corps members shall be unemployed residents of the
20 state between eighteen and twenty-five years of age at the time of
21 enrollment who are citizens or lawful permanent residents of the United
22 States. The age requirements may be waived for corps leaders and
23 specialists with special leadership or occupational skills; such
24 members shall be given special responsibility for providing leadership,
25 character development, and sense of community responsibility to the
26 corps members, groups, and work crews to which they are assigned. The
27 upper age requirement may be waived for residents who have a sensory or
28 mental handicap. Special effort shall be made to recruit minority and
29 disadvantaged youth who meet selection criteria of the conservation
30 corps. Preference shall be given to youths residing in areas, both
31 urban and rural, in which there exists substantial unemployment
32 exceeding the state average unemployment rate.

33 (2) The legislature finds that people with developmental
34 disabilities would benefit from experiencing a meaningful work
35 experience, and learning the value of labor and of membership in a
36 productive society.

1 The legislature urges state agencies that are participating in the
2 Washington conservation corps program to consider for enrollment in the
3 program people who have developmental disabilities, as defined in RCW
4 71A.10.020.

5 If an agency chooses to enroll people with developmental
6 disabilities in its Washington conservation corps program, the agency
7 may apply to the United States department of labor, employment
8 standards administration for a special subminimum wage certificate in
9 order to be allowed to pay enrollees with developmental disabilities
10 according to their individual levels of productivity.

11 (3) Corps members shall not be considered state employees. Other
12 provisions of law relating to civil service, hours of work, rate of
13 compensation, sick leave, unemployment compensation, state retirement
14 plans, and vacation leave do not apply to the Washington conservation
15 corps except for the crew supervisors, who shall be project employees,
16 and the administrative and supervisory personnel.

17 (4) Enrollment shall be for a period of six months which may be
18 extended for additional six-month periods by mutual agreement of the
19 corps and the corps member, not to exceed two years. Corps members
20 shall be reimbursed at the minimum wage rate established by state or
21 federal law, whichever is higher, which may be increased by up to five
22 percent for each additional six-month period worked: PROVIDED, That if
23 agencies elect to run a residential program, the appropriate costs for
24 room and board shall be deducted from the corps member's paycheck as
25 provided in chapter 43.220 RCW.

26 (5) Corps members are to be available at all times for emergency
27 response services coordinated through the military department (~~of~~
28 ~~community, trade, and economic development~~) or other public agency.
29 Duties may include sandbagging and flood cleanup, search and rescue,
30 and other functions in response to emergencies.

31 **Sec. 703.** RCW 90.56.280 and 1995 c 399 s 218 are each amended to
32 read as follows:

33 It shall be the duty of any person discharging oil or hazardous
34 substances or otherwise causing, permitting, or allowing the same to
35 enter the waters of the state, unless the discharge or entry was
36 expressly authorized by the department prior thereto or authorized by
37 operation of law under RCW 90.48.200, to immediately notify the coast
38 guard and the division of emergency management. The notice to the

1 division of emergency management within the military department ((of
2 ~~community, trade, and economic development~~)) shall be made to the
3 division's twenty-four hour statewide toll-free number established for
4 reporting emergencies.

5 **PART VII**

6 **DECODIFIED AND REPEALED SECTIONS**

7 NEW SECTION. **Sec. 801.** The following sections are each
8 decodified:

9 (1) RCW 35.22.660 (Child care facilities--Review of need and
10 demand--Adoption of ordinances);

11 (2) RCW 35.22.680 (Residential care facilities--Review of need and
12 demand--Adoption of ordinances);

13 (3) RCW 35A.63.149 (Residential care facilities--Review of need and
14 demand--Adoption of ordinances);

15 (4) RCW 35A.63.210 (Child care facilities--Review of need and
16 demand--Adoption of ordinances);

17 (5) RCW 36.32.520 (Child care facilities--Review of need and
18 demand--Adoption of ordinances);

19 (6) RCW 36.32.560 (Home rule charter counties--Residential care
20 facilities--Review of need and demand--Adoption of ordinances);

21 (7) RCW 36.70.675 (Child care facilities--Review of need and
22 demand--Adoption of ordinances);

23 (8) RCW 36.70.755 (Residential care facilities--Review of need and
24 demand--Adoption of ordinances);

25 (9) RCW 70.95H.005 (Finding);

26 (10) RCW 70.95H.010 (Purpose--Market development defined);

27 (11) RCW 70.95H.030 (Duties and responsibilities);

28 (12) RCW 70.95H.040 (Authority);

29 (13) RCW 70.95H.900 (Termination); and

30 (14) RCW 70.95H.901 (Captions not law).

31 NEW SECTION. **Sec. 802.** RCW 43.31.409 (Investment opportunities
32 office--Created) and 1993 c 280 s 42 & 1989 c 312 s 3 are each
33 repealed.

34 **PART VIII**

35 **MISCELLANEOUS**

1 NEW SECTION. **Sec. 901.** Section 368 of this act expires March 31,
2 2003.

3 NEW SECTION. **Sec. 902.** Part headings used in this act are not any
4 part of the law.

5 NEW SECTION. **Sec. 903.** Sections 201 through 205 and 219 through
6 222 of this act are each added to chapter 43.31 RCW.

7 NEW SECTION. **Sec. 904.** This act takes effect July 1, 2002.

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