
SENATE BILL 6252

State of Washington 57th Legislature

2002 Regular Session

By Senators West, Hale, Honeyford, Zarelli, Morton, Parlette, Hochstatter, Hewitt, T. Sheldon, Johnson, Horn, Finkbeiner, Oke and Benton

Read first time 01/14/2002. Referred to Committee on State & Local Government.

1 AN ACT Relating to the rule-making authority of various
2 governmental entities; amending RCW 28A.300.040, 41.50.050, 43.06A.030,
3 43.19.011, 43.21A.064, 43.24.016, 43.27A.090, 43.30.150, 43.31C.060,
4 43.33.040, 43.33A.110, 43.59.070, 43.61.040, 43.63A.475, 43.70.580,
5 43.101.085, 43.115.040, 43.117.050, 43.121.050, 43.155.040, 43.160.050,
6 43.163.100, 43.180.040, 43.200.070, 43.210.060, 43.250.090, 43.320.040,
7 43.330.040, 47.01.071, 48.02.060, 48.44.050, 48.46.200, 66.08.0501,
8 77.04.055, and 80.01.040; and adding a new section to chapter 43.17
9 RCW.

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

11 **Sec. 1.** RCW 28A.300.040 and 1999 c 348 s 6 are each amended to
12 read as follows:

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

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

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

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

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

11 (5) To prepare and from time to time to revise a manual of the
12 Washington state common school code, copies of which shall be provided
13 in such numbers as determined by the superintendent of public
14 instruction at no cost to those public agencies within the common
15 school system and which shall be sold at approximate actual cost of
16 publication and distribution per volume to all other public and
17 nonpublic agencies or individuals, said manual to contain Titles 28A
18 and 28C RCW, rules related to the common schools, and such other matter
19 as the state superintendent or the state board of education shall
20 determine. Proceeds of the sale of such code shall be transmitted to
21 the public printer who shall credit the state superintendent's account
22 within the state printing plant revolving fund by a like amount;

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

25 (7) To file all papers, reports and public documents transmitted to
26 the superintendent by the school officials of the several counties or
27 districts of the state, each year separately. Copies of all papers
28 filed in the superintendent's office, and the superintendent's official
29 acts, may, or upon request, shall be certified by the superintendent
30 and attested by the superintendent's official seal, and when so
31 certified shall be evidence of the papers or acts so certified to;

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

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

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

2 (11) To keep in the superintendent's office at the capital of the
3 state, all books and papers pertaining to the business of the
4 superintendent's office, and to keep and preserve in the
5 superintendent's office a complete record of statistics, as well as a
6 record of the meetings of the state board of education;

7 (12) With the assistance of the office of the attorney general, to
8 decide all points of law which may be submitted to the superintendent
9 in writing by any educational service district superintendent, or that
10 may be submitted to the superintendent by any other person, upon appeal
11 from the decision of any educational service district superintendent;
12 and the superintendent shall publish his or her rulings and decisions
13 from time to time for the information of school officials and teachers;
14 and the superintendent's decision shall be final unless set aside by a
15 court of competent jurisdiction;

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

18 (14) To deliver to his or her successor, at the expiration of the
19 superintendent's term of office, all records, books, maps, documents
20 and papers of whatever kind belonging to the superintendent's office or
21 which may have been received by the superintendent's for the use of the
22 superintendent's office;

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

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

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

34 **Sec. 2.** RCW 41.50.050 and 1995 c 239 s 317 are each amended to
35 read as follows:

36 The director shall:

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

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

4 (3) Employ personnel to carry out the general administration of the
5 department;

6 (4) Submit an annual written report of the activities of the
7 department to the governor and the chairs of the appropriate
8 legislative committees with one copy to the staff of each of the
9 committees, including recommendations for statutory changes the
10 director believes to be desirable;

11 (5) Adopt ~~((such))~~ rules ~~((and regulations))~~ as are necessary to
12 carry out the powers, duties, and functions of the department pursuant
13 to the provisions of chapter 34.05 RCW. For rules adopted under the
14 provisions of this chapter after July 1, 2002, the director may only
15 adopt rules derived from a specific grant of legislative authority.
16 The rules must include the specific statutory section or sections from
17 which the grant of authority is derived, and may not rely solely on a
18 section of law stating a statute's intent or purpose or the general
19 enabling provisions establishing the department.

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

22 The ombudsman shall perform the following duties:

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

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

32 (3) Monitor the procedures as established, implemented, and
33 practiced by the department to carry out its responsibilities in
34 delivering family and children's services with a view toward
35 appropriate preservation of families and ensuring children's health and
36 safety;

1 (4) Review periodically the facilities and procedures of state
2 institutions serving children, and state-licensed facilities or
3 residences;

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

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

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

11 (8) Adopt rules necessary to implement this chapter. For rules
12 adopted under the provisions of this chapter after July 1, 2002, the
13 ombudsman may only adopt rules derived from a specific grant of
14 legislative authority. The rules must include the specific statutory
15 section or sections from which the grant of authority is derived, and
16 may not rely solely on a section of law stating a statute's intent or
17 purpose or the general enabling provisions establishing the department
18 or the ombudsman's office.

19 NEW SECTION. Sec. 4. A new section is added to chapter 43.17 RCW
20 to read as follows:

21 For rules adopted under the provisions of this chapter after July
22 1, 2002, the director of each department may only adopt rules derived
23 from a specific grant of legislative authority. The rules must include
24 the specific statutory section or sections from which the grant of
25 authority is derived, and may not rely solely on a section of law
26 stating a statute's intent or purpose or the general enabling
27 provisions establishing each department.

28 **Sec. 5.** RCW 43.19.011 and 1999 c 229 s 2 are each amended to read
29 as follows:

30 (1) The director of general administration shall supervise and
31 administer the activities of the department of general administration
32 and shall advise the governor and the legislature with respect to
33 matters under the jurisdiction of the department.

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

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

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

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

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

16 (e) Delegate powers, duties, and functions as the director deems
17 necessary for efficient administration, but the director shall be
18 responsible for the official acts of the officers and employees of the
19 department; and

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

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

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

32 **Sec. 6.** RCW 43.21A.064 and 1997 c 443 s 2 are each amended to read
33 as follows:

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

36 (1) The supervision of public waters within the state and their
37 appropriation, diversion, and use, and of the various officers
38 connected therewith;

1 (2) Insofar as may be necessary to (~~assure~~) ensure safety to life
2 or property, the director shall inspect the construction of all dams,
3 canals, ditches, irrigation systems, hydraulic power plants, and all
4 other works, systems, and plants pertaining to the use of water, and
5 may require such necessary changes in the construction or maintenance
6 of said works, to be made from time to time, as will reasonably secure
7 safety to life and property;

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

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

14 (5) The director shall, if requested, provide assistance to an
15 applicant for a water right in obtaining or developing an adequate and
16 appropriate supply of water consistent with the land use permitted for
17 the area in which the water is to be used and the population forecast
18 for the area under RCW 43.62.035. If the applicant is a public water
19 supply system, the supply being sought must be used in a manner
20 consistent with applicable land use, watershed and water system plans,
21 and the population forecast for that area provided under RCW 43.62.035;

22 (6) The director shall keep such records as may be necessary for
23 the recording of the financial transactions and statistical data
24 thereof, and shall procure all necessary documents, forms, and blanks.
25 The director shall keep a seal of the office, and all certificates
26 covering any of the director's acts or the acts of the director's
27 office, or the records and files of that office, under such seal, shall
28 be taken as evidence thereof in all courts;

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

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

34 (9) The director shall establish and (~~promulgate~~) adopt rules
35 governing the administration of chapter 90.03 RCW. For rules adopted
36 under the provisions of this chapter after July 1, 2002, the director
37 may only adopt rules derived from a specific grant of legislative
38 authority. The rules must include the specific statutory section or
39 sections from which the grant of authority is derived, and may not rely

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

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

5 **Sec. 7.** RCW 43.24.016 and 1999 c 240 s 4 are each amended to read
6 as follows:

7 (1) The director of licensing shall supervise and administer the
8 activities of the department of licensing and shall advise the governor
9 and the legislature with respect to matters under the jurisdiction of
10 the department.

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

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

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

17 (c) Appoint a deputy director and such assistant directors, special
18 assistants, and administrators as may be needed to administer the
19 department. These employees are exempt from the provisions of chapter
20 41.06 RCW;

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

30 (e) Delegate powers, duties, and functions as the director deems
31 necessary for efficient administration, but the director is responsible
32 for the official acts of the officers and employees of the department;
33 and

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

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

37 (4) The internal affairs of the department shall be under the
38 control of the director in order that the director may manage the

1 department in a flexible and intelligent manner as dictated by changing
2 contemporary circumstances. Unless specifically limited by law, the
3 director shall have complete charge and supervisory powers over the
4 department. The director may create such administrative structures as
5 the director deems appropriate, except as otherwise specified by law,
6 and the director may employ such personnel as may be necessary in
7 accordance with chapter 41.06 RCW, except as otherwise provided by law.

8 **Sec. 8.** RCW 43.27A.090 and 1988 c 127 s 25 are each amended to
9 read as follows:

10 The department shall be empowered as follows:

11 (1) To represent the state at, and fully participate in, the
12 activities of any basin or regional commission, interagency committee,
13 or any other joint interstate or federal-state agency, committee or
14 commission, or publicly financed entity engaged in the planning,
15 development, administration, management, conservation or preservation
16 of the water resources of the state.

17 (2) To prepare the views and recommendations of the state of
18 Washington on any project, plan or program relating to the planning,
19 development, administration, management, conservation and preservation
20 of any waters located in or affecting the state of Washington,
21 including any federal permit or license proposal, and appear on behalf
22 of, and present views and recommendations of the state at any
23 proceeding, negotiation or hearing conducted by the federal government,
24 interstate agency, state or other agency.

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

30 (4) To cooperate with appropriate agencies of the federal
31 government and/or agencies of other states, to enter into contracts,
32 and to make appropriate contributions to federal or interstate projects
33 and programs and governmental bodies to carry out the provisions of
34 this chapter.

35 (5) To apply for, accept, administer and expend grants, gifts and
36 loans from the federal government or any other entity to carry out the
37 purposes of this chapter and make contracts and do such other acts as

1 are necessary insofar as they are not inconsistent with other
2 provisions hereof.

3 (6) To develop and maintain a coordinated and comprehensive state
4 water and water resources related development plan, and adopt, with
5 regard to such plan, such policies as are necessary to (~~insure~~)
6 ensure that the waters of the state are used, conserved and preserved
7 for the best interest of the state. There shall be included in the
8 state plan a description of developmental objectives and a statement of
9 the recommended means of accomplishing these objectives. To the extent
10 the director deems desirable, the plan shall integrate into the state
11 plan, the plans, programs, reports, research and studies of other state
12 agencies.

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

17 (8) To assemble and correlate state, local and federal laws,
18 regulations, plans, programs and policies affecting the beneficial use,
19 disposal, pollution, control or conservation of water, river basin
20 development, flood prevention, parks, reservations, forests, wildlife
21 refuges, drainage and sanitary systems, waste disposal, water works,
22 watershed protection and development, soil conservation, power
23 facilities and area and municipal water supply needs, and recommend
24 suitable legislation or other action to the legislature, the congress
25 of the United States, or any city, municipality, or to responsible
26 state, local or federal executive departments or agencies.

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

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

36 (11) To (~~promulgate such~~) adopt rules (~~and regulations~~) as are
37 necessary to carry out the purposes of this chapter. For rules adopted
38 under the provisions of this chapter after July 1, 2002, the department
39 may only adopt rules derived from a specific grant of legislative

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

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

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

13 **Sec. 9.** RCW 43.30.150 and 1988 c 128 s 10 are each amended to read
14 as follows:

15 The board shall:

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

18 (2) Establish policies to (~~insure~~) ensure that the acquisition,
19 management and disposition of all lands and resources within the
20 department's jurisdiction are based on sound principles designed to
21 achieve the maximum effective development and use of such lands and
22 resources consistent with laws applicable thereto;

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

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

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

33 (6) Adopt and enforce (~~such~~) rules (~~and regulations~~) as may be
34 deemed necessary and proper for carrying out the powers, duties and
35 functions imposed upon it by this chapter. For rules adopted under the
36 provisions of this chapter after July 1, 2002, the board may only adopt
37 rules derived from a specific grant of legislative authority. The
38 rules must include the specific statutory section or sections from

1 which the grant of authority is derived, and may not rely solely on a
2 section of law stating a statute's intent or purpose or the general
3 enabling provisions establishing the board or the department;

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

7 (8) Appoint such advisory committees as it may deem appropriate to
8 advise and assist it to more effectively discharge its
9 responsibilities. The members of such committees shall receive no
10 compensation, but shall be entitled to reimbursement for travel
11 expenses in attending committee meetings in accordance with RCW
12 43.03.050 and 43.03.060 as now existing or hereafter amended;

13 (9) Meet and organize within thirty days after March 6, 1957, and
14 on the third Monday of each January following a state general election
15 at which the elected ex officio members of the board are elected. The
16 board shall select its own (~~chairman~~) chair. The commissioner of
17 public lands shall be the secretary of the board. The board may select
18 a (~~vice-chairman~~) vice-chair from among its members. In the absence
19 of the (~~chairman~~) chair and (~~vice-chairman~~) vice-chair at a meeting
20 of the board, the members shall elect a (~~chairman~~) chair pro tem. No
21 action shall be taken by the board except by the agreement of at least
22 four members. The department and the board shall maintain its
23 principal office at the capital;

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

27 **Sec. 10.** RCW 43.31C.060 and 2000 c 212 s 7 are each amended to
28 read as follows:

29 The department must administer this chapter and has the following
30 powers and duties:

31 (1) To monitor the implementation of chapter 212, Laws of 2000 and
32 submit reports evaluating the effectiveness of the program and any
33 suggestions for legislative changes to the governor and legislature by
34 December 1, 2000;

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

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

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

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

17 **Sec. 11.** RCW 43.33.040 and 1965 c 8 s 43.33.040 are each amended
18 to read as follows:

19 The state finance committee may ~~((make))~~ adopt appropriate rules
20 ~~((and regulations))~~ for the performance of its duties. The state
21 treasurer shall act as ~~((chairman))~~ chair of the committee. For rules
22 adopted under the provisions of this chapter after July 1, 2002, the
23 state finance committee may only adopt rules derived from a specific
24 grant of legislative authority. The rules must include the specific
25 statutory section or sections from which the grant of authority is
26 derived, and may not rely solely on a section of law stating a
27 statute's intent or purpose or the general enabling provisions
28 establishing the state finance committee.

29 **Sec. 12.** RCW 43.33A.110 and 1994 c 154 s 310 are each amended to
30 read as follows:

31 The state investment board may ~~((make))~~ adopt appropriate rules
32 ~~((and regulations))~~ for the performance of its duties. The board shall
33 establish investment policies and procedures designed exclusively to
34 maximize return at a prudent level of risk. However, in the case of
35 the department of labor and industries' accident, medical aid, and
36 reserve funds, the board shall establish investment policies and
37 procedures designed to attempt to limit fluctuations in industrial

1 insurance premiums and, subject to this purpose, to maximize return at
2 a prudent level of risk. The board shall adopt rules to ensure that
3 its members perform their functions in compliance with chapter 42.52
4 RCW. Rules adopted by the board shall be adopted pursuant to chapter
5 34.05 RCW.

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

13 **Sec. 13.** RCW 43.59.070 and 1967 ex.s. c 147 s 8 are each amended
14 to read as follows:

15 The director shall be secretary of the commission and shall be
16 responsible for carrying into effect the commission's orders and rules
17 ~~((and regulations promulgated))~~ adopted by the commission. The
18 director shall also be authorized to employ such staff as is necessary
19 pursuant to the provisions of chapter 41.06 RCW. The commission shall
20 adopt ~~((such))~~ rules ~~((and regulations))~~ as shall be necessary to carry
21 into effect the purposes of this chapter.

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

29 **Sec. 14.** RCW 43.61.040 and 1977 c 75 s 60 are each amended to read
30 as follows:

31 The director of veterans affairs shall ~~((make such))~~ adopt rules
32 ~~((and regulations))~~ as may be necessary to carry out the purposes of
33 this chapter. For rules adopted under the provisions of this chapter
34 after July 1, 2002, the director of veterans affairs may only adopt
35 rules derived from a specific grant of legislative authority. The
36 rules must include the specific statutory section or sections from
37 which the grant of authority is derived, and may not rely solely on a

1 section of law stating a statute's intent or purpose or the general
2 enabling provisions establishing the department of veterans affairs.
3 The department shall furnish information, advice, and assistance to
4 veterans and coordinate all programs and services in the field of
5 veterans' claims service, education, health, vocational guidance and
6 placement, and services not provided by some other agency of the state
7 or by the federal government. The director shall submit a report of
8 the departments' activities hereunder each year to the governor.

9 **Sec. 15.** RCW 43.63A.475 and 1993 c 124 s 2 are each amended to
10 read as follows:

11 The department shall adopt all rules under chapter 34.05 RCW
12 necessary to implement chapter 124, Laws of 1993, giving due
13 consideration to standards and regulations adopted by the secretary of
14 housing and urban development under the National Manufactured Housing
15 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.
16 Secs. 5401-5426) for manufactured housing construction and safety
17 standards. For rules adopted under the provisions of this chapter
18 after July 1, 2002, the department of community, trade, and economic
19 development may only adopt rules derived from a specific grant of
20 legislative authority. The rules must include the specific statutory
21 section or sections from which the grant of authority is derived, and
22 may not rely solely on a section of law stating a statute's intent or
23 purpose or the general enabling provisions establishing the department
24 of community, trade, and economic development.

25 **Sec. 16.** RCW 43.70.580 and 1995 c 43 s 3 are each amended to read
26 as follows:

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

30 (1) Identify, as part of the public health improvement plan, the
31 key health outcomes sought for the population and the capacity needed
32 by the public health system to fulfill its responsibilities in
33 improving health outcomes.

34 (2)(a) Distribute state funds that, in conjunction with local
35 revenues, are intended to improve the capacity of the public health
36 system. The distribution methodology shall encourage system-wide
37 effectiveness and efficiency and provide local health jurisdictions

1 with the flexibility both to determine governance structures and
2 address their unique needs.

3 (b) Enter into with each local health jurisdiction performance-
4 based contracts that establish clear measures of the degree to which
5 the local health jurisdiction is attaining the capacity necessary to
6 improve health outcomes. The contracts negotiated between the local
7 health jurisdictions and the department of health must identify the
8 specific measurable progress that local health jurisdictions will make
9 toward achieving health outcomes. A community assessment conducted by
10 the local health jurisdiction according to the public health
11 improvement plan, which shall include the results of the comprehensive
12 plan prepared according to RCW 70.190.130, will be used as the basis
13 for identifying the health outcomes. The contracts shall include
14 provisions to encourage collaboration among local health jurisdictions.
15 State funds shall be used solely to expand and complement, but not to
16 supplant city and county government support for public health programs.

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

19 (4) Adopt rules necessary to carry out the purposes of chapter 43,
20 Laws of 1995. For rules adopted under the provisions of this chapter
21 after July 1, 2002, the department may only adopt rules derived from a
22 specific grant of legislative authority. The rules must include the
23 specific statutory section or sections from which the grant of
24 authority is derived, and may not rely solely on a section of law
25 stating a statute's intent or purpose or the general enabling
26 provisions establishing the department.

27 (5) Biennially, within the public health improvement plan, evaluate
28 the effectiveness of the public health system, assess the degree to
29 which the public health system is attaining the capacity to improve the
30 status of the public's health, and report progress made by each local
31 health jurisdiction toward improving health outcomes.

32 **Sec. 17.** RCW 43.101.085 and 2001 c 167 s 7 are each amended to
33 read as follows:

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

36 (1) Adopt, amend, or repeal rules as necessary to carry out this
37 chapter. For rules adopted under the provisions of this chapter after
38 July 1, 2002, the commission may only adopt rules derived from a

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

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

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

11 (4) Appoint members of a hearings board as provided under RCW
12 43.101.380;

13 (5) Enter into contracts for professional services determined by
14 the commission to be necessary for adequate enforcement of this
15 chapter;

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

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

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

22 **Sec. 18.** RCW 43.115.040 and 1993 c 261 s 3 are each amended to
23 read as follows:

24 The commission shall have the following powers and duties:

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

26 (2) Adopt rules (~~and regulations~~) pursuant to chapter 34.05 RCW.
27 For rules adopted under the provisions of this chapter after July 1,
28 2002, the commission may only adopt rules derived from a specific grant
29 of legislative authority. The rules must include the specific
30 statutory section or sections from which the grant of authority is
31 derived, and may not rely solely on a section of law stating a
32 statute's intent or purpose or the general enabling provisions
33 establishing the commission;

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

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

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

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

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

13 **Sec. 19.** RCW 43.117.050 and 1974 ex.s. c 140 s 5 are each amended
14 to read as follows:

15 The commission shall:

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

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

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

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

31 **Sec. 20.** RCW 43.121.050 and 1988 c 278 s 5 are each amended to
32 read as follows:

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

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

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

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

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

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

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

11 (iv) Learning experiences for children and parents to help prepare
12 parents and children for the experiences in school. Contracts also may
13 be awarded for research programs related to primary and secondary
14 prevention of child abuse and neglect, and to develop and strengthen
15 community child abuse and neglect prevention networks. Each contract
16 entered into by the council shall contain a provision for the
17 evaluation of services provided under the contract. Contracts for
18 services to prevent child abuse and child neglect shall be awarded as
19 demonstration projects with continuation based upon goal attainment.
20 Contracts for services to prevent child abuse and child neglect shall
21 be awarded on the basis of probability of success based in part upon
22 sound research data.

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

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

29 (4) Establish fee schedules to provide for the recipients of
30 services to reimburse the state general fund for the cost of services
31 received.

32 (5) Adopt its own bylaws.

33 (6) Adopt rules under chapter 34.05 RCW as necessary to carry out
34 the purposes of this chapter. For rules adopted under the provisions
35 of this chapter after July 1, 2002, the council may only adopt rules
36 derived from a specific grant of legislative authority. The rules must
37 include the specific statutory section or sections from which the grant
38 of authority is derived, and may not rely solely on a section of law

1 stating a statute's intent or purpose or the general enabling
2 provisions establishing the council.

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

5 The board may:

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

9 (2) Provide technical assistance to local governments;

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

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

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

23 **Sec. 22.** RCW 43.160.050 and 1996 c 51 s 4 are each amended to read
24 as follows:

25 The board may:

26 (1) Adopt bylaws for the regulation of its affairs and the conduct
27 of its business.

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

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

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

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

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

4 (7) Exercise all the powers of a public corporation under chapter
5 39.84 RCW.

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

10 (9) Arrange for lines of credit for industrial development revenue
11 bonds from and enter into participation agreements with any financial
12 institution.

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

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

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

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

24 (14) Provide financial analysis and technical assistance for
25 industrial development facilities when the board reasonably considers
26 it appropriate.

27 (15) Collect, with respect to industrial development revenue bonds,
28 reasonable interest, fees, and charges for making and servicing its
29 lease agreements, loan agreements, mortgage loans, notes, bonds,
30 commitments, and other evidences of indebtedness. Interest, fees, and
31 charges are limited to the amounts required to pay the costs of the
32 board, including operating and administrative expenses and reasonable
33 allowances for losses that may be incurred.

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

38 (17) Adopt rules under chapter 34.05 RCW as necessary to carry out
39 the purposes of this chapter. For rules adopted under the provisions

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

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

9 **Sec. 23.** RCW 43.163.100 and 1990 c 53 s 6 are each amended to read
10 as follows:

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

13 (1) Maintain an office or offices;

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

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

19 (4) Make and execute all manner of contracts, agreements and
20 instruments and financing documents with public and private parties as
21 the authority deems necessary, useful, or convenient to accomplish its
22 purposes;

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

28 (6) Open and maintain accounts in qualified public depositaries and
29 otherwise provide for the investment of any funds not required for
30 immediate disbursement, and provide for the selection of investments;

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

33 (8) Procure such insurance in such amounts and from such insurers
34 as the authority deems desirable, including, but not limited to,
35 insurance against any loss or damage to its property or other assets,
36 public liability insurance for injuries to persons or property, and
37 directors and officers liability insurance;

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

5 (10) Establish guidelines for the participation by eligible banking
6 organizations in programs conducted by the authority under this
7 chapter;

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

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

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

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

22 (15) Give assistance to public bodies by providing information,
23 guidelines, forms, and procedures for implementing their financing
24 programs;

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

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

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

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

4 **Sec. 24.** RCW 43.180.040 and 1995 c 399 s 98 are each amended to
5 read as follows:

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

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

14 (a) The state treasurer, ex officio;

15 (b) The director of community, trade, and economic development, ex
16 officio;

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

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

22 (e) A representative of labor interests, appointed by the governor,
23 with the consent of the senate, after consultation with representatives
24 of organized labor;

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

27 (g) Five members of the public appointed by the governor, with the
28 consent of the senate, on the basis of geographic distribution and
29 their expertise in housing, real estate, finance, energy efficiency, or
30 construction, one of whom shall be appointed by the governor as chair
31 of the commission and who shall serve on the commission and as chair of
32 the commission at the pleasure of the governor.

33 The term of the persons appointed by the governor, other than the
34 chair, shall be four years from the date of their appointment, except
35 that the terms of three of the initial appointees shall be for two
36 years from the date of their appointment. The governor shall designate
37 the appointees who will serve the two-year terms. An appointee may be
38 removed by the governor for cause pursuant to RCW 43.06.070 and

1 43.06.080. The governor shall fill any vacancy in an appointed
2 position by appointment for the remainder of the unexpired term. If
3 the department of community, trade, and economic development is
4 abolished, the resulting vacancy shall be filled by a state official
5 who shall be appointed to the commission by the governor. If this
6 official occupies an office or position for which senate confirmation
7 is not required, then his or her appointment to the commission shall be
8 subject to the consent of the senate. The members of the commission
9 shall be compensated in accordance with RCW 43.03.240 and may be
10 reimbursed, solely from the funds of the commission, for expenses
11 incurred in the discharge of their duties under this chapter, subject
12 to the provisions of RCW 43.03.050 and 43.03.060. A majority of the
13 commission constitutes a quorum. Designees shall be appointed in such
14 manner and shall exercise such powers as are specified by the rules of
15 the commission.

16 (3) The commission may adopt an official seal and may select from
17 its membership a vice_chair, a secretary, and a treasurer. The
18 commission shall establish rules concerning its exercise of the powers
19 authorized by this chapter. The rules shall be adopted in conformance
20 with chapter 34.05 RCW. For rules adopted under the provisions of this
21 chapter after July 1, 2002, the commission may only adopt rules derived
22 from a specific grant of legislative authority. The rules must include
23 the specific statutory section or sections from which the grant of
24 authority is derived, and may not rely solely on a section of law
25 stating a statute's intent or purpose or the general enabling
26 provisions establishing the commission.

27 **Sec. 25.** RCW 43.200.070 and 1989 c 322 s 5 are each amended to
28 read as follows:

29 The department of ecology shall adopt such rules as are necessary
30 to carry out responsibilities under this chapter. The department of
31 ecology is authorized to adopt such rules as are necessary to carry out
32 its responsibilities under chapter 43.145 RCW. For rules adopted under
33 the provisions of this chapter after July 1, 2002, the department of
34 ecology may only adopt rules derived from a specific grant of
35 legislative authority. The rules must include the specific statutory
36 section or sections from which the grant of authority is derived, and
37 may not rely solely on a section of law stating a statute's intent or

1 purpose or the general enabling provisions establishing the department
2 of ecology.

3 **Sec. 26.** RCW 43.210.060 and 1995 c 399 s 108 are each amended to
4 read as follows:

5 The department of community, trade, and economic development or its
6 statutory successor shall adopt rules under chapter 34.05 RCW as
7 necessary to carry out the purposes of this chapter. For rules adopted
8 under the provisions of this chapter after July 1, 2002, the department
9 of community, trade, and economic development may only adopt rules
10 derived from a specific grant of legislative authority. The rules must
11 include the specific statutory section or sections from which the grant
12 of authority is derived, and may not rely solely on a section of law
13 stating a statute's intent or purpose or the general enabling
14 provisions establishing the department of community, trade, and
15 economic development.

16 **Sec. 27.** RCW 43.250.090 and 1986 c 294 s 9 are each amended to
17 read as follows:

18 The state finance committee shall administer this chapter and adopt
19 appropriate rules. For rules adopted under the provisions of this
20 chapter after July 1, 2002, the state finance committee may only adopt
21 rules derived from a specific grant of legislative authority. The
22 rules must include the specific statutory section or sections from
23 which the grant of authority is derived, and may not rely solely on a
24 section of law stating a statute's intent or purpose or the general
25 enabling provisions establishing the state finance committee.

26 **Sec. 28.** RCW 43.320.040 and 1993 c 472 s 5 are each amended to
27 read as follows:

28 The director of financial institutions may adopt any rules, under
29 chapter 34.05 RCW, necessary to implement the powers and duties of the
30 director under this chapter. For rules adopted under the provisions of
31 this chapter after July 1, 2002, the director of financial institutions
32 may only adopt rules derived from a specific grant of legislative
33 authority. The rules must include the specific statutory section or
34 sections from which the grant of authority is derived, and may not rely
35 solely on a section of law stating a statute's intent or purpose or the

1 general enabling provisions establishing the department of financial
2 institutions.

3 **Sec. 29.** RCW 43.330.040 and 1993 c 280 s 6 are each amended to
4 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

4 (4) The director may request information and assistance from all
5 other agencies, departments, and officials of the state, and may
6 reimburse such agencies, departments, or officials if such a request
7 imposes any additional expenses upon any such agency, department, or
8 official.

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

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

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

30 **Sec. 30.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
31 as follows:

32 The transportation commission shall have the following functions,
33 powers, and duties:

34 (1) To propose policies to be adopted by the legislature designed
35 to ((assure)) ensure the development and maintenance of a comprehensive
36 and balanced statewide transportation system which will meet the needs
37 of the people of this state for safe and efficient transportation
38 services. Wherever appropriate the policies shall provide for the use

1 of integrated, intermodal transportation systems to implement the
2 social, economic, and environmental policies, goals, and objectives of
3 the people of the state, and especially to conserve nonrenewable
4 natural resources including land and energy. To this end the
5 commission shall:

6 (a) Develop transportation policies which are based on the
7 policies, goals, and objectives expressed and inherent in existing
8 state laws;

9 (b) Inventory the adopted policies, goals, and objectives of the
10 local and area-wide governmental bodies of the state and define the
11 role of the state, regional, and local governments in determining
12 transportation policies, in transportation planning, and in
13 implementing the state transportation plan;

14 (c) Propose a transportation policy for the state, and after notice
15 and public hearings, submit the proposal to the legislative
16 transportation committee and the senate and house transportation
17 committees by January 1, 1978, for consideration in the next
18 legislative session;

19 (d) Establish a procedure for review and revision of the state
20 transportation policy and for submission of proposed changes to the
21 legislature;

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

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

27 (a) To provide for the effective coordination of state
28 transportation planning with national transportation policy, state and
29 local land use policies, and local and regional transportation plans
30 and programs;

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

35 (c) To provide for the administration of grants in aid and other
36 financial assistance to counties and municipal corporations for
37 transportation purposes;

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

4 (3) To direct the secretary to prepare and submit to the commission
5 a comprehensive and balanced statewide transportation plan which shall
6 be based on the transportation policy adopted by the legislature and
7 applicable state and federal laws. After public notice and hearings,
8 the commission shall adopt the plan and submit it to the legislative
9 transportation committee and to the house and senate standing
10 committees on transportation before January 1, 1980, for consideration
11 in the 1980 regular legislative session. The plan shall be reviewed
12 and revised prior to each regular session of the legislature during an
13 even-numbered year thereafter. A preliminary plan shall be submitted
14 to such committees by January 1, 1979.

15 The plan shall take into account federal law and regulations
16 relating to the planning, construction, and operation of transportation
17 facilities;

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

22 (5) To approve and propose to the governor and to the legislature
23 prior to the convening of each regular session during an odd-numbered
24 year a recommended budget for the operation of the department and for
25 carrying out the program of the department for the ensuing biennium.
26 The proposed budget shall separately state the appropriations to be
27 made from the motor vehicle fund for highway purposes in accordance
28 with constitutional limitations and appropriations and expenditures to
29 be made from the general fund, or accounts thereof, and other available
30 sources for other operations and programs of the department;

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

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

38 (8) To adopt ((such)) rules((~~regulations~~)) and policy directives
39 as may be necessary to carry out reasonably and properly those

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

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

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

15 **Sec. 31.** RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to
16 read as follows:

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

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

22 (3) The commissioner may:

23 (a) ~~((Make))~~ Adopt reasonable rules ~~((and regulations))~~ for
24 effectuating any provision of this code, except those relating to his
25 or her election, qualifications, or compensation. No ~~((such))~~ rules
26 ~~((and regulations shall be))~~ are effective prior to their being filed
27 for public inspection in the commissioner's office. For rules adopted
28 under the provisions of this chapter after July 1, 2002, the
29 commissioner may only adopt rules derived from a specific grant of
30 legislative authority. The rules must include the specific statutory
31 section or sections from which the grant of authority is derived, and
32 may not rely solely on a section of law stating a statute's intent or
33 purpose or the general enabling provisions establishing the office of
34 the insurance commissioner.

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

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

4 **Sec. 32.** RCW 48.44.050 and 1947 c 268 s 5 are each amended to read
5 as follows:

6 The insurance commissioner shall ~~((make))~~ adopt reasonable
7 ~~((regulations))~~ rules in aid of the administration of this chapter
8 which may include, but shall not be limited to ~~((regulations))~~ rules
9 concerning the maintenance of adequate insurance, bonds, or cash
10 deposits, information required of registrants, and methods of
11 expediting speedy and fair payments to claimants. For rules adopted
12 under the provisions of this chapter after July 1, 2002, the insurance
13 commissioner may only adopt rules derived from a specific grant of
14 legislative authority. The rules must include the specific statutory
15 section or sections from which the grant of authority is derived, and
16 may not rely solely on a section of law stating a statute's intent or
17 purpose or the general enabling provisions establishing the office of
18 the insurance commissioner.

19 **Sec. 33.** RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each
20 amended to read as follows:

21 The commissioner may, in accordance with the provisions of the
22 administrative procedure act, chapter 34.05 RCW, ~~((promulgate))~~ adopt
23 rules ((and regulations)) as necessary or proper to carry out the
24 provisions of this chapter. For rules adopted under the provisions of
25 this chapter after July 1, 2002, the commissioner may only adopt rules
26 derived from a specific grant of legislative authority. The rules must
27 include the specific statutory section or sections from which the grant
28 of authority is derived, and may not rely solely on a section of law
29 stating a statute's intent or purpose or the general enabling
30 provisions establishing the office of the insurance commissioner.
31 Nothing in this chapter shall be construed to prohibit the commissioner
32 from requiring changes in procedures previously approved by him.

33 **Sec. 34.** RCW 66.08.0501 and 1997 c 321 s 56 are each amended to
34 read as follows:

35 The liquor control board may adopt appropriate rules pursuant to
36 chapter 34.05 RCW for the purpose of carrying out the provisions of

1 chapter 321, Laws of 1997. For rules adopted under the provisions of
2 this chapter after July 1, 2002, the liquor control board may only
3 adopt rules derived from a specific grant of legislative authority.
4 The rules must include the specific statutory section or sections from
5 which the grant of authority is derived, and may not rely solely on a
6 section of law stating a statute's intent or purpose or the general
7 enabling provisions establishing the liquor control board.

8 **Sec. 35.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
9 read as follows:

10 (1) In establishing policies to preserve, protect, and perpetuate
11 wildlife, fish, and wildlife and fish habitat, the commission shall
12 meet annually with the governor to:

13 (a) Review and prescribe basic goals and objectives related to
14 those policies; and

15 (b) Review the performance of the department in implementing fish
16 and wildlife policies.

17 The commission shall maximize fishing, hunting, and outdoor
18 recreational opportunities compatible with healthy and diverse fish and
19 wildlife populations.

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

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

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

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

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

1 (7) The commission shall select its own staff and shall appoint the
2 director of the department. The director and commission staff shall
3 serve at the pleasure of the commission.

4 **Sec. 36.** RCW 80.01.040 and 1985 c 450 s 10 are each amended to
5 read as follows:

6 The utilities and transportation commission shall:

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

9 (2) Regulate in the public interest, as provided by the public
10 service laws, the rates, services, facilities, and practices of all
11 persons engaging in the transportation by whatever means of persons or
12 property within this state for compensation, and related activities;
13 including, but not limited to, air transportation companies, auto
14 transportation companies, express companies, freight and freight line
15 companies, motor freight companies, motor transportation agents,
16 private car companies, railway companies, sleeping car companies,
17 steamboat companies, street railway companies, toll bridge companies,
18 storage warehousemen, and wharfingers and warehousemen.

19 (3) Regulate in the public interest, as provided by the public
20 service laws, the rates, services, facilities, and practices of all
21 persons engaging within this state in the business of supplying any
22 utility service or commodity to the public for compensation, and
23 related activities; including, but not limited to, electrical
24 companies, gas companies, irrigation companies, telecommunications
25 companies, and water companies.

26 (4) (~~Make such~~) Adopt rules (~~and regulations~~) as may be
27 necessary to carry out its other powers and duties. For rules adopted
28 under the provisions of this chapter after July 1, 2002, the commission
29 may only adopt rules derived from a specific grant of legislative
30 authority. The rules must include the specific statutory section or
31 sections from which the grant of authority is derived, and may not rely
32 solely on a section of law stating a statute's intent or purpose or the
33 general enabling provisions establishing the commission.

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