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HOUSE BILL 1312

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Anderson, Armstrong, Nixon, Roach, Kristiansen, Holmquist, Talcott, Woods, Hinkle, Schoesler, Benson and McMahan

Read first time 01/22/2003.                      Referred to Committee on State 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; adding a new section to chapter 43.17 RCW;  
9 and declaring an emergency.

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;

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

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

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

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

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

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

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

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

28 For rules adopted under the provisions of this chapter after July  
29 1, 2003, the superintendent of public instruction may only adopt rules  
30 derived from a specific grant of legislative authority. The rules must  
31 include the specific statutory section or sections from which the grant  
32 of authority is derived, and may not rely solely on a section of law  
33 stating a statute's intent or purpose or the general enabling  
34 provisions establishing the office of the superintendent of public  
35 instruction.

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

1 The director shall:

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

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

7 (3) Employ personnel to carry out the general administration of the  
8 department;

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

14 (5) Adopt (~~such~~) rules (~~and regulations~~) as are necessary to  
15 carry out the powers, duties, and functions of the department pursuant  
16 to the provisions of chapter 34.05 RCW. For rules adopted under the  
17 provisions of this chapter after July 1, 2003, the director may only  
18 adopt rules derived from a specific grant of legislative authority.  
19 The rules must include the specific statutory section or sections from  
20 which the grant of authority is derived, and may not rely solely on a  
21 section of law stating a statute's intent or purpose or the general  
22 enabling provisions establishing the department.

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

25 The ombudsman shall perform the following duties:

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

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

35 (3) Monitor the procedures as established, implemented, and  
36 practiced by the department to carry out its responsibilities in

1 delivering family and children's services with a view toward  
2 appropriate preservation of families and ensuring children's health and  
3 safety;

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

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

9 (6) Submit annually to the committee and to the governor by  
10 November 1<sup>st</sup> a report analyzing the work of the office including  
11 recommendations;

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

14 (8) Adopt rules necessary to implement this chapter. For rules  
15 adopted under the provisions of this chapter after July 1, 2003, the  
16 ombudsman may only adopt rules derived from a specific grant of  
17 legislative authority. The rules must include the specific statutory  
18 section or sections from which the grant of authority is derived, and  
19 may not rely solely on a section of law stating a statute's intent or  
20 purpose or the general enabling provisions establishing the department  
21 or the ombudsman's office.

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

24 For rules adopted under the provisions of this chapter after July  
25 1, 2003, the director of each department may only adopt rules derived  
26 from a specific grant of legislative authority. The rules must include  
27 the specific statutory section or sections from which the grant of  
28 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 each department.

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

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

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

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

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

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

11 (d) Adopt rules in accordance with chapter 34.05 RCW and perform  
12 all other functions necessary and proper to carry out the purposes of  
13 this chapter. For rules adopted under the provisions of this chapter  
14 after July 1, 2003, the director may only adopt rules derived from a  
15 specific grant of legislative authority. The rules must include the  
16 specific statutory section or sections from which the grant of  
17 authority is derived, and may not rely solely on a section of law  
18 stating a statute's intent or purpose or the general enabling  
19 provisions establishing the department of general administration;

20 (e) Delegate powers, duties, and functions as the director deems  
21 necessary for efficient administration, but the director shall be  
22 responsible for the official acts of the officers and employees of the  
23 department; and

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

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

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

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

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

3 (1) The supervision of public waters within the state and their  
4 appropriation, diversion, and use, and of the various officers  
5 connected therewith;

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

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

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

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

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

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

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

1 (9) The director shall establish and (~~promulgate~~) adopt rules  
2 governing the administration of chapter 90.03 RCW. For rules adopted  
3 under the provisions of this chapter after July 1, 2003, the director  
4 may only adopt rules derived from a specific grant of legislative  
5 authority. The rules must include the specific statutory section or  
6 sections from which the grant of authority is derived, and may not rely  
7 solely on a section of law stating a statute's intent or purpose or the  
8 general enabling provisions establishing the department;

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

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

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

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

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

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

23 (c) Appoint a deputy director and such assistant directors, special  
24 assistants, and administrators as may be needed to administer the  
25 department. These employees are exempt from the provisions of chapter  
26 41.06 RCW;

27 (d) Adopt rules in accordance with chapter 34.05 RCW and perform  
28 all other functions necessary to carry out the responsibilities of the  
29 department. For rules adopted under the provisions of this chapter  
30 after July 1, 2003, the director may only adopt rules derived from a  
31 specific grant of legislative authority. The rules must include the  
32 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 department;

36 (e) Delegate powers, duties, and functions as the director deems



1 necessary for efficient administration, but the director is responsible  
2 for the official acts of the officers and employees of the department;  
3 and

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

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

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

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

18 The department shall be empowered as follows:

19 (1) To represent the state at, and fully participate in, the  
20 activities of any basin or regional commission, interagency committee,  
21 or any other joint interstate or federal-state agency, committee or  
22 commission, or publicly financed entity engaged in the planning,  
23 development, administration, management, conservation or preservation  
24 of the water resources of the state.

25 (2) To prepare the views and recommendations of the state of  
26 Washington on any project, plan or program relating to the planning,  
27 development, administration, management, conservation and preservation  
28 of any waters located in or affecting the state of Washington,  
29 including any federal permit or license proposal, and appear on behalf  
30 of, and present views and recommendations of the state at any  
31 proceeding, negotiation or hearing conducted by the federal government,  
32 interstate agency, state or other agency.

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

1 (4) To cooperate with appropriate agencies of the federal  
2 government and/or agencies of other states, to enter into contracts,  
3 and to make appropriate contributions to federal or interstate projects  
4 and programs and governmental bodies to carry out the provisions of  
5 this chapter.

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

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

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

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

35 (9) To cooperate with federal, state, regional, interstate and  
36 local public and private agencies in the making of plans for drainage,  
37 flood control, use, conservation, allocation and distribution of

1 existing water supplies and the development of new water resource  
2 projects.

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

7 (11) To (~~promulgate such~~) adopt rules (~~and regulations~~) as are  
8 necessary to carry out the purposes of this chapter. For rules adopted  
9 under the provisions of this chapter after July 1, 2003, the department  
10 may only adopt rules derived from a specific grant of legislative  
11 authority. The rules must include the specific statutory section or  
12 sections from which the grant of authority is derived, and may not rely  
13 solely on a section of law stating a statute's intent or purpose or the  
14 general enabling provisions establishing the department.

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

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

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

25 The board shall:

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

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

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

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

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

7 (6) Adopt and enforce (~~such~~) rules (~~and regulations~~) as may be  
8 deemed necessary and proper for carrying out the powers, duties and  
9 functions imposed upon it by this chapter. For rules adopted under the  
10 provisions of this chapter after July 1, 2003, the board may only adopt  
11 rules derived from a specific grant of legislative authority. The  
12 rules must include the specific statutory section or sections from  
13 which the grant of authority is derived, and may not rely solely on a  
14 section of law stating a statute's intent or purpose or the general  
15 enabling provisions establishing the board or the department;

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

19 (8) Appoint such advisory committees as it may deem appropriate to  
20 advise and assist it to more effectively discharge its  
21 responsibilities. The members of such committees shall receive no  
22 compensation, but shall be entitled to reimbursement for travel  
23 expenses in attending committee meetings in accordance with RCW  
24 43.03.050 and 43.03.060 as now existing or hereafter amended;

25 (9) Meet and organize within thirty days after March 6, 1957, and  
26 on the third Monday of each January following a state general election  
27 at which the elected ex officio members of the board are elected. The  
28 board shall select its own (~~chairman~~) chair. The commissioner of  
29 public lands shall be the secretary of the board. The board may select  
30 a (~~vice-chairman~~) vice-chair from among its members. In the absence  
31 of the (~~chairman~~) chair and (~~vice-chairman~~) vice-chair at a meeting  
32 of the board, the members shall elect a (~~chairman~~) chair pro tem. No  
33 action shall be taken by the board except by the agreement of at least  
34 four members. The department and the board shall maintain its  
35 principal office at the capital;

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

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

3       The department must administer this chapter and has the following  
4 powers and duties:

5       (1) To monitor the implementation of chapter 212, Laws of 2000 and  
6 submit reports evaluating the effectiveness of the program and any  
7 suggestions for legislative changes to the governor and legislature by  
8 December 1, 2000;

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

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

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

20       (5) To develop rules necessary for the administration of this  
21 chapter. For rules adopted under the provisions of this chapter after  
22 July 1, 2003, the department may only adopt rules derived from a  
23 specific grant of legislative authority. The rules must include the  
24 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 the department.

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

30       The state finance committee may ~~((make))~~ adopt appropriate rules  
31 ~~((and regulations))~~ for the performance of its duties. The state  
32 treasurer shall act as ~~((chairman))~~ chair of the committee. For rules  
33 adopted under the provisions of this chapter after July 1, 2003, the  
34 state finance committee may only adopt rules derived from a specific  
35 grant of legislative authority. The rules must include the specific  
36 statutory section or sections from which the grant of authority is

1 derived, and may not rely solely on a section of law stating a  
2 statute's intent or purpose or the general enabling provisions  
3 establishing the state finance committee.

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

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

18 For rules adopted under the provisions of this chapter after July  
19 1, 2003, the state investment board may only adopt rules derived from  
20 a specific grant of legislative authority. The rules must include the  
21 specific statutory section or sections from which the grant of  
22 authority is derived, and may not rely solely on a section of law  
23 stating a statute's intent or purpose or the general enabling  
24 provisions establishing the state investment board.

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

27 The director shall be secretary of the commission and shall be  
28 responsible for carrying into effect the commission's orders and rules  
29 (~~and regulations promulgated~~) adopted by the commission. The  
30 director shall also be authorized to employ such staff as is necessary  
31 pursuant to the provisions of chapter 41.06 RCW. The commission shall  
32 adopt (~~such~~) rules (~~and regulations~~) as shall be necessary to carry  
33 into effect the purposes of this chapter.

34 For rules adopted under the provisions of this chapter after July  
35 1, 2003, the Washington state traffic safety commission may only adopt  
36 rules derived from a specific grant of legislative authority. The

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

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

7 The director of veterans affairs shall (~~make such~~) adopt rules  
8 (~~and regulations~~) as may be necessary to carry out the purposes of  
9 this chapter. For rules adopted under the provisions of this chapter  
10 after July 1, 2003, the director of veterans affairs may only adopt  
11 rules derived from a specific grant of legislative authority. The  
12 rules must include the specific statutory section or sections from  
13 which the grant of authority is derived, and may not rely solely on a  
14 section of law stating a statute's intent or purpose or the general  
15 enabling provisions establishing the department of veterans affairs.  
16 The department shall furnish information, advice, and assistance to  
17 veterans and coordinate all programs and services in the field of  
18 veterans' claims service, education, health, vocational guidance and  
19 placement, and services not provided by some other agency of the state  
20 or by the federal government. The director shall submit a report of  
21 the departments' activities hereunder each year to the governor.

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

24 The department shall adopt all rules under chapter 34.05 RCW  
25 necessary to implement chapter 124, Laws of 1993, giving due  
26 consideration to standards and regulations adopted by the secretary of  
27 housing and urban development under the National Manufactured Housing  
28 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.  
29 Secs. 5401-5426) for manufactured housing construction and safety  
30 standards. For rules adopted under the provisions of this chapter  
31 after July 1, 2003, the department of community, trade, and economic  
32 development may only adopt rules derived from a specific grant of  
33 legislative authority. The rules must include the specific statutory  
34 section or sections from which the grant of authority is derived, and  
35 may not rely solely on a section of law stating a statute's intent or

1 purpose or the general enabling provisions establishing the department  
2 of community, trade, and economic development.

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

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

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

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

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

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

34 (4) Adopt rules necessary to carry out the purposes of chapter 43,  
35 Laws of 1995. For rules adopted under the provisions of this chapter  
36 after July 1, 2003, the department may only adopt rules derived from a  
37 specific grant of legislative authority. The rules must include the



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

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

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

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

14 (1) Adopt, amend, or repeal rules as necessary to carry out this  
15 chapter. For rules adopted under the provisions of this chapter after  
16 July 1, 2003, the commission may only adopt rules derived from a  
17 specific grant of legislative authority. The rules must include the  
18 specific statutory section or sections from which the grant of  
19 authority is derived, and may not rely solely on a section of law  
20 stating a statute's intent or purpose or the general enabling  
21 provisions establishing the commission;

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

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

27 (4) Appoint members of a hearings board as provided under RCW  
28 43.101.380;

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

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

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

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

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

3       The commission shall have the following powers and duties:

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

5       (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.  
6 For rules adopted under the provisions of this chapter after July 1,  
7 2003, the commission may only adopt rules derived from a specific grant  
8 of legislative authority. The rules must include the specific  
9 statutory section or sections from which the grant of authority is  
10 derived, and may not rely solely on a section of law stating a  
11 statute's intent or purpose or the general enabling provisions  
12 establishing the commission;

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

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

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

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

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

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

30       The commission shall:

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

33       (2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW.  
34 For rules adopted under the provisions of this chapter after July 1,  
35 2003, the commission may only adopt rules derived from a specific grant  
36 of legislative authority. The rules must include the specific  
37 statutory section or sections from which the grant of authority is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (5) Adopt its own bylaws.

11 (6) Adopt rules under chapter 34.05 RCW as necessary to carry out  
12 the purposes of this chapter. For rules adopted under the provisions  
13 of this chapter after July 1, 2003, the council may only adopt rules  
14 derived from a specific grant of legislative authority. The rules must  
15 include the specific statutory section or sections from which the grant  
16 of authority is derived, and may not rely solely on a section of law  
17 stating a statute's intent or purpose or the general enabling  
18 provisions establishing the council.

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

21 The board may:

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

25 (2) Provide technical assistance to local governments;

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

29 (4) Adopt rules under chapter 34.05 RCW as necessary to carry out  
30 the purposes of this chapter. For rules adopted under the provisions  
31 of this chapter after July 1, 2003, the board may only adopt rules  
32 derived from a specific grant of legislative authority. The rules must  
33 include the specific statutory section or sections from which the grant  
34 of authority is derived, and may not rely solely on a section of law  
35 stating a statute's intent or purpose or the general enabling  
36 provisions establishing the board;

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

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

5 The board may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (17) Adopt rules under chapter 34.05 RCW as necessary to carry out  
18 the purposes of this chapter. For rules adopted under the provisions  
19 of this chapter after July 1, 2003, the board may only adopt rules  
20 derived from a specific grant of legislative authority. The rules must  
21 include the specific statutory section or sections from which the grant  
22 of authority is derived, and may not rely solely on a section of law  
23 stating a statute's intent or purpose or the general enabling  
24 provisions establishing the board.

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

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

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

- 31 (1) Maintain an office or offices;
- 32 (2) Sue and be sued in its own name, and plead and be impleaded;
- 33 (3) Engage consultants, agents, attorneys, and advisers, contract  
34 with federal, state, and local governmental entities for services, and  
35 hire such employees, agents and other personnel as the authority deems  
36 necessary, useful, or convenient to accomplish its purposes;

- 1           (4) Make and execute all manner of contracts, agreements and  
2 instruments and financing documents with public and private parties as  
3 the authority deems necessary, useful, or convenient to accomplish its  
4 purposes;
- 5           (5) Acquire and hold real or personal property, or any interest  
6 therein, in the name of the authority, and to sell, assign, lease,  
7 encumber, mortgage, or otherwise dispose of the same in such manner as  
8 the authority deems necessary, useful, or convenient to accomplish its  
9 purposes;
- 10          (6) Open and maintain accounts in qualified public depositaries and  
11 otherwise provide for the investment of any funds not required for  
12 immediate disbursement, and provide for the selection of investments;
- 13          (7) Appear in its own behalf before boards, commissions,  
14 departments, or agencies of federal, state, or local government;
- 15          (8) Procure such insurance in such amounts and from such insurers  
16 as the authority deems desirable, including, but not limited to,  
17 insurance against any loss or damage to its property or other assets,  
18 public liability insurance for injuries to persons or property, and  
19 directors and officers liability insurance;
- 20          (9) Apply for and accept subventions, grants, loans, advances, and  
21 contributions from any source of money, property, labor, or other  
22 things of value, to be held, used and applied as the authority deems  
23 necessary, useful, or convenient to accomplish its purposes;
- 24          (10) Establish guidelines for the participation by eligible banking  
25 organizations in programs conducted by the authority under this  
26 chapter;
- 27          (11) Act as an agent, by agreement, for federal, state, or local  
28 governmental entities to carry out the programs authorized in this  
29 chapter;
- 30          (12) Establish, revise, and collect such fees and charges as the  
31 authority deems necessary, useful, or convenient to accomplish its  
32 purposes;
- 33          (13) Make such expenditures as are appropriate for paying the  
34 administrative costs and expenses of the authority in carrying out the  
35 provisions of this chapter: PROVIDED, That expenditures with respect  
36 to the economic development financing programs of the authority shall  
37 not be made from funds of the state;

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

4 (15) Give assistance to public bodies by providing information,  
5 guidelines, forms, and procedures for implementing their financing  
6 programs;

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

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

12 (18) Adopt rules concerning its exercise of the powers authorized  
13 by this chapter. For rules adopted under the provisions of this  
14 chapter after July 1, 2003, the authority may only adopt rules derived  
15 from a specific grant of legislative authority. The rules must include  
16 the specific statutory section or sections from which the grant of  
17 authority is derived, and may not rely solely on a section of law  
18 stating a statute's intent or purpose or the general enabling  
19 provisions establishing the authority; and

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

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

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

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

33 (a) The state treasurer, ex officio;

34 (b) The director of community, trade, and economic development, ex  
35 officio;

36 (c) An elected local government official, ex officio, with



1 experience in local housing programs, who shall be appointed by the  
2 governor with the consent of the senate;

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

5 (e) A representative of labor interests, appointed by the governor,  
6 with the consent of the senate, after consultation with representatives  
7 of organized labor;

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

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

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

37 (3) The commission may adopt an official seal and may select from  
38 its membership a vice\_chair, a secretary, and a treasurer. The

1 commission shall establish rules concerning its exercise of the powers  
2 authorized by this chapter. The rules shall be adopted in conformance  
3 with chapter 34.05 RCW. For rules adopted under the provisions of this  
4 chapter after July 1, 2003, the commission may only adopt rules derived  
5 from a specific grant of legislative authority. The rules must include  
6 the specific statutory section or sections from which the grant of  
7 authority is derived, and may not rely solely on a section of law  
8 stating a statute's intent or purpose or the general enabling  
9 provisions establishing the commission.

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

12 The department of ecology shall adopt such rules as are necessary  
13 to carry out responsibilities under this chapter. The department of  
14 ecology is authorized to adopt such rules as are necessary to carry out  
15 its responsibilities under chapter 43.145 RCW. For rules adopted under  
16 the provisions of this chapter after July 1, 2003, the department of  
17 ecology may only adopt rules derived from a specific grant of  
18 legislative authority. The rules must include the specific statutory  
19 section or sections from which the grant of authority is derived, and  
20 may not rely solely on a section of law stating a statute's intent or  
21 purpose or the general enabling provisions establishing the department  
22 of ecology.

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

25 The department of community, trade, and economic development or its  
26 statutory successor shall adopt rules under chapter 34.05 RCW as  
27 necessary to carry out the purposes of this chapter. For rules adopted  
28 under the provisions of this chapter after July 1, 2003, the department  
29 of community, trade, and economic development may only adopt rules  
30 derived from a specific grant of legislative authority. The rules must  
31 include the specific statutory section or sections from which the grant  
32 of authority is derived, and may not rely solely on a section of law  
33 stating a statute's intent or purpose or the general enabling  
34 provisions establishing the department of community, trade, and  
35 economic development.

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

3       The state finance committee shall administer this chapter and adopt  
4 appropriate rules. For rules adopted under the provisions of this  
5 chapter after July 1, 2003, the state finance committee may only adopt  
6 rules derived from a specific grant of legislative authority. The  
7 rules must include the specific statutory section or sections from  
8 which the grant of authority is derived, and may not rely solely on a  
9 section of law stating a statute's intent or purpose or the general  
10 enabling provisions establishing the state finance committee.

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

13       The director of financial institutions may adopt any rules, under  
14 chapter 34.05 RCW, necessary to implement the powers and duties of the  
15 director under this chapter. For rules adopted under the provisions of  
16 this chapter after July 1, 2003, the director of financial institutions  
17 may only adopt rules derived from a specific grant of legislative  
18 authority. The rules must include the specific statutory section or  
19 sections from which the grant of authority is derived, and may not rely  
20 solely on a section of law stating a statute's intent or purpose or the  
21 general enabling provisions establishing the department of financial  
22 institutions.

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

25       (1) The director shall supervise and administer the activities of  
26 the department and shall advise the governor and the legislature with  
27 respect to community and economic development matters affecting the  
28 state.

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

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

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

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

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

4 (e) Prepare and submit budgets for the department for executive and  
5 legislative action;

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

8 (g) Adopt rules in accordance with chapter 34.05 RCW and perform  
9 all other functions necessary and proper to carry out the purposes of  
10 this chapter. For rules adopted under the provisions of this chapter  
11 after July 1, 2003, the director 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 (h) Delegate powers, duties, and functions as the director deems  
18 necessary for efficient administration, but the director shall be  
19 responsible for the official acts of the officers and employees of the  
20 department; and

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

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

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

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

37 (6) The director may establish additional advisory or coordinating  
38 groups with the legislature, within state government, with state and

1 other governmental units, with the private sector and nonprofit  
2 entities or in specialized subject areas as may be necessary to carry  
3 out the purposes of this chapter.

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

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

15 The transportation commission shall have the following functions,  
16 powers, and duties:

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

27 (a) Develop transportation policies which are based on the  
28 policies, goals, and objectives expressed and inherent in existing  
29 state laws;

30 (b) Inventory the adopted policies, goals, and objectives of the  
31 local and area-wide governmental bodies of the state and define the  
32 role of the state, regional, and local governments in determining  
33 transportation policies, in transportation planning, and in  
34 implementing the state transportation plan;

35 (c) Propose a transportation policy for the state, and after notice  
36 and public hearings, submit the proposal to the legislative

1 transportation committee and the senate and house transportation  
2 committees by January 1, 1978, for consideration in the next  
3 legislative session;

4 (d) Establish a procedure for review and revision of the state  
5 transportation policy and for submission of proposed changes to the  
6 legislature;

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

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

12 (a) To provide for the effective coordination of state  
13 transportation planning with national transportation policy, state and  
14 local land use policies, and local and regional transportation plans  
15 and programs;

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

20 (c) To provide for the administration of grants in aid and other  
21 financial assistance to counties and municipal corporations for  
22 transportation purposes;

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

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

37 The plan shall take into account federal law and regulations

1 relating to the planning, construction, and operation of transportation  
2 facilities;

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

7 (5) To approve and propose to the governor and to the legislature  
8 prior to the convening of each regular session during an odd-numbered  
9 year a recommended budget for the operation of the department and for  
10 carrying out the program of the department for the ensuing biennium.  
11 The proposed budget shall separately state the appropriations to be  
12 made from the motor vehicle fund for highway purposes in accordance  
13 with constitutional limitations and appropriations and expenditures to  
14 be made from the general fund, or accounts thereof, and other available  
15 sources for other operations and programs of the department;

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

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

23 (8) To adopt ((such)) rules((, regulations,)) and policy directives  
24 as may be necessary to carry out reasonably and properly those  
25 functions expressly vested in the commission by statute. For rules  
26 adopted under the provisions of this chapter after July 1, 2003, the  
27 commission may only adopt rules derived from a specific grant of  
28 legislative authority. The rules must include the specific statutory  
29 section or sections from which the grant of authority is derived, and  
30 may not rely solely on a section of law stating a statute's intent or  
31 purpose or the general enabling provisions establishing the department;

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

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

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

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

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

8           (3) The commissioner may:

9           (a) ~~((Make))~~ Adopt reasonable rules ~~((and regulations))~~ for  
10 effectuating any provision of this code, except those relating to his  
11 or her election, qualifications, or compensation. No ~~((such))~~ rules  
12 ~~((and regulations shall be))~~ are effective prior to their being filed  
13 for public inspection in the commissioner's office. For rules adopted  
14 under the provisions of this chapter after July 1, 2003, the  
15 commissioner may only adopt rules derived from a specific grant of  
16 legislative authority. The rules must include the specific statutory  
17 section or sections from which the grant of authority is derived, and  
18 may not rely solely on a section of law stating a statute's intent or  
19 purpose or the general enabling provisions establishing the office of  
20 the insurance commissioner.

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

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

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

28           The insurance commissioner shall ~~((make))~~ adopt reasonable  
29 ~~((regulations))~~ rules in aid of the administration of this chapter  
30 which may include, but shall not be limited to ~~((regulations))~~ rules  
31 concerning the maintenance of adequate insurance, bonds, or cash  
32 deposits, information required of registrants, and methods of  
33 expediting speedy and fair payments to claimants. For rules adopted  
34 under the provisions of this chapter after July 1, 2003, the insurance  
35 commissioner may only adopt rules derived from a specific grant of  
36 legislative authority. The rules must include the specific statutory  
37 section or sections from which the grant of authority is derived, and



1 may not rely solely on a section of law stating a statute's intent or  
2 purpose or the general enabling provisions establishing the office of  
3 the insurance commissioner.

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

6 The commissioner may, in accordance with the provisions of the  
7 administrative procedure act, chapter 34.05 RCW, (~~promulgate~~) adopt  
8 rules ((and regulations)) as necessary or proper to carry out the  
9 provisions of this chapter. For rules adopted under the provisions of  
10 this chapter after July 1, 2003, the commissioner may only adopt rules  
11 derived from a specific grant of legislative authority. The rules must  
12 include the specific statutory section or sections from which the grant  
13 of authority is derived, and may not rely solely on a section of law  
14 stating a statute's intent or purpose or the general enabling  
15 provisions establishing the office of the insurance commissioner.  
16 Nothing in this chapter shall be construed to prohibit the commissioner  
17 from requiring changes in procedures previously approved by him.

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

20 The liquor control board may adopt appropriate rules pursuant to  
21 chapter 34.05 RCW for the purpose of carrying out the provisions of  
22 chapter 321, Laws of 1997. For rules adopted under the provisions of  
23 this chapter after July 1, 2003, the liquor control board may only  
24 adopt rules derived from a specific grant of legislative authority.  
25 The 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 liquor control board.

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

31 (1) In establishing policies to preserve, protect, and perpetuate  
32 wildlife, fish, and wildlife and fish habitat, the commission shall  
33 meet annually with the governor to:

34 (a) Review and prescribe basic goals and objectives related to  
35 those policies; and

1 (b) Review the performance of the department in implementing fish  
2 and wildlife policies.

3 The commission shall maximize fishing, hunting, and outdoor  
4 recreational opportunities compatible with healthy and diverse fish and  
5 wildlife populations.

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

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

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

14 (5) The commission shall adopt rules to implement the state's fish  
15 and wildlife laws. For rules adopted under the provisions of this  
16 chapter after July 1, 2003, the commission may only adopt rules derived  
17 from a specific grant of legislative authority. The rules must include  
18 the specific statutory section or sections from which the grant of  
19 authority is derived, and may not rely solely on a section of law  
20 stating a statute's intent or purpose or the general enabling  
21 provisions establishing the commission or the department.

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

24 (7) The commission shall select its own staff and shall appoint the  
25 director of the department. The director and commission staff shall  
26 serve at the pleasure of the commission.

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

29 The utilities and transportation commission shall:

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

32 (2) Regulate in the public interest, as provided by the public  
33 service laws, the rates, services, facilities, and practices of all  
34 persons engaging in the transportation by whatever means of persons or  
35 property within this state for compensation, and related activities;  
36 including, but not limited to, air transportation companies, auto  
37 transportation companies, express companies, freight and freight line

1 companies, motor freight companies, motor transportation agents,  
2 private car companies, railway companies, sleeping car companies,  
3 steamboat companies, street railway companies, toll bridge companies,  
4 storage warehousemen, and wharfingers and warehousemen.

5 (3) Regulate in the public interest, as provided by the public  
6 service laws, the rates, services, facilities, and practices of all  
7 persons engaging within this state in the business of supplying any  
8 utility service or commodity to the public for compensation, and  
9 related activities; including, but not limited to, electrical  
10 companies, gas companies, irrigation companies, telecommunications  
11 companies, and water companies.

12 (4) (~~Make such~~) Adopt rules (~~and regulations~~) as may be  
13 necessary to carry out its other powers and duties. For rules adopted  
14 under the provisions of this chapter after July 1, 2003, the commission  
15 may only adopt rules derived from a specific grant of legislative  
16 authority. The rules must include the specific statutory section or  
17 sections from which the grant of authority is derived, and may not rely  
18 solely on a section of law stating a statute's intent or purpose or the  
19 general enabling provisions establishing the commission.

20 NEW SECTION. Sec. 37. This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of the  
22 state government and its existing public institutions, and takes effect  
23 immediately.

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