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SENATE BILL 6294

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State of Washington

58th Legislature

2004 Regular Session

By Senators Franklin, Winsley, Kohl-Welles, Keiser, B. Sheldon, Shin, McAuliffe, Fraser, Regala, Prentice, Thibaudeau and Doumit

Read first time 01/16/2004. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to increasing the physical activity of Washington  
2 citizens; amending RCW 70.38.015, 43.20.050, 36.70A.070, 36.81.121,  
3 43.17.250, 28A.300.040, and 28A.320.015; reenacting and amending RCW  
4 35.77.010 and 79A.05.030; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that regular physical  
7 activity is essential to maintaining good health and reducing the rates  
8 of chronic disease. The legislature further finds that providing  
9 opportunities for walking, biking, and other regular forms of exercise  
10 is best accomplished through collaboration between the private sector  
11 and local, state, and institutional policymakers. This collaboration  
12 can build communities where people find it easy and safe to be  
13 physically active. It is the intent of the legislature to promote  
14 policy and planning efforts that increase access to inexpensive or free  
15 opportunities for regular exercise in all communities around the state.

16 **Sec. 2.** RCW 70.38.015 and 1989 1st ex.s. c 9 s 601 are each  
17 amended to read as follows:

18 It is declared to be the public policy of this state:

1 (1) That health planning to promote, maintain, and assure the  
2 health of all citizens in the state, to provide accessible health  
3 services, health manpower, health facilities, and other resources while  
4 controlling excessive increases in costs, and to recognize prevention  
5 as a high priority in health programs, is essential to the health,  
6 safety, and welfare of the people of the state. Health planning should  
7 be responsive to changing health and social needs and conditions.  
8 Involvement in health planning from both consumers and providers  
9 throughout the state should be encouraged;

10 (2) That the development of health services and resources,  
11 including the construction, modernization, and conversion of health  
12 facilities, should be accomplished in a planned, orderly fashion,  
13 consistent with identified priorities and without unnecessary  
14 duplication or fragmentation;

15 (3) That the development and maintenance of adequate health care  
16 information, statistics and projections of need for health facilities  
17 and services is essential to effective health planning and resources  
18 development;

19 (4) That the development of nonregulatory approaches to health care  
20 cost containment should be considered, including the strengthening of  
21 price competition; (~~and~~)

22 (5) That health planning should be concerned with public health and  
23 health care financing, access, and quality, recognizing their close  
24 interrelationship and emphasizing cost control of health services,  
25 including cost-effectiveness and cost-benefit analysis; and

26 (6) That health planning should be concerned with building and  
27 supporting healthy environments that make it easier for Washington  
28 residents to be physically active.

29 **Sec. 3.** RCW 43.20.050 and 1993 c 492 s 489 are each amended to  
30 read as follows:

31 (1) The state board of health shall provide a forum for the  
32 development of public health policy in Washington state. It is  
33 authorized to recommend to the secretary means for obtaining  
34 appropriate citizen and professional involvement in all public health  
35 policy formulation and other matters related to the powers and duties  
36 of the department. It is further empowered to hold hearings and  
37 explore ways to improve the health status of the citizenry.

1 (a) At least every five years, the state board shall convene  
2 regional forums to gather citizen input on public health issues.

3 (b) Every two years, in coordination with the development of the  
4 state biennial budget, the state board shall prepare the state public  
5 health report that outlines the health priorities of the ensuing  
6 biennium. The report shall:

7 (i) Consider the citizen input gathered at the forums;

8 (ii) Be developed with the assistance of local health departments;

9 (iii) Be based on the best available information collected and  
10 reviewed according to RCW 43.70.050 and recommendations from the  
11 council;

12 (iv) Be developed with the input of state health care agencies. At  
13 least the following directors of state agencies shall provide timely  
14 recommendations to the state board on suggested health priorities for  
15 the ensuing biennium: The secretary of social and health services, the  
16 health care authority administrator, the insurance commissioner, the  
17 superintendent of public instruction, the director of labor and  
18 industries, the director of ecology, and the director of agriculture;

19 (v) Be used by state health care agency administrators in preparing  
20 proposed agency budgets and executive request legislation;

21 (vi) Be submitted by the state board to the governor by January 1  
22 of each even-numbered year for adoption by the governor. The governor,  
23 no later than March 1 of that year, shall approve, modify, or  
24 disapprove the state public health report.

25 (c) In fulfilling its responsibilities under this subsection, the  
26 state board may create ad hoc committees or other such committees of  
27 limited duration as necessary.

28 (2) In order to protect public health, the state board of health  
29 shall:

30 (a) Adopt rules necessary to assure safe and reliable public  
31 drinking water and to protect the public health. Such rules shall  
32 establish requirements regarding:

33 (i) The design and construction of public water system facilities,  
34 including proper sizing of pipes and storage for the number and type of  
35 customers;

36 (ii) Drinking water quality standards, monitoring requirements, and  
37 laboratory certification requirements;

38 (iii) Public water system management and reporting requirements;

1 (iv) Public water system planning and emergency response  
2 requirements;

3 (v) Public water system operation and maintenance requirements;

4 (vi) Water quality, reliability, and management of existing but  
5 inadequate public water systems; and

6 (vii) Quality standards for the source or supply, or both source  
7 and supply, of water for bottled water plants((-));

8 (b) Adopt rules and standards for prevention, control, and  
9 abatement of health hazards and nuisances related to the disposal of  
10 wastes, solid and liquid, including but not limited to sewage, garbage,  
11 refuse, and other environmental contaminants; adopt standards and  
12 procedures governing the design, construction, and operation of sewage,  
13 garbage, refuse and other solid waste collection, treatment, and  
14 disposal facilities;

15 (c) Adopt rules controlling public health related to environmental  
16 conditions including but not limited to heating, lighting, ventilation,  
17 sanitary facilities, cleanliness and space in all types of public  
18 facilities including but not limited to food service establishments,  
19 schools, institutions, recreational facilities and transient  
20 accommodations and in places of work;

21 (d) Adopt rules for the imposition and use of isolation and  
22 quarantine;

23 (e) Adopt rules for the prevention and control of infectious and  
24 noninfectious diseases, including food and vector borne illness, and  
25 rules governing the receipt and conveyance of remains of deceased  
26 persons, and such other sanitary matters as admit of and may best be  
27 controlled by universal rule; ((and))

28 (f) Adopt rules for accessing existing data bases for the purposes  
29 of performing health related research; and

30 (g) Adopt rules for the prevention and control of obesity,  
31 including setting nutrition and physical activity standards aimed at  
32 reducing the proportion of citizens who are obese.

33 (3) The state board may delegate any of its rule-adopting authority  
34 to the secretary and rescind such delegated authority.

35 (4) All local boards of health, health authorities and officials,  
36 officers of state institutions, police officers, sheriffs, constables,  
37 and all other officers and employees of the state, or any county, city,  
38 or township thereof, shall enforce all rules adopted by the state board

1 of health. In the event of failure or refusal on the part of any  
2 member of such boards or any other official or person mentioned in this  
3 section to so act, he shall be subject to a fine of not less than fifty  
4 dollars, upon first conviction, and not less than one hundred dollars  
5 upon second conviction.

6 (5) The state board may advise the secretary on health policy  
7 issues pertaining to the department of health and the state.

8 **Sec. 4.** RCW 36.70A.070 and 2003 c 152 s 1 are each amended to read  
9 as follows:

10 The comprehensive plan of a county or city that is required or  
11 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
12 and descriptive text covering objectives, principles, and standards  
13 used to develop the comprehensive plan. The plan shall be an  
14 internally consistent document and all elements shall be consistent  
15 with the future land use map. A comprehensive plan shall be adopted  
16 and amended with public participation as provided in RCW 36.70A.140.

17 Each comprehensive plan shall include a plan, scheme, or design for  
18 each of the following:

19 (1) A land use element designating the proposed general  
20 distribution and general location and extent of the uses of land, where  
21 appropriate, for agriculture, timber production, housing, commerce,  
22 industry, recreation, open spaces, general aviation airports, public  
23 utilities, public facilities, and other land uses. The land use  
24 element shall include population densities, building intensities, and  
25 estimates of future population growth. The land use element shall  
26 provide for protection of the quality and quantity of ground water used  
27 for public water supplies. Wherever possible, the land use element  
28 shall utilize urban planning approaches that promote physical activity.  
29 Where applicable, the land use element shall review drainage, flooding,  
30 and storm water run-off in the area and nearby jurisdictions and  
31 provide guidance for corrective actions to mitigate or cleanse those  
32 discharges that pollute waters of the state, including Puget Sound or  
33 waters entering Puget Sound.

34 (2) A housing element ensuring the vitality and character of  
35 established residential neighborhoods that: (a) Includes an inventory  
36 and analysis of existing and projected housing needs that identifies  
37 the number of housing units necessary to manage projected growth; (b)

1 includes a statement of goals, policies, objectives, and mandatory  
2 provisions for the preservation, improvement, and development of  
3 housing, including single-family residences; (c) identifies sufficient  
4 land for housing, including, but not limited to, government-assisted  
5 housing, housing for low-income families, manufactured housing,  
6 multifamily housing, and group homes and foster care facilities; and  
7 (d) makes adequate provisions for existing and projected needs of all  
8 economic segments of the community.

9 (3) A capital facilities plan element consisting of: (a) An  
10 inventory of existing capital facilities owned by public entities,  
11 showing the locations and capacities of the capital facilities; (b) a  
12 forecast of the future needs for such capital facilities; (c) the  
13 proposed locations and capacities of expanded or new capital  
14 facilities; (d) at least a six-year plan that will finance such capital  
15 facilities within projected funding capacities and clearly identifies  
16 sources of public money for such purposes; and (e) a requirement to  
17 reassess the land use element if probable funding falls short of  
18 meeting existing needs and to ensure that the land use element, capital  
19 facilities plan element, and financing plan within the capital  
20 facilities plan element are coordinated and consistent. Park and  
21 recreation facilities shall be included in the capital facilities plan  
22 element.

23 (4) A utilities element consisting of the general location,  
24 proposed location, and capacity of all existing and proposed utilities,  
25 including, but not limited to, electrical lines, telecommunication  
26 lines, and natural gas lines.

27 (5) Rural element. Counties shall include a rural element  
28 including lands that are not designated for urban growth, agriculture,  
29 forest, or mineral resources. The following provisions shall apply to  
30 the rural element:

31 (a) Growth management act goals and local circumstances. Because  
32 circumstances vary from county to county, in establishing patterns of  
33 rural densities and uses, a county may consider local circumstances,  
34 but shall develop a written record explaining how the rural element  
35 harmonizes the planning goals in RCW 36.70A.020 and meets the  
36 requirements of this chapter.

37 (b) Rural development. The rural element shall permit rural  
38 development, forestry, and agriculture in rural areas. The rural

1 element shall provide for a variety of rural densities, uses, essential  
2 public facilities, and rural governmental services needed to serve the  
3 permitted densities and uses. In order to achieve a variety of rural  
4 densities and uses, counties may provide for clustering, density  
5 transfer, design guidelines, conservation easements, and other  
6 innovative techniques that will accommodate appropriate rural densities  
7 and uses that are not characterized by urban growth and that are  
8 consistent with rural character.

9 (c) Measures governing rural development. The rural element shall  
10 include measures that apply to rural development and protect the rural  
11 character of the area, as established by the county, by:

12 (i) Containing or otherwise controlling rural development;

13 (ii) Assuring visual compatibility of rural development with the  
14 surrounding rural area;

15 (iii) Reducing the inappropriate conversion of undeveloped land  
16 into sprawling, low-density development in the rural area;

17 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and  
18 surface water and ground water resources; and

19 (v) Protecting against conflicts with the use of agricultural,  
20 forest, and mineral resource lands designated under RCW 36.70A.170.

21 (d) Limited areas of more intensive rural development. Subject to  
22 the requirements of this subsection and except as otherwise  
23 specifically provided in this subsection (5)(d), the rural element may  
24 allow for limited areas of more intensive rural development, including  
25 necessary public facilities and public services to serve the limited  
26 area as follows:

27 (i) Rural development consisting of the infill, development, or  
28 redevelopment of existing commercial, industrial, residential, or  
29 mixed-use areas, whether characterized as shoreline development,  
30 villages, hamlets, rural activity centers, or crossroads developments.  
31 A commercial, industrial, residential, shoreline, or mixed-use area  
32 shall be subject to the requirements of (d)(iv) of this subsection, but  
33 shall not be subject to the requirements of (c)(ii) and (iii) of this  
34 subsection. An industrial area or an industrial use within a mixed-use  
35 area or an industrial area under this subsection (5)(d)(i) is not  
36 required to be principally designed to serve the existing and projected  
37 rural population;

1 (ii) The intensification of development on lots containing, or new  
2 development of, small-scale recreational or tourist uses, including  
3 commercial facilities to serve those recreational or tourist uses, that  
4 rely on a rural location and setting, but that do not include new  
5 residential development. A small-scale recreation or tourist use is  
6 not required to be principally designed to serve the existing and  
7 projected rural population. Public services and public facilities  
8 shall be limited to those necessary to serve the recreation or tourist  
9 use and shall be provided in a manner that does not permit low-density  
10 sprawl;

11 (iii) The intensification of development on lots containing  
12 isolated nonresidential uses or new development of isolated cottage  
13 industries and isolated small-scale businesses that are not principally  
14 designed to serve the existing and projected rural population and  
15 nonresidential uses, but do provide job opportunities for rural  
16 residents. Rural counties may allow the expansion of small-scale  
17 businesses as long as those small-scale businesses conform with the  
18 rural character of the area as defined by the local government  
19 according to RCW 36.70A.030(14). Rural counties may also allow new  
20 small-scale businesses to utilize a site previously occupied by an  
21 existing business as long as the new small-scale business conforms to  
22 the rural character of the area as defined by the local government  
23 according to RCW 36.70A.030(14). Public services and public facilities  
24 shall be limited to those necessary to serve the isolated  
25 nonresidential use and shall be provided in a manner that does not  
26 permit low-density sprawl;

27 (iv) A county shall adopt measures to minimize and contain the  
28 existing areas or uses of more intensive rural development, as  
29 appropriate, authorized under this subsection. Lands included in such  
30 existing areas or uses shall not extend beyond the logical outer  
31 boundary of the existing area or use, thereby allowing a new pattern of  
32 low-density sprawl. Existing areas are those that are clearly  
33 identifiable and contained and where there is a logical boundary  
34 delineated predominately by the built environment, but that may also  
35 include undeveloped lands if limited as provided in this subsection.  
36 The county shall establish the logical outer boundary of an area of  
37 more intensive rural development. In establishing the logical outer  
38 boundary the county shall address (A) the need to preserve the



1 character of existing natural neighborhoods and communities, (B)  
2 physical boundaries such as bodies of water, streets and highways, and  
3 land forms and contours, (C) the prevention of abnormally irregular  
4 boundaries, and (D) the ability to provide public facilities and public  
5 services in a manner that does not permit low-density sprawl;

6 (v) For purposes of (d) of this subsection, an existing area or  
7 existing use is one that was in existence:

8 (A) On July 1, 1990, in a county that was initially required to  
9 plan under all of the provisions of this chapter;

10 (B) On the date the county adopted a resolution under RCW  
11 36.70A.040(2), in a county that is planning under all of the provisions  
12 of this chapter under RCW 36.70A.040(2); or

13 (C) On the date the office of financial management certifies the  
14 county's population as provided in RCW 36.70A.040(5), in a county that  
15 is planning under all of the provisions of this chapter pursuant to RCW  
16 36.70A.040(5).

17 (e) Exception. This subsection shall not be interpreted to permit  
18 in the rural area a major industrial development or a master planned  
19 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
20 36.70A.365.

21 (6) A transportation element that implements, and is consistent  
22 with, the land use element and incorporates policy and infrastructure  
23 changes that promote nonmotorized transit.

24 (a) The transportation element shall include the following  
25 subelements:

26 (i) Land use assumptions used in estimating travel;

27 (ii) Estimated traffic impacts to state-owned transportation  
28 facilities resulting from land use assumptions to assist the department  
29 of transportation in monitoring the performance of state facilities, to  
30 plan improvements for the facilities, and to assess the impact of land-  
31 use decisions on state-owned transportation facilities;

32 (iii) Facilities and services needs, including:

33 (A) An inventory of air, water, and ground transportation  
34 facilities and services, including transit alignments and general  
35 aviation airport facilities, to define existing capital facilities and  
36 travel levels as a basis for future planning. This inventory must  
37 include state-owned transportation facilities within the city or  
38 county's jurisdiction boundaries;

1 (B) Level of service standards for all locally owned arterials and  
2 transit routes to serve as a gauge to judge performance of the system.  
3 These standards should be regionally coordinated;

4 (C) For state-owned transportation facilities, level of service  
5 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,  
6 to gauge the performance of the system. The purposes of reflecting  
7 level of service standards for state highways in the local  
8 comprehensive plan are to monitor the performance of the system, to  
9 evaluate improvement strategies, and to facilitate coordination between  
10 the county's or city's six-year street, road, or transit program and  
11 the department of transportation's six-year investment program. The  
12 concurrency requirements of (b) of this subsection do not apply to  
13 transportation facilities and services of statewide significance except  
14 for counties consisting of islands whose only connection to the  
15 mainland are state highways or ferry routes. In these island counties,  
16 state highways and ferry route capacity must be a factor in meeting the  
17 concurrency requirements in (b) of this subsection;

18 (D) Specific actions and requirements for bringing into compliance  
19 locally owned transportation facilities or services that are below an  
20 established level of service standard;

21 (E) Forecasts of traffic for at least ten years based on the  
22 adopted land use plan to provide information on the location, timing,  
23 and capacity needs of future growth;

24 (F) Identification of state and local system needs to meet current  
25 and future demands. Identified needs on state-owned transportation  
26 facilities must be consistent with the statewide multimodal  
27 transportation plan required under chapter 47.06 RCW;

28 (iv) Finance, including:

29 (A) An analysis of funding capability to judge needs against  
30 probable funding resources;

31 (B) A multiyear financing plan based on the needs identified in the  
32 comprehensive plan, the appropriate parts of which shall serve as the  
33 basis for the six-year street, road, or transit program required by RCW  
34 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795  
35 for public transportation systems. The multiyear financing plan should  
36 be coordinated with the six-year improvement program developed by the  
37 department of transportation as required by RCW 47.05.030;

1 (C) If probable funding falls short of meeting identified needs, a  
2 discussion of how additional funding will be raised, or how land use  
3 assumptions will be reassessed to ensure that level of service  
4 standards will be met;

5 (v) Intergovernmental coordination efforts, including an assessment  
6 of the impacts of the transportation plan and land use assumptions on  
7 the transportation systems of adjacent jurisdictions;

8 (vi) Demand-management strategies.

9 (b) After adoption of the comprehensive plan by jurisdictions  
10 required to plan or who choose to plan under RCW 36.70A.040, local  
11 jurisdictions must adopt and enforce ordinances which prohibit  
12 development approval if the development causes the level of service on  
13 a locally owned transportation facility to decline below the standards  
14 adopted in the transportation element of the comprehensive plan, unless  
15 transportation improvements or strategies to accommodate the impacts of  
16 development are made concurrent with the development. These strategies  
17 may include increased public transportation service, ride sharing  
18 programs, demand management, and other transportation systems  
19 management strategies. For the purposes of this subsection (6)  
20 "concurrent with the development" shall mean that improvements or  
21 strategies are in place at the time of development, or that a financial  
22 commitment is in place to complete the improvements or strategies  
23 within six years.

24 (c) The transportation element described in this subsection (6),  
25 and the six-year plans required by RCW 35.77.010 for cities, RCW  
26 36.81.121 for counties, RCW 35.58.2795 for public transportation  
27 systems, and RCW 47.05.030 for the state, must be consistent.

28 (7) An economic development element establishing local goals,  
29 policies, objectives, and provisions for economic growth and vitality  
30 and a high quality of life. The element shall include: (a) A summary  
31 of the local economy such as population, employment, payroll, sectors,  
32 businesses, sales, and other information as appropriate; (b) a summary  
33 of the strengths and weaknesses of the local economy defined as the  
34 commercial and industrial sectors and supporting factors such as land  
35 use, transportation, utilities, education, work force, housing, and  
36 natural/cultural resources; and (c) an identification of policies,  
37 programs, and projects to foster economic growth and development and to

1 address future needs. A city that has chosen to be a residential  
2 community is exempt from the economic development element requirement  
3 of this subsection.

4 (8) A park and recreation element that implements, and is  
5 consistent with, the capital facilities plan element as it relates to  
6 park and recreation facilities. The element shall include: (a)  
7 Estimates of park and recreation demand for at least a ten-year period;  
8 (b) an evaluation of facilities and service needs; and (c) an  
9 evaluation of intergovernmental coordination opportunities to provide  
10 regional approaches for meeting park and recreational demand.

11 (9) It is the intent that new or amended elements required after  
12 January 1, 2002, be adopted concurrent with the scheduled update  
13 provided in RCW 36.70A.130. Requirements to incorporate any such new  
14 or amended elements shall be null and void until funds sufficient to  
15 cover applicable local government costs are appropriated and  
16 distributed by the state at least two years before local government  
17 must update comprehensive plans as required in RCW 36.70A.130.

18 **Sec. 5.** RCW 36.81.121 and 1997 c 188 s 1 are each amended to read  
19 as follows:

20 (1) At any time before adoption of the budget, the legislative  
21 authority of each county, after one or more public hearings thereon,  
22 shall prepare and adopt a comprehensive transportation program for the  
23 ensuing six calendar years. If the county has adopted a comprehensive  
24 plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of  
25 a charter county derived from its charter, or chapter 36.70A RCW, the  
26 program shall be consistent with this comprehensive plan.

27 The program shall include proposed road and bridge construction  
28 work and other transportation facilities and programs deemed  
29 appropriate, and for those counties operating ferries shall also  
30 include a separate section showing proposed capital expenditures for  
31 ferries, docks, and related facilities. The program shall incorporate  
32 transportation policy and infrastructure changes that promote  
33 nonmotorized transit. Copies of the program shall be filed with the  
34 county road administration board and with the state secretary of  
35 transportation not more than thirty days after its adoption by the  
36 legislative authority. The purpose of this section is to assure that  
37 each county shall perpetually have available advanced plans looking to

1 the future for not less than six years as a guide in carrying out a  
2 coordinated transportation program. The program may at any time be  
3 revised by a majority of the legislative authority but only after a  
4 public hearing thereon.

5 (2) Each six-year transportation program forwarded to the secretary  
6 in compliance with subsection (1) of this section shall contain  
7 information as to how a county will expend its moneys, including funds  
8 made available pursuant to chapter 47.30 RCW, for nonmotorized  
9 transportation purposes.

10 (3) Each six-year transportation program forwarded to the secretary  
11 in compliance with subsection (1) of this section shall contain  
12 information as to how a county shall act to preserve railroad right-of-  
13 way in the event the railroad ceases to operate in the county's  
14 jurisdiction.

15 (4) The six-year plan for each county shall specifically set forth  
16 those projects and programs of regional significance for inclusion in  
17 the transportation improvement program within that region.

18 **Sec. 6.** RCW 35.77.010 and 1994 c 179 s 1 and 1994 c 158 s 7 are  
19 each reenacted and amended to read as follows:

20 (1) The legislative body of each city and town, pursuant to one or  
21 more public hearings thereon, shall prepare and adopt a comprehensive  
22 transportation program for the ensuing six calendar years. If the city  
23 or town has adopted a comprehensive plan pursuant to chapter 35.63 or  
24 35A.63 RCW, the inherent authority of a first class city derived from  
25 its charter, or chapter 36.70A RCW, the program shall be consistent  
26 with this comprehensive plan. The program shall incorporate  
27 transportation policy and infrastructure changes that promote  
28 nonmotorized transit.

29 The program shall be filed with the secretary of transportation not  
30 more than thirty days after its adoption. Annually thereafter the  
31 legislative body of each city and town shall review the work  
32 accomplished under the program and determine current city  
33 transportation needs. Based on these findings each such legislative  
34 body shall prepare and after public hearings thereon adopt a revised  
35 and extended comprehensive transportation program before July 1st of  
36 each year, and each one-year extension and revision shall be filed with  
37 the secretary of transportation not more than thirty days after its

1 adoption. The purpose of this section is to assure that each city and  
2 town shall perpetually have available advanced plans looking to the  
3 future for not less than six years as a guide in carrying out a  
4 coordinated transportation program. The program may at any time be  
5 revised by a majority of the legislative body of a city or town, but  
6 only after a public hearing.

7 The six-year plan for each city or town shall specifically set  
8 forth those projects and programs of regional significance for  
9 inclusion in the transportation improvement program within that region.

10 (2) Each six-year transportation program forwarded to the secretary  
11 in compliance with subsection (1) of this section shall contain  
12 information as to how a city or town will expend its moneys, including  
13 funds made available pursuant to chapter 47.30 RCW, for nonmotorized  
14 transportation purposes.

15 (3) Each six-year transportation program forwarded to the secretary  
16 in compliance with subsection (1) of this section shall contain  
17 information as to how a city or town shall act to preserve railroad  
18 right-of-way in the event the railroad ceases to operate in the city's  
19 or town's jurisdiction.

20 **Sec. 7.** RCW 43.17.250 and 1999 c 164 s 601 are each amended to  
21 read as follows:

22 (1) Whenever a state agency is considering awarding grants or loans  
23 for a county, city, or town planning under RCW 36.70A.040 to finance  
24 public facilities, it shall consider whether the county, city, or town  
25 requesting the grant or loan has adopted a comprehensive plan and  
26 development regulations as required by RCW 36.70A.040.

27 (2) When reviewing competing requests from counties, cities, or  
28 towns planning under RCW 36.70A.040, a state agency considering  
29 awarding grants or loans for public facilities shall accord additional  
30 preference to those counties, cities, or towns that have adopted a  
31 comprehensive plan and development regulations as required by RCW  
32 36.70A.040. For the purposes of the preference accorded in this  
33 section, a county, city, or town planning under RCW 36.70A.040 is  
34 deemed to have satisfied the requirements for adopting a comprehensive  
35 plan and development regulations specified in RCW 36.70A.040 if the  
36 county, city, or town:

1 (a) Adopts or has adopted a comprehensive plan and development  
2 regulations within the time periods specified in RCW 36.70A.040;

3 (b) Adopts or has adopted a comprehensive plan and development  
4 regulations before submitting a request for a grant or loan if the  
5 county, city, or town failed to adopt a comprehensive plan and/or  
6 development regulations within the time periods specified in RCW  
7 36.70A.040; or

8 (c) Demonstrates substantial progress toward adopting a  
9 comprehensive plan or development regulations within the time periods  
10 specified in RCW 36.70A.040. A county, city, or town that is more than  
11 six months out of compliance with the time periods specified in RCW  
12 36.70A.040 shall not be deemed to demonstrate substantial progress for  
13 purposes of this section.

14 (3) The preference specified in subsection (2) of this section  
15 applies only to competing requests for grants or loans from counties,  
16 cities, or towns planning under RCW 36.70A.040. A request from a  
17 county, city, or town planning under RCW 36.70A.040 shall be accorded  
18 no additional preference based on subsection (2) of this section over  
19 a request from a county, city, or town not planning under RCW  
20 36.70A.040.

21 (4) When reviewing competing requests from counties, cities, or  
22 towns planning under RCW 36.70A.040, a state agency considering  
23 awarding grants or loans for public facilities shall also accord  
24 additional preference to those counties, cities, or towns that have:

25 (a) Developed model policies to increase access to public  
26 facilities for physical activity;

27 (b) Utilized urban planning approaches that promote physical  
28 activity;

29 (c) Incorporated transportation policy and infrastructure changes  
30 to promote nonmotorized transit; and

31 (d) Enhanced safety and perceived safety to improve community  
32 access walking and biking.

33 (5) Whenever a state agency is considering awarding grants or loans  
34 for public facilities to a special district requesting funding for a  
35 proposed facility located in a county, city, or town planning under RCW  
36 36.70A.040, it shall consider whether the county, city, or town in  
37 whose planning jurisdiction the proposed facility is located has

1 adopted a comprehensive plan and development regulations as required by  
2 RCW 36.70A.040 and shall apply the preference specified in subsection  
3 (2) of this section and restricted in subsection (3) of this section.

4 **Sec. 8.** RCW 79A.05.030 and 1999 c 249 s 302, 1999 c 155 s 1, and  
5 1999 c 59 s 1 are each reenacted and amended to read as follows:

6 The commission shall:

7 (1) Have the care, charge, control, and supervision of all parks  
8 and parkways acquired or set aside by the state for park or parkway  
9 purposes.

10 (2) Adopt policies, and adopt, issue, and enforce rules pertaining  
11 to the use, care, and administration of state parks and parkways. The  
12 commission shall cause a copy of the rules to be kept posted in a  
13 conspicuous place in every state park to which they are applicable, but  
14 failure to post or keep any rule posted shall be no defense to any  
15 prosecution for the violation thereof.

16 (3) Permit the use of state parks and parkways by the public under  
17 such rules as shall be adopted.

18 (4) Clear, drain, grade, seed, and otherwise improve or beautify  
19 parks and parkways, and erect structures, buildings, fireplaces, and  
20 comfort stations and build and maintain paths, trails, and roadways  
21 through or on parks and parkways.

22 (5) Grant concessions or leases in state parks and parkways, upon  
23 such rentals, fees, or percentage of income or profits and for such  
24 terms, in no event longer than fifty years, and upon such conditions as  
25 shall be approved by the commission: PROVIDED, That leases exceeding  
26 a twenty-year term shall require a unanimous vote of the commission:  
27 PROVIDED FURTHER, That if, during the term of any concession or lease,  
28 it is the opinion of the commission that it would be in the best  
29 interest of the state, the commission may, with the consent of the  
30 concessionaire or lessee, alter and amend the terms and conditions of  
31 such concession or lease: PROVIDED FURTHER, That television station  
32 leases shall be subject to the provisions of RCW 79A.05.085, only:  
33 PROVIDED FURTHER, That the rates of such concessions or leases shall be  
34 renegotiated at five-year intervals. No concession shall be granted  
35 which will prevent the public from having free access to the scenic  
36 attractions of any park or parkway.



1           (6) Employ such assistance as it deems necessary. Commission  
2 expenses relating to its use of volunteer assistance shall be limited  
3 to premiums or assessments for the insurance of volunteers by the  
4 department of labor and industries, compensation of staff who assist  
5 volunteers, materials and equipment used in authorized volunteer  
6 projects, training, reimbursement of volunteer travel as provided in  
7 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to  
8 volunteer recognition. The commission, at its discretion, may waive  
9 commission fees otherwise applicable to volunteers. The commission  
10 shall not use volunteers to replace or supplant classified positions.  
11 The use of volunteers may not lead to the elimination of any employees  
12 or permanent positions in the bargaining unit.

13           (7) By majority vote of its authorized membership select and  
14 purchase or obtain options upon, lease, or otherwise acquire for and in  
15 the name of the state such tracts of land, including shore and tide  
16 lands, for park and parkway purposes as it deems proper. If the  
17 commission cannot acquire any tract at a price it deems reasonable, it  
18 may, by majority vote of its authorized membership, obtain title  
19 thereto, or any part thereof, by condemnation proceedings conducted by  
20 the attorney general as provided for the condemnation of rights of way  
21 for state highways. Option agreements executed under authority of this  
22 subsection shall be valid only if:

23           (a) The cost of the option agreement does not exceed one dollar;  
24 and

25           (b) Moneys used for the purchase of the option agreement are from  
26 (i) funds appropriated therefor, or (ii) funds appropriated for  
27 undesignated land acquisitions, or (iii) funds deemed by the commission  
28 to be in excess of the amount necessary for the purposes for which they  
29 were appropriated; and

30           (c) The maximum amount payable for the property upon exercise of  
31 the option does not exceed the appraised value of the property.

32           (8) Cooperate with the United States, or any county or city of this  
33 state, in any matter pertaining to the acquisition, development,  
34 redevelopment, renovation, care, control, or supervision of any park or  
35 parkway, and enter into contracts in writing to that end. All parks or  
36 parkways, to which the state contributed or in whose care, control, or  
37 supervision the state participated pursuant to the provisions of this  
38 section, shall be governed by the provisions hereof.

1       (9) Adopt policies that increase the number of people who have  
2 access to free or low-cost recreational opportunities for physical  
3 activity, including noncompetitive physical activity.

4       **Sec. 9.** RCW 28A.300.040 and 1999 c 348 s 6 are each amended to  
5 read as follows:

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

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

10       (2) To report to the governor and the legislature such information  
11 and data as may be required for the management and improvement of the  
12 schools;

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

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

23       (5) To prepare and from time to time to revise a manual of the  
24 Washington state common school code, copies of which shall be provided  
25 in such numbers as determined by the superintendent of public  
26 instruction at no cost to those public agencies within the common  
27 school system and which shall be sold at approximate actual cost of  
28 publication and distribution per volume to all other public and  
29 nonpublic agencies or individuals, said manual to contain Titles 28A  
30 and 28C RCW, rules related to the common schools, and such other matter  
31 as the state superintendent or the state board of education shall  
32 determine. Proceeds of the sale of such code shall be transmitted to  
33 the public printer who shall credit the state superintendent's account  
34 within the state printing plant revolving fund by a like amount;

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

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

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

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

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

17 (11) To keep in the superintendent's office at the capital of the  
18 state, all books and papers pertaining to the business of the  
19 superintendent's office, and to keep and preserve in the  
20 superintendent's office a complete record of statistics, as well as a  
21 record of the meetings of the state board of education;

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

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

33 (14) To deliver to his or her successor, at the expiration of the  
34 superintendent's term of office, all records, books, maps, documents  
35 and papers of whatever kind belonging to the superintendent's office or  
36 which may have been received by the superintendent's for the use of the  
37 superintendent's office;

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

3 (16) To promote the adoption of school-based curricula and policies  
4 that provide quality, daily physical education for all students, and to  
5 encourage policies that provide all students with opportunities for  
6 physical activity outside of formal physical education classes;

7 (17) To perform such other duties as may be required by law.

8 **Sec. 10.** RCW 28A.320.015 and 1992 c 141 s 301 are each amended to  
9 read as follows:

10 (1) The board of directors of each school district may exercise the  
11 following:

12 (a) The broad discretionary power to determine and adopt written  
13 policies not in conflict with other law that provide for the  
14 development and implementation of programs, activities, services, or  
15 practices that the board determines will:

16 (i) Promote the education and daily physical activity of  
17 kindergarten through twelfth grade students in the public schools; or

18 (ii) Promote the effective, efficient, or safe management and  
19 operation of the school district;

20 (b) Such powers as are expressly authorized by law; and

21 (c) Such powers as are necessarily or fairly implied in the powers  
22 expressly authorized by law.

23 (2) Before adopting a policy under subsection (1)(a) of this  
24 section, the school district board of directors shall comply with the  
25 notice requirements of the open public meetings act, chapter 42.30 RCW,  
26 and shall in addition include in that notice a statement that sets  
27 forth or reasonably describes the proposed policy. The board of  
28 directors shall provide a reasonable opportunity for public written and  
29 oral comment and consideration of the comment by the board of  
30 directors.

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