

ESSB 5186 - H COMM AMD  
By Committee on Health Care

ADOPTED 04/06/2005

1 Strike everything after the enacting clause and insert the  
2 following:

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

14 **Sec. 2.** RCW 36.70A.070 and 2004 c 196 s 1 are each amended to read  
15 as follows:

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

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

25 (1) A land use element designating the proposed general  
26 distribution and general location and extent of the uses of land, where  
27 appropriate, for agriculture, timber production, housing, commerce,  
28 industry, recreation, open spaces, general aviation airports, public  
29 utilities, public facilities, and other land uses. The land use

1 element shall include population densities, building intensities, and  
2 estimates of future population growth. The land use element shall  
3 provide for protection of the quality and quantity of ground water used  
4 for public water supplies. Wherever possible, the land use element  
5 should consider utilizing urban planning approaches that promote  
6 physical activity. Where applicable, the land use element shall review  
7 drainage, flooding, and storm water run-off in the area and nearby  
8 jurisdictions and provide guidance for corrective actions to mitigate  
9 or cleanse those discharges that pollute waters of the state, including  
10 Puget Sound or waters entering Puget Sound.

11 (2) A housing element ensuring the vitality and character of  
12 established residential neighborhoods that: (a) Includes an inventory  
13 and analysis of existing and projected housing needs that identifies  
14 the number of housing units necessary to manage projected growth; (b)  
15 includes a statement of goals, policies, objectives, and mandatory  
16 provisions for the preservation, improvement, and development of  
17 housing, including single-family residences; (c) identifies sufficient  
18 land for housing, including, but not limited to, government-assisted  
19 housing, housing for low-income families, manufactured housing,  
20 multifamily housing, and group homes and foster care facilities; and  
21 (d) makes adequate provisions for existing and projected needs of all  
22 economic segments of the community.

23 (3) A capital facilities plan element consisting of: (a) An  
24 inventory of existing capital facilities owned by public entities,  
25 showing the locations and capacities of the capital facilities; (b) a  
26 forecast of the future needs for such capital facilities; (c) the  
27 proposed locations and capacities of expanded or new capital  
28 facilities; (d) at least a six-year plan that will finance such capital  
29 facilities within projected funding capacities and clearly identifies  
30 sources of public money for such purposes; and (e) a requirement to  
31 reassess the land use element if probable funding falls short of  
32 meeting existing needs and to ensure that the land use element, capital  
33 facilities plan element, and financing plan within the capital  
34 facilities plan element are coordinated and consistent. Park and  
35 recreation facilities shall be included in the capital facilities plan  
36 element.

37 (4) A utilities element consisting of the general location,

1 proposed location, and capacity of all existing and proposed utilities,  
2 including, but not limited to, electrical lines, telecommunication  
3 lines, and natural gas lines.

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

8 (a) Growth management act goals and local circumstances. Because  
9 circumstances vary from county to county, in establishing patterns of  
10 rural densities and uses, a county may consider local circumstances,  
11 but shall develop a written record explaining how the rural element  
12 harmonizes the planning goals in RCW 36.70A.020 and meets the  
13 requirements of this chapter.

14 (b) Rural development. The rural element shall permit rural  
15 development, forestry, and agriculture in rural areas. The rural  
16 element shall provide for a variety of rural densities, uses, essential  
17 public facilities, and rural governmental services needed to serve the  
18 permitted densities and uses. To achieve a variety of rural densities  
19 and uses, counties may provide for clustering, density transfer, design  
20 guidelines, conservation easements, and other innovative techniques  
21 that will accommodate appropriate rural densities and uses that are not  
22 characterized by urban growth and that are consistent with rural  
23 character.

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

- 27 (i) Containing or otherwise controlling rural development;
- 28 (ii) Assuring visual compatibility of rural development with the  
29 surrounding rural area;
- 30 (iii) Reducing the inappropriate conversion of undeveloped land  
31 into sprawling, low-density development in the rural area;
- 32 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and  
33 surface water and ground water resources; and
- 34 (v) Protecting against conflicts with the use of agricultural,  
35 forest, and mineral resource lands designated under RCW 36.70A.170.

36 (d) Limited areas of more intensive rural development. Subject to  
37 the requirements of this subsection and except as otherwise  
38 specifically provided in this subsection (5)(d), the rural element may

1 allow for limited areas of more intensive rural development, including  
2 necessary public facilities and public services to serve the limited  
3 area as follows:

4 (i) Rural development consisting of the infill, development, or  
5 redevelopment of existing commercial, industrial, residential, or  
6 mixed-use areas, whether characterized as shoreline development,  
7 villages, hamlets, rural activity centers, or crossroads developments.

8 (A) A commercial, industrial, residential, shoreline, or mixed-use  
9 area shall be subject to the requirements of (d)(iv) of this  
10 subsection, but shall not be subject to the requirements of (c)(ii) and  
11 (iii) of this subsection.

12 (B) Any development or redevelopment other than an industrial area  
13 or an industrial use within a mixed-use area or an industrial area  
14 under this subsection (5)(d)(i) must be principally designed to serve  
15 the existing and projected rural population.

16 (C) Any development or redevelopment in terms of building size,  
17 scale, use, or intensity shall be consistent with the character of the  
18 existing areas. Development and redevelopment may include changes in  
19 use from vacant land or a previously existing use so long as the new  
20 use conforms to the requirements of this subsection (5);

21 (ii) The intensification of development on lots containing, or new  
22 development of, small-scale recreational or tourist uses, including  
23 commercial facilities to serve those recreational or tourist uses, that  
24 rely on a rural location and setting, but that do not include new  
25 residential development. A small-scale recreation or tourist use is  
26 not required to be principally designed to serve the existing and  
27 projected rural population. Public services and public facilities  
28 shall be limited to those necessary to serve the recreation or tourist  
29 use and shall be provided in a manner that does not permit low-density  
30 sprawl;

31 (iii) The intensification of development on lots containing  
32 isolated nonresidential uses or new development of isolated cottage  
33 industries and isolated small-scale businesses that are not principally  
34 designed to serve the existing and projected rural population and  
35 nonresidential uses, but do provide job opportunities for rural  
36 residents. Rural counties may allow the expansion of small-scale  
37 businesses as long as those small-scale businesses conform with the  
38 rural character of the area as defined by the local government

1 according to RCW 36.70A.030(14). Rural counties may also allow new  
2 small-scale businesses to utilize a site previously occupied by an  
3 existing business as long as the new small-scale business conforms to  
4 the rural character of the area as defined by the local government  
5 according to RCW 36.70A.030(14). Public services and public facilities  
6 shall be limited to those necessary to serve the isolated  
7 nonresidential use and shall be provided in a manner that does not  
8 permit low-density sprawl;

9 (iv) A county shall adopt measures to minimize and contain the  
10 existing areas or uses of more intensive rural development, as  
11 appropriate, authorized under this subsection. Lands included in such  
12 existing areas or uses shall not extend beyond the logical outer  
13 boundary of the existing area or use, thereby allowing a new pattern of  
14 low-density sprawl. Existing areas are those that are clearly  
15 identifiable and contained and where there is a logical boundary  
16 delineated predominately by the built environment, but that may also  
17 include undeveloped lands if limited as provided in this subsection.  
18 The county shall establish the logical outer boundary of an area of  
19 more intensive rural development. In establishing the logical outer  
20 boundary the county shall address (A) the need to preserve the  
21 character of existing natural neighborhoods and communities, (B)  
22 physical boundaries such as bodies of water, streets and highways, and  
23 land forms and contours, (C) the prevention of abnormally irregular  
24 boundaries, and (D) the ability to provide public facilities and public  
25 services in a manner that does not permit low-density sprawl;

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

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

30 (B) On the date the county adopted a resolution under RCW  
31 36.70A.040(2), in a county that is planning under all of the provisions  
32 of this chapter under RCW 36.70A.040(2); or

33 (C) On the date the office of financial management certifies the  
34 county's population as provided in RCW 36.70A.040(5), in a county that  
35 is planning under all of the provisions of this chapter pursuant to RCW  
36 36.70A.040(5).

37 (e) Exception. This subsection shall not be interpreted to permit

1 in the rural area a major industrial development or a master planned  
2 resort unless otherwise specifically permitted under RCW 36.70A.360 and  
3 36.70A.365.

4 (6) A transportation element that implements, and is consistent  
5 with, the land use element.

6 (a) The transportation element shall include the following  
7 subelements:

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

9 (ii) Estimated traffic impacts to state-owned transportation  
10 facilities resulting from land use assumptions to assist the department  
11 of transportation in monitoring the performance of state facilities, to  
12 plan improvements for the facilities, and to assess the impact of land-  
13 use decisions on state-owned transportation facilities;

14 (iii) Facilities and services needs, including:

15 (A) An inventory of air, water, and ground transportation  
16 facilities and services, including transit alignments (~~and~~), general  
17 aviation airport facilities, existing pedestrian sidewalks on all major  
18 arterial roadways, signed or marked bicycle lanes on any functionally  
19 classified roadways, and off-road separated bicycle paths or multiuse  
20 bicycle-pedestrian trails, to define existing capital facilities and  
21 travel levels as a basis for future planning. This inventory must  
22 include state-owned transportation facilities within the city or  
23 county's jurisdictional boundaries;

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

27 (C) For state-owned transportation facilities, level of service  
28 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,  
29 to gauge the performance of the system. The purposes of reflecting  
30 level of service standards for state highways in the local  
31 comprehensive plan are to monitor the performance of the system, to  
32 evaluate improvement strategies, and to facilitate coordination between  
33 the county's or city's six-year street, road, or transit program and  
34 the department of transportation's six-year investment program. The  
35 concurrency requirements of (b) of this subsection do not apply to  
36 transportation facilities and services of statewide significance except  
37 for counties consisting of islands whose only connection to the

1 mainland are state highways or ferry routes. In these island counties,  
2 state highways and ferry route capacity must be a factor in meeting the  
3 concurrency requirements in (b) of this subsection;

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

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

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

14 (iv) Finance, including:

15 (A) An analysis of funding capability to judge needs against  
16 probable funding resources;

17 (B) A multiyear financing plan based on the needs identified in the  
18 comprehensive plan, the appropriate parts of which shall serve as the  
19 basis for the six-year street, road, or transit program required by RCW  
20 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795  
21 for public transportation systems. The multiyear financing plan should  
22 be coordinated with the six-year improvement program developed by the  
23 department of transportation as required by RCW 47.05.030;

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

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

31 (vi) Demand-management strategies;

32 (vii) Pedestrian and bicycle component to include:

33 (A) Inventory of existing pedestrian and bicycle facilities as  
34 described in this subsection (6); and

35 (B) Any planned improvements to pedestrian and bicycle facilities  
36 that address enhanced community access and safety for new or improved  
37 pedestrian and bicycle facilities.

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

16 (c) The transportation element described in this subsection (6),  
17 and the six-year plans required by RCW 35.77.010 for cities, RCW  
18 36.81.121 for counties, RCW 35.58.2795 for public transportation  
19 systems, and RCW 47.05.030 for the state, must be consistent.

20 (7) An economic development element establishing local goals,  
21 policies, objectives, and provisions for economic growth and vitality  
22 and a high quality of life. The element shall include: (a) A summary  
23 of the local economy such as population, employment, payroll, sectors,  
24 businesses, sales, and other information as appropriate; (b) a summary  
25 of the strengths and weaknesses of the local economy defined as the  
26 commercial and industrial sectors and supporting factors such as land  
27 use, transportation, utilities, education, work force, housing, and  
28 natural/cultural resources; and (c) an identification of policies,  
29 programs, and projects to foster economic growth and development and to  
30 address future needs. A city that has chosen to be a residential  
31 community is exempt from the economic development element requirement  
32 of this subsection.

33 (8) A park and recreation element that implements, and is  
34 consistent with, the capital facilities plan element as it relates to  
35 park and recreation facilities. The element shall include: (a)  
36 Estimates of park and recreation demand for at least a ten-year period;  
37 (b) an evaluation of facilities and service needs; and (c) an



1 evaluation of intergovernmental coordination opportunities to provide  
2 regional approaches for meeting park and recreational demand.

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

10 **Sec. 3.** RCW 36.81.121 and 1997 c 188 s 1 are each amended to read  
11 as follows:

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

19 The program shall include proposed road and bridge construction  
20 work and other transportation facilities and programs deemed  
21 appropriate, and for those counties operating ferries shall also  
22 include a separate section showing proposed capital expenditures for  
23 ferries, docks, and related facilities. The program shall include any  
24 new or enhanced bicycle or pedestrian facilities identified pursuant to  
25 RCW 36.70A.070(6) or other applicable changes that promote nonmotorized  
26 transit. Copies of the program shall be filed with the county road  
27 administration board and with the state secretary of transportation not  
28 more than thirty days after its adoption by the legislative authority.  
29 The purpose of this section is to assure that each county shall  
30 perpetually have available advanced plans looking to the future for not  
31 less than six years as a guide in carrying out a coordinated  
32 transportation program. The program may at any time be revised by a  
33 majority of the legislative authority but only after a public hearing  
34 thereon.

35 (2) Each six-year transportation program forwarded to the secretary  
36 in compliance with subsection (1) of this section shall contain

1 information as to how a county will expend its moneys, including funds  
2 made available pursuant to chapter 47.30 RCW, for nonmotorized  
3 transportation purposes.

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

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

12 **Sec. 4.** RCW 35.77.010 and 1994 c 179 s 1 and 1994 c 158 s 7 are  
13 each reenacted and amended to read as follows:

14 (1) The legislative body of each city and town, pursuant to one or  
15 more public hearings thereon, shall prepare and adopt a comprehensive  
16 transportation program for the ensuing six calendar years. If the city  
17 or town has adopted a comprehensive plan pursuant to chapter 35.63 or  
18 35A.63 RCW, the inherent authority of a first class city derived from  
19 its charter, or chapter 36.70A RCW, the program shall be consistent  
20 with this comprehensive plan. The program shall include any new or  
21 enhanced bicycle or pedestrian facilities identified pursuant to RCW  
22 36.70A.070(6) or other applicable changes that promote nonmotorized  
23 transit.

24 The program shall be filed with the secretary of transportation not  
25 more than thirty days after its adoption. Annually thereafter the  
26 legislative body of each city and town shall review the work  
27 accomplished under the program and determine current city  
28 transportation needs. Based on these findings each such legislative  
29 body shall prepare and after public hearings thereon adopt a revised  
30 and extended comprehensive transportation program before July 1st of  
31 each year, and each one-year extension and revision shall be filed with  
32 the secretary of transportation not more than thirty days after its  
33 adoption. The purpose of this section is to assure that each city and  
34 town shall perpetually have available advanced plans looking to the  
35 future for not less than six years as a guide in carrying out a  
36 coordinated transportation program. The program may at any time be

1 revised by a majority of the legislative body of a city or town, but  
2 only after a public hearing.

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

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

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

16 **Sec. 5.** RCW 79A.05.030 and 1999 c 249 s 302, 1999 c 155 s 1, and  
17 1999 c 59 s 1 are each reenacted and amended to read as follows:

18 The commission shall:

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

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

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

30 (4) Clear, drain, grade, seed, and otherwise improve or beautify  
31 parks and parkways, and erect structures, buildings, fireplaces, and  
32 comfort stations and build and maintain paths, trails, and roadways  
33 through or on parks and parkways.

34 (5) Grant concessions or leases in state parks and parkways, upon  
35 such rentals, fees, or percentage of income or profits and for such  
36 terms, in no event longer than fifty years, and upon such conditions as  
37 shall be approved by the commission: PROVIDED, That leases exceeding

1 a twenty-year term shall require a unanimous vote of the commission:  
2 PROVIDED FURTHER, That if, during the term of any concession or lease,  
3 it is the opinion of the commission that it would be in the best  
4 interest of the state, the commission may, with the consent of the  
5 concessionaire or lessee, alter and amend the terms and conditions of  
6 such concession or lease: PROVIDED FURTHER, That television station  
7 leases shall be subject to the provisions of RCW 79A.05.085, only:  
8 PROVIDED FURTHER, That the rates of such concessions or leases shall be  
9 renegotiated at five-year intervals. No concession shall be granted  
10 which will prevent the public from having free access to the scenic  
11 attractions of any park or parkway.

12 (6) Employ such assistance as it deems necessary. Commission  
13 expenses relating to its use of volunteer assistance shall be limited  
14 to premiums or assessments for the insurance of volunteers by the  
15 department of labor and industries, compensation of staff who assist  
16 volunteers, materials and equipment used in authorized volunteer  
17 projects, training, reimbursement of volunteer travel as provided in  
18 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to  
19 volunteer recognition. The commission, at its discretion, may waive  
20 commission fees otherwise applicable to volunteers. The commission  
21 shall not use volunteers to replace or supplant classified positions.  
22 The use of volunteers may not lead to the elimination of any employees  
23 or permanent positions in the bargaining unit.

24 (7) By majority vote of its authorized membership select and  
25 purchase or obtain options upon, lease, or otherwise acquire for and in  
26 the name of the state such tracts of land, including shore and tide  
27 lands, for park and parkway purposes as it deems proper. If the  
28 commission cannot acquire any tract at a price it deems reasonable, it  
29 may, by majority vote of its authorized membership, obtain title  
30 thereto, or any part thereof, by condemnation proceedings conducted by  
31 the attorney general as provided for the condemnation of rights of way  
32 for state highways. Option agreements executed under authority of this  
33 subsection shall be valid only if:

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

36 (b) Moneys used for the purchase of the option agreement are from  
37 (i) funds appropriated therefor, or (ii) funds appropriated for

1 undesignated land acquisitions, or (iii) funds deemed by the commission  
2 to be in excess of the amount necessary for the purposes for which they  
3 were appropriated; and

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

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

13 (9) Within allowable resources, maintain policies that increase the  
14 number of people who have access to free or low-cost recreational  
15 opportunities for physical activity, including noncompetitive physical  
16 activity.

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

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

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

23 (2) To report to the governor and the legislature such information  
24 and data as may be required for the management and improvement of the  
25 schools;

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

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

36 (5) To prepare and from time to time to revise a manual of the  
37 Washington state common school code, copies of which shall be provided

1 in such numbers as determined by the superintendent of public  
2 instruction at no cost to those public agencies within the common  
3 school system and which shall be sold at approximate actual cost of  
4 publication and distribution per volume to all other public and  
5 nonpublic agencies or individuals, said manual to contain Titles 28A  
6 and 28C RCW, rules related to the common schools, and such other matter  
7 as the state superintendent or the state board of education shall  
8 determine. Proceeds of the sale of such code shall be transmitted to  
9 the public printer who shall credit the state superintendent's account  
10 within the state printing plant revolving fund by a like amount;

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

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

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

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

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

29 (11) To keep in the superintendent's office at the capital of the  
30 state, all books and papers pertaining to the business of the  
31 superintendent's office, and to keep and preserve in the  
32 superintendent's office a complete record of statistics, as well as a  
33 record of the meetings of the state board of education;

34 (12) With the assistance of the office of the attorney general, to  
35 decide all points of law which may be submitted to the superintendent  
36 in writing by any educational service district superintendent, or that  
37 may be submitted to the superintendent by any other person, upon appeal  
38 from the decision of any educational service district superintendent;

1 and the superintendent shall publish his or her rulings and decisions  
2 from time to time for the information of school officials and teachers;  
3 and the superintendent's decision shall be final unless set aside by a  
4 court of competent jurisdiction;

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

7 (14) To deliver to his or her successor, at the expiration of the  
8 superintendent's term of office, all records, books, maps, documents  
9 and papers of whatever kind belonging to the superintendent's office or  
10 which may have been received by the superintendent's for the use of the  
11 superintendent's office;

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

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

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

19 **Sec. 7.** RCW 28A.320.015 and 1992 c 141 s 301 are each amended to  
20 read as follows:

21 (1) The board of directors of each school district may exercise the  
22 following:

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

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

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

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

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

34 (2) Before adopting a policy under subsection (1)(a) of this  
35 section, the school district board of directors shall comply with the  
36 notice requirements of the open public meetings act, chapter 42.30 RCW,  
37 and shall in addition include in that notice a statement that sets

1 forth or reasonably describes the proposed policy. The board of  
2 directors shall provide a reasonable opportunity for public written and  
3 oral comment and consideration of the comment by the board of  
4 directors.

5 NEW SECTION. **Sec. 8.** (1) The health care authority, in  
6 coordination with the department of personnel, the department of  
7 health, health plans participating in public employees' benefits board  
8 programs, and the University of Washington's center for health  
9 promotion, may create a worksite health promotion program to develop  
10 and implement initiatives designed to increase physical activity and  
11 promote improved self-care and engagement in health care decision-  
12 making among state employees.

13 (2) The health care authority shall report to the governor and the  
14 legislature by December 1, 2006, on progress in implementing, and  
15 evaluating the results of, the worksite health promotion program."

16 Correct the title.

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