
ENGROSSED SUBSTITUTE SENATE BILL 5186

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Kohl-Welles, Keiser, Rockefeller, Doumit, Kline, Regala, McAuliffe, Poulsen, Fraser and Jacobsen)

READ FIRST TIME 03/02/05.

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

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, horseback riding, and other regular
10 forms of exercise is best accomplished through collaboration between
11 the private sector and local, state, and institutional policymakers.
12 This collaboration can build communities where people find it easy and
13 safe to be physically active. It is the intent of the legislature to
14 promote policy and planning efforts that increase access to inexpensive
15 or free opportunities for regular exercise in all communities around
16 the state.

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

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

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

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

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

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

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

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

30 **Sec. 3.** RCW 36.70A.070 and 2004 c 196 s 1 are each amended to read
31 as follows:

32 The comprehensive plan of a county or city that is required or
33 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
34 and descriptive text covering objectives, principles, and standards
35 used to develop the comprehensive plan. The plan shall be an
36 internally consistent document and all elements shall be consistent

1 with the future land use map. A comprehensive plan shall be adopted
2 and amended with public participation as provided in RCW 36.70A.140.

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

5 (1) A land use element designating the proposed general
6 distribution and general location and extent of the uses of land, where
7 appropriate, for agriculture, timber production, housing, commerce,
8 industry, recreation, open spaces, general aviation airports, public
9 utilities, public facilities, and other land uses. The land use
10 element shall include population densities, building intensities, and
11 estimates of future population growth. The land use element shall
12 provide for protection of the quality and quantity of ground water used
13 for public water supplies. Wherever possible, the land use element
14 shall utilize urban planning approaches that promote physical activity.
15 Where applicable, the land use element shall review drainage, flooding,
16 and storm water run-off in the area and nearby jurisdictions and
17 provide guidance for corrective actions to mitigate or cleanse those
18 discharges that pollute waters of the state, including Puget Sound or
19 waters entering Puget Sound.

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

32 (3) A capital facilities plan element consisting of: (a) An
33 inventory of existing capital facilities owned by public entities,
34 showing the locations and capacities of the capital facilities; (b) a
35 forecast of the future needs for such capital facilities; (c) the
36 proposed locations and capacities of expanded or new capital
37 facilities; (d) at least a six-year plan that will finance such capital
38 facilities within projected funding capacities and clearly identifies

1 sources of public money for such purposes; and (e) a requirement to
2 reassess the land use element if probable funding falls short of
3 meeting existing needs and to ensure that the land use element, capital
4 facilities plan element, and financing plan within the capital
5 facilities plan element are coordinated and consistent. Park and
6 recreation facilities shall be included in the capital facilities plan
7 element.

8 (4) A utilities element consisting of the general location,
9 proposed location, and capacity of all existing and proposed utilities,
10 including, but not limited to, electrical lines, telecommunication
11 lines, and natural gas lines.

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

16 (a) Growth management act goals and local circumstances. Because
17 circumstances vary from county to county, in establishing patterns of
18 rural densities and uses, a county may consider local circumstances,
19 but shall develop a written record explaining how the rural element
20 harmonizes the planning goals in RCW 36.70A.020 and meets the
21 requirements of this chapter.

22 (b) Rural development. The rural element shall permit rural
23 development, forestry, and agriculture in rural areas. The rural
24 element shall provide for a variety of rural densities, uses, essential
25 public facilities, and rural governmental services needed to serve the
26 permitted densities and uses. To achieve a variety of rural densities
27 and uses, counties may provide for clustering, density transfer, design
28 guidelines, conservation easements, and other innovative techniques
29 that will accommodate appropriate rural densities and uses that are not
30 characterized by urban growth and that are consistent with rural
31 character.

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

- 35 (i) Containing or otherwise controlling rural development;
- 36 (ii) Assuring visual compatibility of rural development with the
37 surrounding rural area;

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

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

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

7 (d) Limited areas of more intensive rural development. Subject to
8 the requirements of this subsection and except as otherwise
9 specifically provided in this subsection (5)(d), the rural element may
10 allow for limited areas of more intensive rural development, including
11 necessary public facilities and public services to serve the limited
12 area as follows:

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

17 (A) A commercial, industrial, residential, shoreline, or mixed-use
18 area shall be subject to the requirements of (d)(iv) of this
19 subsection, but shall not be subject to the requirements of (c)(ii) and
20 (iii) of this subsection.

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

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

30 (ii) The intensification of development on lots containing, or new
31 development of, small-scale recreational or tourist uses, including
32 commercial facilities to serve those recreational or tourist uses, that
33 rely on a rural location and setting, but that do not include new
34 residential development. A small-scale recreation or tourist use is
35 not required to be principally designed to serve the existing and
36 projected rural population. Public services and public facilities
37 shall be limited to those necessary to serve the recreation or tourist

1 use and shall be provided in a manner that does not permit low-density
2 sprawl;

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

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

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

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

3 (B) On the date the county adopted a resolution under RCW
4 36.70A.040(2), in a county that is planning under all of the provisions
5 of this chapter under RCW 36.70A.040(2); or

6 (C) On the date the office of financial management certifies the
7 county's population as provided in RCW 36.70A.040(5), in a county that
8 is planning under all of the provisions of this chapter pursuant to RCW
9 36.70A.040(5).

10 (e) Exception. This subsection shall not be interpreted to permit
11 in the rural area a major industrial development or a master planned
12 resort unless otherwise specifically permitted under RCW 36.70A.360 and
13 36.70A.365.

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

17 (a) The transportation element shall include the following
18 subelements:

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

20 (ii) Estimated traffic impacts to state-owned transportation
21 facilities resulting from land use assumptions to assist the department
22 of transportation in monitoring the performance of state facilities, to
23 plan improvements for the facilities, and to assess the impact of land-
24 use decisions on state-owned transportation facilities;

25 (iii) Facilities and services needs, including:

26 (A) An inventory of air, water, and ground transportation
27 facilities and services, including transit alignments and general
28 aviation airport facilities, to define existing capital facilities and
29 travel levels as a basis for future planning. This inventory must
30 include state-owned transportation facilities within the city or
31 county's jurisdictional boundaries;

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

35 (C) For state-owned transportation facilities, level of service
36 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
37 to gauge the performance of the system. The purposes of reflecting
38 level of service standards for state highways in the local

1 comprehensive plan are to monitor the performance of the system, to
2 evaluate improvement strategies, and to facilitate coordination between
3 the county's or city's six-year street, road, or transit program and
4 the department of transportation's six-year investment program. The
5 concurrency requirements of (b) of this subsection do not apply to
6 transportation facilities and services of statewide significance except
7 for counties consisting of islands whose only connection to the
8 mainland are state highways or ferry routes. In these island counties,
9 state highways and ferry route capacity must be a factor in meeting the
10 concurrency requirements in (b) of this subsection;

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

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

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

21 (iv) Finance, including:

22 (A) An analysis of funding capability to judge needs against
23 probable funding resources;

24 (B) A multiyear financing plan based on the needs identified in the
25 comprehensive plan, the appropriate parts of which shall serve as the
26 basis for the six-year street, road, or transit program required by RCW
27 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
28 for public transportation systems. The multiyear financing plan should
29 be coordinated with the six-year improvement program developed by the
30 department of transportation as required by RCW 47.05.030;

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

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

38 (vi) Demand-management strategies.

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. 4.** 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 incorporate
24 transportation policy and infrastructure changes that promote
25 nonmotorized transit. Copies of the program shall be filed with the
26 county road administration board and with the state secretary of
27 transportation not more than thirty days after its adoption by the
28 legislative authority. The purpose of this section is to assure that
29 each county shall perpetually have available advanced plans looking to
30 the future for not less than six years as a guide in carrying out a
31 coordinated transportation program. The program may at any time be
32 revised by a majority of the legislative authority but only after a
33 public hearing thereon.

34 (2) Each six-year transportation program forwarded to the secretary
35 in compliance with subsection (1) of this section shall contain
36 information as to how a county will expend its moneys, including funds

1 made available pursuant to chapter 47.30 RCW, for nonmotorized
2 transportation purposes.

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

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

11 **Sec. 5.** RCW 35.77.010 and 1994 c 179 s 1 and 1994 c 158 s 7 are
12 each reenacted and amended to read as follows:

13 (1) The legislative body of each city and town, pursuant to one or
14 more public hearings thereon, shall prepare and adopt a comprehensive
15 transportation program for the ensuing six calendar years. If the city
16 or town has adopted a comprehensive plan pursuant to chapter 35.63 or
17 35A.63 RCW, the inherent authority of a first class city derived from
18 its charter, or chapter 36.70A RCW, the program shall be consistent
19 with this comprehensive plan. The program shall incorporate
20 transportation policy and infrastructure changes that promote
21 nonmotorized transit.

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

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

4 (2) 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 city or town will expend its moneys, including
7 funds made available pursuant to chapter 47.30 RCW, for nonmotorized
8 transportation purposes.

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

14 **Sec. 6.** RCW 79A.05.030 and 1999 c 249 s 302, 1999 c 155 s 1, and
15 1999 c 59 s 1 are each reenacted and amended to read as follows:

16 The commission shall:

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

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

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

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

32 (5) Grant concessions or leases in state parks and parkways, upon
33 such rentals, fees, or percentage of income or profits and for such
34 terms, in no event longer than fifty years, and upon such conditions as
35 shall be approved by the commission: PROVIDED, That leases exceeding
36 a twenty-year term shall require a unanimous vote of the commission:
37 PROVIDED FURTHER, That if, during the term of any concession or lease,

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

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

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

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

34 (b) Moneys used for the purchase of the option agreement are from
35 (i) funds appropriated therefor, or (ii) funds appropriated for
36 undesignated land acquisitions, or (iii) funds deemed by the commission
37 to be in excess of the amount necessary for the purposes for which they
38 were appropriated; and

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

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

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

14 **Sec. 7.** RCW 28A.300.040 and 1999 c 348 s 6 are each amended to
15 read as follows:

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

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

20 (2) To report to the governor and the legislature such information
21 and data as may be required for the management and improvement of the
22 schools;

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

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

33 (5) To prepare and from time to time to revise a manual of the
34 Washington state common school code, copies of which shall be provided
35 in such numbers as determined by the superintendent of public
36 instruction at no cost to those public agencies within the common
37 school system and which shall be sold at approximate actual cost of

1 publication and distribution per volume to all other public and
2 nonpublic agencies or individuals, said manual to contain Titles 28A
3 and 28C RCW, rules related to the common schools, and such other matter
4 as the state superintendent or the state board of education shall
5 determine. Proceeds of the sale of such code shall be transmitted to
6 the public printer who shall credit the state superintendent's account
7 within the state printing plant revolving fund by a like amount;

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

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

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

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

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

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

31 (12) With the assistance of the office of the attorney general, to
32 decide all points of law which may be submitted to the superintendent
33 in writing by any educational service district superintendent, or that
34 may be submitted to the superintendent by any other person, upon appeal
35 from the decision of any educational service district superintendent;
36 and the superintendent shall publish his or her rulings and decisions
37 from time to time for the information of school officials and teachers;

1 and the superintendent's decision shall be final unless set aside by a
2 court of competent jurisdiction;

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

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

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

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

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

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

19 (1) The board of directors of each school district may exercise the
20 following:

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

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

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

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

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

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

1 directors shall provide a reasonable opportunity for public written and
2 oral comment and consideration of the comment by the board of
3 directors.

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

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

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