

EHB 2242 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/22/2009

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

3 "Sec. 1. RCW 43.330.007 and 1993 c 280 s 2 are each amended to
4 read as follows:

5 The purpose of this chapter is to establish the broad outline of
6 the structure of the department of (~~community, trade, and economic~~
7 ~~development~~) commerce, leaving specific details of its internal
8 organization and management to those charged with its administration.
9 This chapter identifies the broad functions and responsibilities of the
10 (~~new~~) department and is intended to provide flexibility to the
11 director to reorganize these functions and to make recommendations for
12 changes (~~through the implementation plan required in section 8,~~
13 ~~chapter 280, Laws of 1993~~)).

14 **Sec. 2.** RCW 43.330.010 and 2007 c 322 s 2 are each amended to read
15 as follows:

16 Unless the context clearly requires otherwise, the definitions in
17 this section apply throughout this chapter.

18 (1) "Associate development organization" means a local economic
19 development nonprofit corporation that is broadly representative of
20 community interests.

21 (2) "Department" means the department of (~~community, trade, and~~
22 ~~economic development~~) commerce.

23 (3) "Director" means the director of the department of (~~community,~~
24 ~~trade, and economic development~~) commerce.

25 (4) "Financial institution" means a bank, trust company, mutual
26 savings bank, savings and loan association, or credit union authorized
27 to do business in this state under state or federal law.

28 (5) "Microenterprise development organization" means a community

1 development corporation, a nonprofit development organization, a
2 nonprofit social services organization or other locally operated
3 nonprofit entity that provides services to low-income entrepreneurs.

4 (6) "Statewide microenterprise association" means a nonprofit
5 entity with microenterprise development organizations as members that
6 serves as an intermediary between the department of (~~community, trade,~~
7 ~~and economic development~~) commerce and local microenterprise
8 development organizations.

9 **Sec. 3.** RCW 43.330.020 and 1993 c 280 s 4 are each amended to read
10 as follows:

11 A department of (~~community, trade, and economic development~~)
12 commerce is created. The department shall be vested with all powers
13 and duties established or transferred to it under this chapter and such
14 other powers and duties as may be authorized by law. Unless otherwise
15 specifically provided (~~in chapter 280, Laws of 1993~~), the existing
16 responsibilities and functions of the agency programs will continue to
17 be administered in accordance with their implementing legislation.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.330 RCW
19 to read as follows:

20 (1) The director shall, in collaboration with the office of the
21 governor, the office of financial management, the Washington economic
22 development commission, the chairs and ranking minority members of the
23 community and economic development and trade committee of the house of
24 representatives and the economic development, trade and innovation
25 committee of the senate, and the chairs and ranking members, or their
26 designees, of the ways and means committees of the house of
27 representatives and the senate and the house of representatives capital
28 budget committee, develop a report with analysis and recommendations on
29 statutory changes that would ensure that the department's efforts are
30 efficient, effective, and:

31 (a) Are organized around a concise core mission and aligned with
32 the state's comprehensive plan for economic development;

33 (b) Are capable of providing focused and flexible responses to
34 changing economic conditions;

35 (c) Generate greater local capacity to respond to local
36 opportunities and needs;

1 (d) Face no administrative barriers to leveraging state resources
2 or procuring private and federal resources;

3 (e) Maximize results through partnerships and the use of
4 intermediaries; and

5 (f) Provide transparency and increased accountability to the
6 public, the governor, and the legislature.

7 (2) The report shall include recommendations for creating or
8 consolidating programs deemed important to meeting the department's
9 core mission and recommendations for terminating or transferring
10 specific programs if they are not consistent with the department's core
11 mission.

12 (3) In developing the recommendations, the director shall solicit
13 the input of businesses, employees, economic development practitioners,
14 local governments, planning professionals, community and housing
15 organizations, and other key economic and community development
16 stakeholders.

17 (4) The recommendations must be delivered to the governor and the
18 appropriate legislative committees by November 1, 2009.

19 **Sec. 5.** RCW 43.330.092 and 2005 c 136 s 15 are each amended to
20 read as follows:

21 The film and video promotion account is created in the state
22 treasury. All revenue received for film and video promotion purposes
23 under RCW 43.330.090(~~(+4)~~) (2)(b) and all receipts from RCW
24 36.102.060(14) must be deposited into the account. Moneys in the
25 account may be spent only after appropriation. Expenditures from the
26 account may be used by the department of (~~community, trade, and~~
27 ~~economic development~~) commerce only for the purposes of promotion of
28 the film and video production industry in the state of Washington.

29 **Sec. 6.** RCW 43.330.094 and 2007 c 228 s 202 are each amended to
30 read as follows:

31 The tourism development and promotion account is created in the
32 state treasury. All receipts from RCW 36.102.060(10) must be deposited
33 into the account. Moneys in the account may be spent only after
34 appropriation. Expenditures from the account may be used by the
35 department of (~~community, trade, and economic development~~) commerce

1 only for the purposes of expanding and promoting the tourism industry
2 in the state of Washington.

3 **Sec. 7.** RCW 43.330.125 and 1995 c 347 s 430 are each amended to
4 read as follows:

5 The department of (~~community, trade, and economic development~~)
6 commerce shall provide training and technical assistance to counties
7 and cities to assist them in fulfilling the requirements of chapter
8 36.70B RCW.

9 **Sec. 8.** RCW 43.330.135 and 1995 c 13 s 1 are each amended to read
10 as follows:

11 (1) The department of (~~community, trade, and economic~~
12 ~~development~~) commerce shall distribute such funds as are appropriated
13 for the statewide technical support, development, and enhancement of
14 court-appointed special advocate programs.

15 (2) In order to receive money under subsection (1) of this section,
16 an organization providing statewide technical support, development, and
17 enhancement of court-appointed special advocate programs must meet all
18 of the following requirements:

19 (a) The organization must provide statewide support, development,
20 and enhancement of court-appointed special advocate programs that offer
21 guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and
22 13.34.100;

23 (b) All guardians ad litem working under court-appointed special
24 advocate programs supported, developed, or enhanced by the organization
25 must be volunteers and may not receive payment for services rendered
26 pursuant to the program. The organization may include paid positions
27 that are exclusively administrative in nature, in keeping with the
28 scope and purpose of this section; and

29 (c) The organization providing statewide technical support,
30 development, and enhancement of court-appointed special advocate
31 programs must be a public benefit nonprofit corporation as defined in
32 RCW 24.03.490.

33 (3) If more than one organization is eligible to receive money
34 under this section, the department shall develop criteria for
35 allocation of appropriated money among the eligible organizations.

1 **Sec. 9.** RCW 43.330.167 and 2004 c 276 s 718 are each amended to
2 read as follows:

3 (1)(a) There is created in the custody of the state treasurer an
4 account to be known as the homeless families services fund. Revenues
5 to the fund consist of a one-time appropriation by the legislature,
6 private contributions, and all other sources deposited in the fund.

7 (b) Expenditures from the fund may only be used for the purposes of
8 the program established in this section, including administrative
9 expenses. Only the director of the department of (~~community, trade,~~
10 ~~and economic development~~) commerce, or the director's designee, may
11 authorize expenditures.

12 (c) Expenditures from the fund are exempt from appropriations and
13 the allotment provisions of chapter 43.88 RCW. However, money used for
14 program administration by the department is subject to the allotment
15 and budgetary controls of chapter 43.88 RCW, and an appropriation is
16 required for these expenditures.

17 (2) The department may expend moneys from the fund to provide state
18 matching funds for housing-based supportive services for homeless
19 families over a period of at least ten years.

20 (3) Activities eligible for funding through the fund include, but
21 are not limited to, the following:

22 (a) Case management;

23 (b) Counseling;

24 (c) Referrals to employment support and job training services and
25 direct employment support and job training services;

26 (d) Domestic violence services and programs;

27 (e) Mental health treatment, services, and programs;

28 (f) Substance abuse treatment, services, and programs;

29 (g) Parenting skills education and training;

30 (h) Transportation assistance;

31 (i) Child care; and

32 (j) Other supportive services identified by the department to be an
33 important link for housing stability.

34 (4) Organizations that may receive funds from the fund include
35 local housing authorities, nonprofit community or neighborhood-based
36 organizations, public development authorities, federally recognized
37 Indian tribes in the state, and regional or statewide nonprofit housing
38 assistance organizations.

1 **Sec. 10.** RCW 43.330.170 and 2002 c 294 s 4 are each amended to
2 read as follows:

3 The office of community development of the department of
4 (~~community, trade, and economic development~~) commerce is directed to
5 conduct a statewide housing market analysis by region. The purpose of
6 the analysis is to identify areas of greatest need for the appropriate
7 investment of state affordable housing funds, using vacancy data and
8 other appropriate measures of need for low-income housing. The
9 analysis shall include the number and types of projects that counties
10 have developed using the funds collected under chapter 294, Laws of
11 2002. The analysis shall be completed by September 2003, and updated
12 every two years thereafter.

13 **Sec. 11.** RCW 43.330.210 and 2000 c 120 s 5 are each amended to
14 read as follows:

15 The developmental disabilities endowment governing board is
16 established to design and administer the developmental disabilities
17 endowment. To the extent funds are appropriated for this purpose, the
18 director of the department of (~~community, trade, and economic
19 development~~) commerce shall provide staff and administrative support
20 to the governing board.

21 (1) The governing board shall consist of seven members as follows:

22 (a) Three of the members, who shall be appointed by the governor,
23 shall be persons who have demonstrated expertise and leadership in
24 areas such as finance, actuarial science, management, business, or
25 public policy.

26 (b) Three members of the board, who shall be appointed by the
27 governor, shall be persons who have demonstrated expertise and
28 leadership in areas such as business, developmental disabilities
29 service design, management, or public policy, and shall be family
30 members of persons with developmental disabilities.

31 (c) The seventh member of the board, who shall serve as chair of
32 the board, shall be appointed by the remaining six members of the
33 board.

34 (2) Members of the board shall serve terms of four years and may be
35 appointed for successive terms of four years at the discretion of the
36 appointing authority. However, the governor may stagger the terms of

1 the initial six members of the board so that approximately one-fourth
2 of the members' terms expire each year.

3 (3) Members of the board shall be compensated for their service
4 under RCW 43.03.240 and shall be reimbursed for travel expenses as
5 provided in RCW 43.03.050 and 43.03.060.

6 (4) The board shall meet periodically as specified by the call of
7 the chair, or a majority of the board.

8 (5) Members of the governing board and the state investment board
9 shall not be considered an insurer of the funds or assets of the
10 endowment trust fund or the individual trust accounts. Neither of
11 these two boards or their members shall be liable for the action or
12 (~~inactions~~ [~~inaction~~]) inaction of the other.

13 (6) Members of the governing board and the state investment board
14 are not liable to the state, to the fund, or to any other person as a
15 result of their activities as members, whether ministerial or
16 discretionary, except for willful dishonesty or intentional violations
17 of law. The department and the state investment board, respectively,
18 may purchase liability insurance for members.

19 **Sec. 12.** RCW 43.330.240 and 2000 c 120 s 9 are each amended to
20 read as follows:

21 The department of (~~community, trade, and economic development~~)
22 commerce shall adopt rules for the implementation of policies
23 established by the governing board in RCW 43.330.200 through
24 43.330.230. Such rules will be consistent with those statutes and
25 chapter 34.05 RCW.

26 **Sec. 13.** RCW 43.330.250 and 2008 c 329 s 914 are each amended to
27 read as follows:

28 (1) The economic development strategic reserve account is created
29 in the state treasury to be used only for the purposes of this section.

30 (2) Only the governor, with the recommendation of the director of
31 the department of (~~community, trade, and economic development~~)
32 commerce and the economic development commission, may authorize
33 expenditures from the account.

34 (3) Expenditures from the account shall be made in an amount
35 sufficient to fund a minimum of one staff position for the economic

1 development commission and to cover any other operational costs of the
2 commission.

3 (4) During the 2007-2009 fiscal biennium, moneys in the account may
4 also be transferred into the state general fund.

5 (5) Expenditures from the account may be made to prevent closure of
6 a business or facility, to prevent relocation of a business or facility
7 in the state to a location outside the state, or to recruit a business
8 or facility to the state. Expenditures may be authorized for:

9 (a) Workforce development;

10 (b) Public infrastructure needed to support or sustain the
11 operations of the business or facility; and

12 (c) Other lawfully provided assistance, including, but not limited
13 to, technical assistance, environmental analysis, relocation
14 assistance, and planning assistance. Funding may be provided for such
15 assistance only when it is in the public interest and may only be
16 provided under a contractual arrangement ensuring that the state will
17 receive appropriate consideration, such as an assurance of job creation
18 or retention.

19 (6) The funds shall not be expended from the account unless:

20 (a) The circumstances are such that time does not permit the
21 director of the department of (~~community, trade, and economic~~
22 ~~development~~) commerce or the business or facility to secure funding
23 from other state sources;

24 (b) The business or facility produces or will produce significant
25 long-term economic benefits to the state, a region of the state, or a
26 particular community in the state;

27 (c) The business or facility does not require continuing state
28 support;

29 (d) The expenditure will result in new jobs, job retention, or
30 higher incomes for citizens of the state;

31 (e) The expenditure will not supplant private investment; and

32 (f) The expenditure is accompanied by private investment.

33 (7) No more than three million dollars per year may be expended
34 from the account for the purpose of assisting an individual business or
35 facility pursuant to the authority specified in this section.

36 (8) If the account balance in the strategic reserve account exceeds
37 fifteen million dollars at any time, the amount in excess of fifteen

1 million dollars shall be transferred to the education construction
2 account.

3 **Sec. 14.** RCW 43.330.280 and 2007 c 227 s 2 are each amended to
4 read as follows:

5 (1) The Washington state economic development commission shall,
6 with the advice of an innovation partnership advisory group selected by
7 the commission, have oversight responsibility for the implementation of
8 the state's efforts to further innovation partnerships throughout the
9 state. The commission shall:

10 (a) Provide information and advice to the department of
11 (~~community, trade, and economic development~~) commerce to assist in
12 the implementation of the innovation partnership zone program,
13 including criteria to be used in the selection of grant applicants for
14 funding;

15 (b) Document clusters of companies throughout the state that have
16 comparative competitive advantage or the potential for comparative
17 competitive advantage, using the process and criteria for identifying
18 strategic clusters developed by the working group specified in
19 subsection (2) of this section;

20 (c) Conduct an innovation opportunity analysis to identify (i) the
21 strongest current intellectual assets and research teams in the state
22 focused on emerging technologies and their commercialization, and (ii)
23 faculty and researchers that could increase their focus on
24 commercialization of technology if provided the appropriate technical
25 assistance and resources;

26 (d) Based on its findings and analysis, and in conjunction with the
27 higher education coordinating board and research institutions:

28 (i) Develop a plan to build on existing, and develop new,
29 intellectual assets and innovation research teams in the state in
30 research areas where there is a high potential to commercialize
31 technologies. The commission shall present the plan to the governor
32 and legislature by December 31, 2007. The higher education
33 coordinating board shall be responsible for implementing the plan in
34 conjunction with the publicly funded research institutions in the
35 state. The plan shall address the following elements and such other
36 elements as the commission deems important:

1 (A) Specific mechanisms to support, enhance, or develop innovation
2 research teams and strengthen their research and commercialization
3 capacity in areas identified as useful to strategic clusters and
4 innovative firms in the state;

5 (B) Identification of the funding necessary for laboratory
6 infrastructure needed to house innovation research teams;

7 (C) Specification of the most promising research areas meriting
8 enhanced resources and recruitment of significant entrepreneurial
9 researchers to join or lead innovation research teams;

10 (D) The most productive approaches to take in the recruitment, in
11 the identified promising research areas, of a minimum of ten
12 significant entrepreneurial researchers over the next ten years to join
13 or lead innovation research teams;

14 (E) Steps to take in solicitation of private sector support for the
15 recruitment of entrepreneurial researchers and the commercialization
16 activity of innovation research teams; and

17 (F) Mechanisms for ensuring the location of innovation research
18 teams in innovation partnership zones;

19 (ii) Provide direction for the development of comprehensive
20 entrepreneurial assistance programs at research institutions. The
21 programs may involve multidisciplinary students, faculty,
22 entrepreneurial researchers, entrepreneurs, and investors in building
23 business models and evolving business plans around innovative ideas.
24 The programs may provide technical assistance and the support of an
25 entrepreneur-in-residence to innovation research teams and offer
26 entrepreneurial training to faculty, researchers, undergraduates, and
27 graduate students. Curriculum leading to a certificate in
28 entrepreneurship may also be offered;

29 (e) Develop performance measures to be used in evaluating the
30 performance of innovation research teams, the implementation of the
31 plan and programs under (d)(i) and (ii) of this subsection, and the
32 performance of innovation partnership zone grant recipients, including
33 but not limited to private investment measures, business initiation
34 measures, job creation measures, and measures of innovation such as
35 licensing of ideas in research institutions, patents, or other
36 recognized measures of innovation. The performance measures developed
37 shall be consistent with the economic development commission's
38 comprehensive plan for economic development and its standards and

1 metrics for program evaluation. The commission shall report to the
2 legislature and the governor by December 31, 2008, on the measures
3 developed; and

4 (f) Using the performance measures developed, perform a biennial
5 assessment and report, the first of which shall be due December 31,
6 2012, on:

7 (i) Commercialization of technologies developed at state
8 universities, found at other research institutions in the state, and
9 facilitated with public assistance at existing companies;

10 (ii) Outcomes of the funding of innovation research teams and
11 recruitment of significant entrepreneurial researchers;

12 (iii) Comparison with other states of Washington's outcomes from
13 the innovation research teams and efforts to recruit significant
14 entrepreneurial researchers; and

15 (iv) Outcomes of the grants for innovation partnership zones.
16 The report shall include recommendations for modifications of chapter
17 227, Laws of 2007 and of state commercialization efforts that would
18 enhance the state's economic competitiveness.

19 (2) The economic development commission and the workforce training
20 and education coordinating board shall jointly convene a working group
21 to:

22 (a) Specify the process and criteria for identification of substate
23 geographic concentrations of firms or employment in an industry and the
24 industry's customers, suppliers, supporting businesses, and
25 institutions, which process will include the use of labor market
26 information from the employment security department and local labor
27 markets; and

28 (b) Establish criteria for identifying strategic clusters which are
29 important to economic prosperity in the state, considering cluster
30 size, growth rate, and wage levels among other factors.

31 **Sec. 15.** RCW 43.330.290 and 2007 c 322 s 3 are each amended to
32 read as follows:

33 The microenterprise development program is established in the
34 department of (~~community, trade, and economic development~~) commerce.
35 In implementing the program, the department:

36 (1) Shall provide organizational support to a statewide

1 microenterprise association and shall contract with the association for
2 the delivery of services and distribution of grants;

3 (a) The association shall serve as the department's agent in
4 carrying out the purpose and service delivery requirements of this
5 section;

6 (b) The association's contract with the department shall specify
7 that in administering the funds provided for under subsection (3) of
8 this section, the association may use no greater than ten percent of
9 the funds to cover administrative expenses;

10 (2) Shall provide funds for capacity building for the statewide
11 microenterprise association and microenterprise development
12 organizations throughout the state;

13 (3) Shall provide grants to microenterprise development
14 organizations for the delivery of training and technical assistance
15 services;

16 (4) Shall identify and facilitate the availability of state,
17 federal, and private sources of funds which may enhance microenterprise
18 development in the state;

19 (5) Shall develop with the statewide microenterprise association
20 criteria for the distribution of grants to microenterprise development
21 organizations. Such criteria may include:

22 (a) The geographic representation of all regions of the state,
23 including both urban and rural communities;

24 (b) The ability of the microenterprise development organization to
25 provide business development services in low-income communities;

26 (c) The scope of services offered by a microenterprise development
27 organization and their efficiency in delivery of such services;

28 (d) The ability of the microenterprise development organization to
29 monitor the progress of its customers and identify technical and
30 financial assistance needs;

31 (e) The ability of the microenterprise development organization to
32 work with other organizations, public entities, and financial
33 institutions to meet the technical and financial assistance needs of
34 its customers;

35 (f) The sufficiency of operating funds for the microenterprise
36 development organization; and

37 (g) Such other criteria as agreed by the department and the
38 association;

1 (6) Shall require the statewide microenterprise association and any
2 microenterprise development organization receiving funds through the
3 microenterprise development program to raise and contribute to the
4 effort funded by the microenterprise development program an amount
5 equal to twenty-five percent of the microenterprise development program
6 funds received. Such matching funds may come from private foundations,
7 federal or local sources, financial institutions, or any other source
8 other than funds appropriated from the legislature;

9 (7) Shall require under its contract with the statewide
10 microenterprise association an annual accounting of program outcomes,
11 including job creation, access to capital, leveraging of nonstate
12 funds, and other outcome measures specified by the department. By
13 January 1, 2012, the joint legislative audit and review committee shall
14 use these outcome data and other relevant information to evaluate the
15 program's effectiveness; and

16 (8) May adopt rules as necessary to implement this section.

17 **Sec. 16.** RCW 43.330.300 and 2008 c 290 s 1 are each amended to
18 read as follows:

19 (1) The financial fraud and identity theft crimes investigation and
20 prosecution program is created in the department of (~~community, trade,~~
21 ~~and economic development~~) commerce. The department shall:

22 (a) Appoint members of the financial fraud task forces created in
23 subsection (2) of this section;

24 (b) Administer the account created in subsection (3) of this
25 section; and

26 (c) By December 31st of each year submit a report to the
27 appropriate committees of the legislature and the governor regarding
28 the progress of the program and task forces. The report must include
29 recommendations on changes to the program, including expansion.

30 (2)(a) The department shall establish two regional financial fraud
31 and identity theft crime task forces that include a central Puget Sound
32 task force that includes King and Pierce counties, and a Spokane county
33 task force. Each task force must be comprised of local law
34 enforcement, county prosecutors, representatives of the office of the
35 attorney general, financial institutions, and other state and local law
36 enforcement.

1 (b) The department shall appoint: (i) Representatives of local law
2 enforcement from a list provided by the Washington association of
3 sheriffs and police chiefs; (ii) representatives of county prosecutors
4 from a list provided by the Washington association of prosecuting
5 attorneys; and (iii) representatives of financial institutions.

6 (c) Each task force shall:

7 (i) Hold regular meetings to discuss emerging trends and threats of
8 local financial fraud and identity theft crimes;

9 (ii) Set priorities for the activities for the task force;

10 (iii) Apply to the department for funding to (A) hire prosecutors
11 and/or law enforcement personnel dedicated to investigating and
12 prosecuting financial fraud and identity theft crimes; and (B) acquire
13 other needed resources to conduct the work of the task force;

14 (iv) Establish outcome-based performance measures; and

15 (v) Twice annually report to the department regarding the
16 activities and performance of the task force.

17 (3) The financial fraud and identity theft crimes investigation and
18 prosecution account is created in the state treasury. Moneys in the
19 account may be spent only after appropriation. Revenue to the account
20 may include appropriations, revenues generated by the surcharge imposed
21 in RCW 62A.9A-525, federal funds, and any other gifts or grants.
22 Expenditures from the account may be used only to support the
23 activities of the financial fraud and identity theft crime
24 investigation and prosecution task forces and the program
25 administrative expenses of the department, which may not exceed ten
26 percent of the amount appropriated.

27 (4) For purposes of this section, "financial fraud and identity
28 theft crimes" includes those that involve: Check fraud, chronic
29 unlawful issuance of bank checks, embezzlement, credit/debit card
30 fraud, identity theft, forgery, counterfeit instruments such as checks
31 or documents, organized counterfeit check rings, and organized
32 identification theft rings.

33 **Sec. 17.** RCW 43.330.900 and 1993 c 280 s 79 are each amended to
34 read as follows:

35 ((+1)) All references to the director or department of community,
36 trade, and economic development in the Revised Code of Washington shall

1 be construed to mean the director of (~~community, trade, and economic~~
2 ~~development~~) commerce or the department of (~~community, trade, and~~
3 ~~economic development~~) commerce.

4 (~~(2) All references to the director or department of trade and~~
5 ~~economic development in the Revised Code of Washington shall be~~
6 ~~construed to mean the director of community, trade, and economic~~
7 ~~development or the department of community, trade, and economic~~
8 ~~development.~~)

9 **Sec. 18.** RCW 19.260.020 and 2006 c 194 s 1 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Automatic commercial ice cube machine" means a factory-made
14 assembly, not necessarily shipped in one package, consisting of a
15 condensing unit and ice-making section operating as an integrated unit
16 with means for making and harvesting ice cubes. It may also include
17 integrated components for storing or dispensing ice, or both.

18 (2) "Ballast" means a device used with an electric discharge lamp
19 to obtain necessary circuit conditions, such as voltage, current, and
20 waveform, for starting and operating the lamp.

21 (3) "Commercial clothes washer" means a soft mount horizontal or
22 vertical-axis clothes washer that: (a) Has a clothes container
23 compartment no greater than 3.5 cubic feet in the case of a horizontal-
24 axis product or no greater than 4.0 cubic feet in the case of a
25 vertical-axis product; and (b) is designed for use by more than one
26 household, such as in multifamily housing, apartments, or coin
27 laundries.

28 (4) "Commercial prerinse spray valve" means a handheld device
29 designed and marketed for use with commercial dishwashing and
30 warewashing equipment and that sprays water on dishes, flatware, and
31 other food service items for the purpose of removing food residue prior
32 to their cleaning.

33 (5)(a) "Commercial refrigerators and freezers" means refrigerators,
34 freezers, or refrigerator-freezers designed for use by commercial or
35 institutional facilities for the purpose of storing or merchandising
36 food products, beverages, or ice at specified temperatures that: (i)
37 Incorporate most components involved in the vapor-compression cycle and

1 the refrigerated compartment in a single cabinet; and (ii) may be
2 configured with either solid or transparent doors as a reach-in
3 cabinet, pass-through cabinet, roll-in cabinet, or roll-through
4 cabinet.

5 (b) "Commercial refrigerators and freezers" does not include: (i)
6 Products with 85 cubic feet or more of internal volume; (ii) walk-in
7 refrigerators or freezers; (iii) consumer products that are federally
8 regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products
9 without doors; or (v) freezers specifically designed for ice cream.

10 (6) "Compensation" means money or any other valuable thing,
11 regardless of form, received or to be received by a person for services
12 rendered.

13 (7) "Department" means the department of (~~community, trade, and~~
14 ~~economic development~~) commerce.

15 (8) "High-intensity discharge lamp" means a lamp in which light is
16 produced by the passage of an electric current through a vapor or gas,
17 and in which the light-producing arc is stabilized by bulb wall
18 temperature and the arc tube has a bulb wall loading in excess of three
19 watts per square centimeter.

20 (9) "Metal halide lamp" means a high-intensity discharge lamp in
21 which the major portion of the light is produced by radiation of metal
22 halides and their products of dissociation, possibly in combination
23 with metallic vapors.

24 (10) "Metal halide lamp fixture" means a light fixture designed to
25 be operated with a metal halide lamp and a ballast for a metal halide
26 lamp.

27 (11) "Pass-through cabinet" means a commercial refrigerator or
28 freezer with hinged or sliding doors on both the front and rear of the
29 unit.

30 (12) "Probe-start metal halide ballast" means a ballast used to
31 operate metal halide lamps which does not contain an igniter and which
32 instead starts lamps by using a third starting electrode "probe" in the
33 arc tube.

34 (13) "Reach-in cabinet" means a commercial refrigerator or freezer
35 with hinged or sliding doors or lids, but does not include roll-in or
36 roll-through cabinets or pass-through cabinets.

37 (14)(a) "Roll-in cabinet" means a commercial refrigerator or

1 freezer with hinged or sliding doors that allow wheeled racks of
2 product to be rolled into the unit.

3 (b) "Roll-through cabinet" means a commercial refrigerator or
4 freezer with hinged or sliding doors on two sides of the cabinet that
5 allow wheeled racks of product to be rolled through the unit.

6 (15)(a) "Single-voltage external AC to DC power supply" means a
7 device that: (i) Is designed to convert line voltage alternating
8 current input into lower voltage direct current output; (ii) is able to
9 convert to only one DC output voltage at a time; (iii) is sold with, or
10 intended to be used with, a separate end-use product that constitutes
11 the primary power load; (iv) is contained within a separate physical
12 enclosure from the end-use product; (v) is connected to the end-use
13 product via a removable or hard-wired male/female electrical
14 connection, cable, cord, or other wiring; and (vi) has a nameplate
15 output power less than or equal to 250 watts.

16 (b) "Single-voltage external AC to DC power supply" does not
17 include: (i) Products with batteries or battery packs that physically
18 attach directly to the power supply unit; (ii) products with a battery
19 chemistry or type selector switch and indicator light; or (iii)
20 products with a battery chemistry or type selector switch and a state
21 of charge meter.

22 (16) "State-regulated incandescent reflector lamp" means a lamp
23 that is not colored or designed for rough or vibration service
24 applications, that has an inner reflective coating on the outer bulb to
25 direct the light, an E26 medium screw base, and a rated voltage or
26 voltage range that lies at least partially within 115 to 130 volts, and
27 that falls into one of the following categories:

28 (a) A bulged reflector or elliptical reflector bulb shape and which
29 has a diameter which equals or exceeds 2.25 inches;

30 (b) A reflector, parabolic aluminized reflector, or similar bulb
31 shape and which has a diameter of 2.25 to 2.75 inches.

32 (17) "Transformer" means a device consisting of two or more coils
33 of insulated wire and that is designed to transfer alternating current
34 by electromagnetic induction from one coil to another to change the
35 original voltage or current value.

36 (18)(a) "Unit heater" means a self-contained, vented fan-type
37 commercial space heater that uses natural gas or propane, and that is
38 designed to be installed without ducts within a heated space.

1 (b) "Unit heater" does not include any products covered by federal
2 standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any
3 product that is a direct vent, forced flue heater with a sealed
4 combustion burner.

5 **Sec. 19.** RCW 19.280.020 and 2006 c 195 s 2 are each amended to
6 read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Commission" means the utilities and transportation commission.

10 (2) "Conservation and efficiency resources" means any reduction in
11 electric power consumption that results from increases in the
12 efficiency of energy use, production, transmission, or distribution.

13 (3) "Consumer-owned utility" includes a municipal electric utility
14 formed under Title 35 RCW, a public utility district formed under Title
15 54 RCW, an irrigation district formed under chapter 87.03 RCW, a
16 cooperative formed under chapter 23.86 RCW, a mutual corporation or
17 association formed under chapter 24.06 RCW, a port district formed
18 under Title 53 RCW, or a water-sewer district formed under Title 57
19 RCW, that is engaged in the business of distributing electricity to one
20 or more retail electric customers in the state.

21 (4) "Department" means the department of (~~community, trade, and~~
22 ~~economic development~~) commerce.

23 (5) "Electric utility" means a consumer-owned or investor-owned
24 utility.

25 (6) "Full requirements customer" means an electric utility that
26 relies on the Bonneville power administration for all power needed to
27 supply its total load requirement other than that served by
28 nondispatchable generating resources totaling no more than six
29 megawatts or renewable resources.

30 (7) "Governing body" means the elected board of directors, city
31 council, commissioners, or board of any consumer-owned utility.

32 (8) "High efficiency cogeneration" means the sequential production
33 of electricity and useful thermal energy from a common fuel source,
34 where, under normal operating conditions, the facility has a useful
35 thermal energy output of no less than thirty-three percent of the total
36 energy output.

1 (9) "Integrated resource plan" means an analysis describing the mix
2 of generating resources and conservation and efficiency resources that
3 will meet current and projected needs at the lowest reasonable cost to
4 the utility and its ratepayers and that complies with the requirements
5 specified in RCW 19.280.030(1).

6 (10) "Investor-owned utility" means a corporation owned by
7 investors that meets the definition in RCW 80.04.010 and is engaged in
8 distributing electricity to more than one retail electric customer in
9 the state.

10 (11) "Lowest reasonable cost" means the lowest cost mix of
11 generating resources and conservation and efficiency resources
12 determined through a detailed and consistent analysis of a wide range
13 of commercially available resources. At a minimum, this analysis must
14 consider resource cost, market-volatility risks, demand-side resource
15 uncertainties, resource dispatchability, resource effect on system
16 operation, the risks imposed on the utility and its ratepayers, public
17 policies regarding resource preference adopted by Washington state or
18 the federal government, and the cost of risks associated with
19 environmental effects including emissions of carbon dioxide.

20 (12) "Plan" means either an "integrated resource plan" or a
21 "resource plan."

22 (13) "Renewable resources" means electricity generation facilities
23 fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal
24 energy; (e) landfill gas; (f) biomass energy utilizing animal waste,
25 solid organic fuels from wood, forest, or field residues or dedicated
26 energy crops that do not include wood pieces that have been treated
27 with chemical preservatives such as creosote, pentachlorophenol, or
28 copper-chrome-arsenic; (g) byproducts of pulping or wood manufacturing
29 processes, including but not limited to bark, wood chips, sawdust, and
30 lignin in spent pulping liquors; (h) ocean thermal, wave, or tidal
31 power; or (i) gas from sewage treatment facilities.

32 (14) "Resource plan" means an assessment that estimates electricity
33 loads and resources over a defined period of time and complies with the
34 requirements in RCW 19.280.030(2).

35 **Sec. 20.** RCW 19.285.030 and 2007 c 1 s 3 (Initiative Measure No.
36 937) are each amended to read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Attorney general" means the Washington state office of the
4 attorney general.

5 (2) "Auditor" means: (a) The Washington state auditor's office or
6 its designee for qualifying utilities under its jurisdiction that are
7 not investor-owned utilities; or (b) an independent auditor selected by
8 a qualifying utility that is not under the jurisdiction of the state
9 auditor and is not an investor-owned utility.

10 (3) "Commission" means the Washington state utilities and
11 transportation commission.

12 (4) "Conservation" means any reduction in electric power
13 consumption resulting from increases in the efficiency of energy use,
14 production, or distribution.

15 (5) "Cost-effective" has the same meaning as defined in RCW
16 80.52.030.

17 (6) "Council" means the Washington state apprenticeship and
18 training council within the department of labor and industries.

19 (7) "Customer" means a person or entity that purchases electricity
20 for ultimate consumption and not for resale.

21 (8) "Department" means the department of (~~community, trade, and~~
22 ~~economic development~~) commerce or its successor.

23 (9) "Distributed generation" means an eligible renewable resource
24 where the generation facility or any integrated cluster of such
25 facilities has a generating capacity of not more than five megawatts.

26 (10) "Eligible renewable resource" means:

27 (a) Electricity from a generation facility powered by a renewable
28 resource other than fresh water that commences operation after March
29 31, 1999, where: (i) The facility is located in the Pacific Northwest;
30 or (ii) the electricity from the facility is delivered into Washington
31 state on a real-time basis without shaping, storage, or integration
32 services; or

33 (b) Incremental electricity produced as a result of efficiency
34 improvements completed after March 31, 1999, to hydroelectric
35 generation projects owned by a qualifying utility and located in the
36 Pacific Northwest or to hydroelectric generation in irrigation pipes
37 and canals located in the Pacific Northwest, where the additional

1 generation in either case does not result in new water diversions or
2 impoundments.

3 (11) "Investor-owned utility" has the same meaning as defined in
4 RCW 19.29A.010.

5 (12) "Load" means the amount of kilowatt-hours of electricity
6 delivered in the most recently completed year by a qualifying utility
7 to its Washington retail customers.

8 (13) "Nonpower attributes" means all environmentally related
9 characteristics, exclusive of energy, capacity reliability, and other
10 electrical power service attributes, that are associated with the
11 generation of electricity from a renewable resource, including but not
12 limited to the facility's fuel type, geographic location, vintage,
13 qualification as an eligible renewable resource, and avoided emissions
14 of pollutants to the air, soil, or water, and avoided emissions of
15 carbon dioxide and other greenhouse gases.

16 (14) "Pacific Northwest" has the same meaning as defined for the
17 Bonneville power administration in section 3 of the Pacific Northwest
18 electric power planning and conservation act (94 Stat. 2698; 16 U.S.C.
19 Sec. 839a).

20 (15) "Public facility" has the same meaning as defined in RCW
21 39.35C.010.

22 (16) "Qualifying utility" means an electric utility, as the term
23 "electric utility" is defined in RCW 19.29A.010, that serves more than
24 twenty-five thousand customers in the state of Washington. The number
25 of customers served may be based on data reported by a utility in form
26 861, "annual electric utility report," filed with the energy
27 information administration, United States department of energy.

28 (17) "Renewable energy credit" means a tradable certificate of
29 proof of at least one megawatt-hour of an eligible renewable resource
30 where the generation facility is not powered by fresh water, the
31 certificate includes all of the nonpower attributes associated with
32 that one megawatt-hour of electricity, and the certificate is verified
33 by a renewable energy credit tracking system selected by the
34 department.

35 (18) "Renewable resource" means: (a) Water; (b) wind; (c) solar
36 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or
37 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel
38 fuel as defined in RCW 82.29A.135 that is not derived from crops raised

1 on land cleared from old growth or first-growth forests where the
2 clearing occurred after December 7, 2006; and (i) biomass energy based
3 on animal waste or solid organic fuels from wood, forest, or field
4 residues, or dedicated energy crops that do not include (i) wood pieces
5 that have been treated with chemical preservatives such as creosote,
6 pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor
7 byproduct from paper production; (iii) wood from old growth forests; or
8 (iv) municipal solid waste.

9 (19) "Rule" means rules adopted by an agency or other entity of
10 Washington state government to carry out the intent and purposes of
11 this chapter.

12 (20) "Year" means the twelve-month period commencing January 1st
13 and ending December 31st.

14 **Sec. 21.** RCW 35.105.010 and 2008 c 299 s 2 are each amended to
15 read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Community and urban forest assessment" means an analysis of
19 the community and urban forest inventory to: Establish the scope and
20 scale of forest-related benefits and services; determine the economic
21 valuation of such benefits, highlight trends, and issues of concern;
22 identify high priority areas to be addressed; outline strategies for
23 addressing the critical issues and urban landscapes; and identify
24 opportunities for retaining trees, expanding forest canopy, and
25 planting additional trees to sustain Washington's urban and community
26 forests.

27 (2) "Community and urban forest inventory" means a management tool
28 designed to gauge the condition, management status, health, and
29 diversity of a community and urban forest. An inventory may evaluate
30 individual trees or groups of trees or canopy cover within community
31 and urban forests, and will be periodically updated by the department
32 of natural resources.

33 (3) "Department" means the department of (~~community, trade, and~~
34 ~~economic development~~) commerce.

35 (4) "Evergreen community ordinances" means ordinances adopted by
36 the legislative body of a city, town, or county that relate to urban
37 forests and are consistent with this chapter.

1 (5) "Evergreen community" means a city, town, or county designated
2 as such under RCW 35.105.030.

3 (6) "Management plan" means an evergreen community urban forest
4 management plan developed pursuant to this chapter.

5 (7) "Public facilities" has the same meaning as defined in RCW
6 36.70A.030.

7 (8) "Public forest" means urban forests owned by the state, city,
8 town, county, or other public entity within or adjacent to the urban
9 growth areas.

10 (9) "Reforestation" means establishing and maintaining trees and
11 urban forest canopy in plantable spaces such as street rights-of-way,
12 transportation corridors, interchanges and highways, riparian areas,
13 unstable slopes, shorelines, public lands, and property of willing
14 private landowners.

15 (10) "Tree canopy" means the layer of leaves, branches, and stems
16 of trees that cover the ground when viewed from above and that can be
17 measured as a percentage of a land area shaded by trees.

18 (11) "Urban forest" has the same definition as provided for the
19 term "community and urban forest" in RCW 76.15.010.

20 **Sec. 22.** RCW 36.70A.030 and 2005 c 423 s 2 are each amended to
21 read as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

24 (1) "Adopt a comprehensive land use plan" means to enact a new
25 comprehensive land use plan or to update an existing comprehensive land
26 use plan.

27 (2) "Agricultural land" means land primarily devoted to the
28 commercial production of horticultural, viticultural, floricultural,
29 dairy, apiary, vegetable, or animal products or of berries, grain, hay,
30 straw, turf, seed, Christmas trees not subject to the excise tax
31 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
32 hatcheries, or livestock, and that has long-term commercial
33 significance for agricultural production.

34 (3) "City" means any city or town, including a code city.

35 (4) "Comprehensive land use plan," "comprehensive plan," or "plan"
36 means a generalized coordinated land use policy statement of the

1 governing body of a county or city that is adopted pursuant to this
2 chapter.

3 (5) "Critical areas" include the following areas and ecosystems:
4 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
5 used for potable water; (c) fish and wildlife habitat conservation
6 areas; (d) frequently flooded areas; and (e) geologically hazardous
7 areas.

8 (6) "Department" means the department of (~~community, trade, and~~
9 ~~economic development~~) commerce.

10 (7) "Development regulations" or "regulation" means the controls
11 placed on development or land use activities by a county or city,
12 including, but not limited to, zoning ordinances, critical areas
13 ordinances, shoreline master programs, official controls, planned unit
14 development ordinances, subdivision ordinances, and binding site plan
15 ordinances together with any amendments thereto. A development
16 regulation does not include a decision to approve a project permit
17 application, as defined in RCW 36.70B.020, even though the decision may
18 be expressed in a resolution or ordinance of the legislative body of
19 the county or city.

20 (8) "Forest land" means land primarily devoted to growing trees for
21 long-term commercial timber production on land that can be economically
22 and practically managed for such production, including Christmas trees
23 subject to the excise tax imposed under RCW 84.33.100 through
24 84.33.140, and that has long-term commercial significance. In
25 determining whether forest land is primarily devoted to growing trees
26 for long-term commercial timber production on land that can be
27 economically and practically managed for such production, the following
28 factors shall be considered: (a) The proximity of the land to urban,
29 suburban, and rural settlements; (b) surrounding parcel size and the
30 compatibility and intensity of adjacent and nearby land uses; (c) long-
31 term local economic conditions that affect the ability to manage for
32 timber production; and (d) the availability of public facilities and
33 services conducive to conversion of forest land to other uses.

34 (9) "Geologically hazardous areas" means areas that because of
35 their susceptibility to erosion, sliding, earthquake, or other
36 geological events, are not suited to the siting of commercial,
37 residential, or industrial development consistent with public health or
38 safety concerns.

1 (10) "Long-term commercial significance" includes the growing
2 capacity, productivity, and soil composition of the land for long-term
3 commercial production, in consideration with the land's proximity to
4 population areas, and the possibility of more intense uses of the land.

5 (11) "Minerals" include gravel, sand, and valuable metallic
6 substances.

7 (12) "Public facilities" include streets, roads, highways,
8 sidewalks, street and road lighting systems, traffic signals, domestic
9 water systems, storm and sanitary sewer systems, parks and recreational
10 facilities, and schools.

11 (13) "Public services" include fire protection and suppression, law
12 enforcement, public health, education, recreation, environmental
13 protection, and other governmental services.

14 (14) "Recreational land" means land so designated under RCW
15 36.70A.1701 and that, immediately prior to this designation, was
16 designated as agricultural land of long-term commercial significance
17 under RCW 36.70A.170. Recreational land must have playing fields and
18 supporting facilities existing before July 1, 2004, for sports played
19 on grass playing fields.

20 (15) "Rural character" refers to the patterns of land use and
21 development established by a county in the rural element of its
22 comprehensive plan:

23 (a) In which open space, the natural landscape, and vegetation
24 predominate over the built environment;

25 (b) That foster traditional rural lifestyles, rural-based
26 economies, and opportunities to both live and work in rural areas;

27 (c) That provide visual landscapes that are traditionally found in
28 rural areas and communities;

29 (d) That are compatible with the use of the land by wildlife and
30 for fish and wildlife habitat;

31 (e) That reduce the inappropriate conversion of undeveloped land
32 into sprawling, low-density development;

33 (f) That generally do not require the extension of urban
34 governmental services; and

35 (g) That are consistent with the protection of natural surface
36 water flows and groundwater and surface water recharge and discharge
37 areas.

1 (16) "Rural development" refers to development outside the urban
2 growth area and outside agricultural, forest, and mineral resource
3 lands designated pursuant to RCW 36.70A.170. Rural development can
4 consist of a variety of uses and residential densities, including
5 clustered residential development, at levels that are consistent with
6 the preservation of rural character and the requirements of the rural
7 element. Rural development does not refer to agriculture or forestry
8 activities that may be conducted in rural areas.

9 (17) "Rural governmental services" or "rural services" include
10 those public services and public facilities historically and typically
11 delivered at an intensity usually found in rural areas, and may include
12 domestic water systems, fire and police protection services,
13 transportation and public transit services, and other public utilities
14 associated with rural development and normally not associated with
15 urban areas. Rural services do not include storm or sanitary sewers,
16 except as otherwise authorized by RCW 36.70A.110(4).

17 (18) "Urban growth" refers to growth that makes intensive use of
18 land for the location of buildings, structures, and impermeable
19 surfaces to such a degree as to be incompatible with the primary use of
20 land for the production of food, other agricultural products, or fiber,
21 or the extraction of mineral resources, rural uses, rural development,
22 and natural resource lands designated pursuant to RCW 36.70A.170. A
23 pattern of more intensive rural development, as provided in RCW
24 36.70A.070(5)(d), is not urban growth. When allowed to spread over
25 wide areas, urban growth typically requires urban governmental
26 services. "Characterized by urban growth" refers to land having urban
27 growth located on it, or to land located in relationship to an area
28 with urban growth on it as to be appropriate for urban growth.

29 (19) "Urban growth areas" means those areas designated by a county
30 pursuant to RCW 36.70A.110.

31 (20) "Urban governmental services" or "urban services" include
32 those public services and public facilities at an intensity
33 historically and typically provided in cities, specifically including
34 storm and sanitary sewer systems, domestic water systems, street
35 cleaning services, fire and police protection services, public transit
36 services, and other public utilities associated with urban areas and
37 normally not associated with rural areas.

1 (21) "Wetland" or "wetlands" means areas that are inundated or
2 saturated by surface water or groundwater at a frequency and duration
3 sufficient to support, and that under normal circumstances do support,
4 a prevalence of vegetation typically adapted for life in saturated soil
5 conditions. Wetlands generally include swamps, marshes, bogs, and
6 similar areas. Wetlands do not include those artificial wetlands
7 intentionally created from nonwetland sites, including, but not limited
8 to, irrigation and drainage ditches, grass-lined swales, canals,
9 detention facilities, wastewater treatment facilities, farm ponds, and
10 landscape amenities, or those wetlands created after July 1, 1990, that
11 were unintentionally created as a result of the construction of a road,
12 street, or highway. Wetlands may include those artificial wetlands
13 intentionally created from nonwetland areas created to mitigate
14 conversion of wetlands.

15 **Sec. 23.** RCW 39.86.110 and 1995 c 399 s 57 are each amended to
16 read as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

19 (1) "Agency" means the department of (~~community, trade, and~~
20 ~~economic development~~) commerce.

21 (2) "Board" means the community economic revitalization board
22 established under chapter 43.160 RCW.

23 (3) "Bonds" means bonds, notes, or other obligations of an issuer.

24 (4) "Bond use category" means any of the following categories of
25 bonds which are subject to the state ceiling: (a) Housing, (b) student
26 loans, (c) small issue, (d) exempt facility, (e) redevelopment, (f)
27 public utility; and (g) remainder.

28 (5) "Carryforward" is an allocation or reallocation of the state
29 ceiling which is carried from one calendar year to a later year, in
30 accordance with the code.

31 (6) "Code" means the federal internal revenue code of 1986 as it
32 exists on May 8, 1987. It also means the code as amended after May 8,
33 1987, but only if the amendments are approved by the agency under RCW
34 39.86.180.

35 (7) "Director" means the director of the agency or the director's
36 designee.

1 (8) "Exempt facility" means the bond use category which includes
2 all bonds which are exempt facility bonds as described in the code,
3 except those for qualified residential rental projects.

4 (9) "Firm and convincing evidence" means documentation that
5 satisfies the director that the issuer is committed to the prompt
6 financing of, and will issue tax exempt bonds for, the project or
7 program for which it requests an allocation from the state ceiling.

8 (10) "Housing" means the bond use category which includes: (a)
9 Mortgage revenue bonds and mortgage credit certificates as described in
10 the code; and (b) exempt facility bonds for qualified residential
11 rental projects as described in the code.

12 (11) "Initial allocation" means the portion or dollar value of the
13 state ceiling which initially in each calendar year is allocated to a
14 bond use category for the issuance of private activity bonds, in
15 accordance with RCW 39.86.120.

16 (12) "Issuer" means the state, any agency or instrumentality of the
17 state, any political subdivision, or any other entity authorized to
18 issue private activity bonds under state law.

19 (13) "Private activity bonds" means obligations that are private
20 activity bonds as defined in the code or bonds for purposes described
21 in section 1317(25) of the tax reform act of 1986.

22 (14) "Program" means the activities for which housing bonds or
23 student loan bonds may be issued.

24 (15) "Public utility" means the bond use category which includes
25 those bonds described in section 1317(25) of the tax reform act of
26 1986.

27 (16) "Redevelopment" means the bond use category which includes
28 qualified redevelopment bonds as described in the code.

29 (17) "Remainder" means that portion of the state ceiling remaining
30 after initial allocations are made under RCW 39.86.120 for any other
31 bond use category.

32 (18) "Small issue" means the bond use category which includes all
33 industrial development bonds that constitute qualified small issue
34 bonds, as described in the code.

35 (19) "State" means the state of Washington.

36 (20) "State ceiling" means the volume limitation for each calendar
37 year on tax-exempt private activity bonds, as imposed by the code.

1 (21) "Student loans" means the bond use category which includes
2 qualified student loan bonds as described in the code.

3 **Sec. 24.** RCW 42.17.2401 and 2007 c 341 s 48, 2007 c 241 s 2, and
4 2007 c 15 s 1 are each reenacted and amended to read as follows:

5 For the purposes of RCW 42.17.240, the term "executive state
6 officer" includes:

7 (1) The chief administrative law judge, the director of
8 agriculture, the administrator of the Washington basic health plan, the
9 director of the department of services for the blind, the director of
10 the state system of community and technical colleges, the director of
11 (~~community, trade, and economic development~~) commerce, the secretary
12 of corrections, the director of early learning, the director of
13 ecology, the commissioner of employment security, the chair of the
14 energy facility site evaluation council, the secretary of the state
15 finance committee, the director of financial management, the director
16 of fish and wildlife, the executive secretary of the forest practices
17 appeals board, the director of the gambling commission, the director of
18 general administration, the secretary of health, the administrator of
19 the Washington state health care authority, the executive secretary of
20 the health care facilities authority, the executive secretary of the
21 higher education facilities authority, the executive secretary of the
22 horse racing commission, the executive secretary of the human rights
23 commission, the executive secretary of the indeterminate sentence
24 review board, the director of the department of information services,
25 the executive director of the state investment board, the director of
26 labor and industries, the director of licensing, the director of the
27 lottery commission, the director of the office of minority and women's
28 business enterprises, the director of parks and recreation, the
29 director of personnel, the executive director of the public disclosure
30 commission, the executive director of the Puget Sound partnership, the
31 director of the recreation and conservation office, the director of
32 retirement systems, the director of revenue, the secretary of social
33 and health services, the chief of the Washington state patrol, the
34 executive secretary of the board of tax appeals, the secretary of
35 transportation, the secretary of the utilities and transportation
36 commission, the director of veterans affairs, the president of each of

1 the regional and state universities and the president of The Evergreen
2 State College, and each district and each campus president of each
3 state community college;

4 (2) Each professional staff member of the office of the governor;

5 (3) Each professional staff member of the legislature; and

6 (4) Central Washington University board of trustees, the boards of
7 trustees of each community college and each technical college, each
8 member of the state board for community and technical colleges, state
9 convention and trade center board of directors, committee for deferred
10 compensation, Eastern Washington University board of trustees,
11 Washington economic development finance authority, The Evergreen State
12 College board of trustees, executive ethics board, forest practices
13 appeals board, forest practices board, gambling commission, life
14 sciences discovery fund authority board of trustees, Washington health
15 care facilities authority, each member of the Washington health
16 services commission, higher education coordinating board, higher
17 education facilities authority, horse racing commission, state housing
18 finance commission, human rights commission, indeterminate sentence
19 review board, board of industrial insurance appeals, information
20 services board, recreation and conservation funding board, state
21 investment board, commission on judicial conduct, legislative ethics
22 board, liquor control board, lottery commission, marine oversight
23 board, Pacific Northwest electric power and conservation planning
24 council, parks and recreation commission, board of pilotage
25 commissioners, pollution control hearings board, public disclosure
26 commission, public pension commission, shorelines (~~hearings~~)
27 hearings board, public employees' benefits board, salmon recovery
28 funding board, board of tax appeals, transportation commission,
29 University of Washington board of regents, utilities and transportation
30 commission, Washington state maritime commission, Washington personnel
31 resources board, Washington public power supply system executive board,
32 Washington State University board of regents, Western Washington
33 University board of trustees, and fish and wildlife commission.

34 **Sec. 25.** RCW 43.17.010 and 2007 c 341 s 46 are each amended to
35 read as follows:

36 There shall be departments of the state government which shall be
37 known as (1) the department of social and health services, (2) the

1 department of ecology, (3) the department of labor and industries, (4)
2 the department of agriculture, (5) the department of fish and wildlife,
3 (6) the department of transportation, (7) the department of licensing,
4 (8) the department of general administration, (9) the department of
5 (~~community, trade, and economic development~~) commerce, (10) the
6 department of veterans affairs, (11) the department of revenue, (12)
7 the department of retirement systems, (13) the department of
8 corrections, (14) the department of health, (15) the department of
9 financial institutions, (16) the department of archaeology and historic
10 preservation, (17) the department of early learning, and (18) the Puget
11 Sound partnership, which shall be charged with the execution,
12 enforcement, and administration of such laws, and invested with such
13 powers and required to perform such duties, as the legislature may
14 provide.

15 **Sec. 26.** RCW 43.17.020 and 2007 c 341 s 47 are each amended to
16 read as follows:

17 There shall be a chief executive officer of each department to be
18 known as: (1) The secretary of social and health services, (2) the
19 director of ecology, (3) the director of labor and industries, (4) the
20 director of agriculture, (5) the director of fish and wildlife, (6) the
21 secretary of transportation, (7) the director of licensing, (8) the
22 director of general administration, (9) the director of (~~community,
23 trade, and economic development~~) commerce, (10) the director of
24 veterans affairs, (11) the director of revenue, (12) the director of
25 retirement systems, (13) the secretary of corrections, (14) the
26 secretary of health, (15) the director of financial institutions, (16)
27 the director of the department of archaeology and historic
28 preservation, (17) the director of early learning, and (18) the
29 executive director of the Puget Sound partnership.

30 Such officers, except the director of fish and wildlife, shall be
31 appointed by the governor, with the consent of the senate, and hold
32 office at the pleasure of the governor. The director of fish and
33 wildlife shall be appointed by the fish and wildlife commission as
34 prescribed by RCW 77.04.055.

35 **Sec. 27.** RCW 43.21F.025 and 1996 c 186 s 102 are each amended to
36 read as follows:

1 (1) "Energy" means petroleum or other liquid fuels; natural or
2 synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear
3 material; electricity; solar radiation; geothermal resources;
4 hydropower; organic waste products; wind; tidal activity; any other
5 substance or process used to produce heat, light, or motion; or the
6 savings from nongeneration technologies, including conservation or
7 improved efficiency in the usage of any of the sources described in
8 this subsection;

9 (2) "Person" means an individual, partnership, joint venture,
10 private or public corporation, association, firm, public service
11 company, political subdivision, municipal corporation, government
12 agency, public utility district, joint operating agency, or any other
13 entity, public or private, however organized;

14 (3) "Director" means the director of the department of (~~community,~~
15 ~~trade, and economic development~~) commerce;

16 (4) "Assistant director" means the assistant director of the
17 department of (~~community, trade, and economic development~~) commerce
18 responsible for energy policy activities;

19 (5) "Department" means the department of (~~community, trade, and~~
20 ~~economic development~~) commerce;

21 (6) "Distributor" means any person, private corporation,
22 partnership, individual proprietorship, utility, including investor-
23 owned utilities, municipal utility, public utility district, joint
24 operating agency, or cooperative, which engages in or is authorized to
25 engage in the activity of generating, transmitting, or distributing
26 energy in this state; and

27 (7) "State energy strategy" means the document and energy policy
28 direction developed under section 1, chapter 201, Laws of 1991
29 including any related appendices.

30 **Sec. 28.** RCW 43.31.455 and 2005 c 402 s 3 are each amended to read
31 as follows:

32 The definitions in this section apply throughout RCW 43.31.450
33 through 43.31.475 unless the context clearly requires otherwise.

34 (1) "Department" means the department of (~~community, trade, and~~
35 ~~economic development~~) commerce.

36 (2) "Director" means the director of the department of (~~community,~~
37 ~~trade, and economic development~~) commerce.

1 (3) "Foster youth" means a person who is fifteen years of age or
2 older who is a dependent of the department of social and health
3 services; or a person who is at least fifteen years of age, but not
4 more than twenty-three years of age, who was a dependent of the
5 department of social and health services for at least twenty-four
6 months after attaining thirteen years of age.

7 (4) "Individual development account" or "account" means an account
8 established by contract between a low-income individual and a
9 sponsoring organization for the benefit of the low-income individual
10 and funded through periodic contributions by the low-income individual
11 which are matched with contributions by or through the sponsoring
12 organization.

13 (5) "Low-income individual" means a person whose household income
14 is equal to or less than either:

15 (a) Eighty percent of the median family income, adjusted for
16 household size, for the county or metropolitan statistical area where
17 the person resides; or

18 (b) Two hundred percent of the federal poverty guidelines updated
19 periodically in the federal register by the United States department of
20 health and human services under the authority of 42 U.S.C. 9902(2).

21 (6) "Program" means the individual development account program
22 established pursuant to RCW 43.31.450 through 43.31.475.

23 (7) "Sponsoring organization" means: (a) A nonprofit, fund-raising
24 organization that is exempt from taxation under section 501(c)(3) of
25 the internal revenue code as amended and in effect on January 1, 2005;
26 (b) a housing authority established under RCW 35.82.030; or (c) a
27 federally recognized Indian tribe.

28 **Sec. 29.** RCW 43.31.522 and 2005 c 136 s 17 are each amended to
29 read as follows:

30 Unless the context clearly requires otherwise, the definitions in
31 this section apply throughout RCW 43.31.524:

32 (1) "Department" means the department of (~~community, trade, and~~
33 ~~economic development~~) commerce.

34 (2) "Director" means the director of (~~community, trade, and~~
35 ~~economic development~~) commerce.

36 (3) "Local nonprofit organization" means a local nonprofit
37 organization organized to provide economic development or community

1 development services, including but not limited to associate
2 development organizations, economic development councils, and community
3 development corporations.

4 **Sec. 30.** RCW 43.31.800 and 1993 c 280 s 52 are each amended to
5 read as follows:

6 "Director" as used in RCW 43.31.790 through 43.31.850 and 67.16.100
7 means the director of (~~community, trade, and economic development~~)
8 commerce.

9 **Sec. 31.** RCW 43.31C.010 and 2000 c 212 s 2 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Area" means a geographic area within a local government that
14 is described by a close perimeter boundary.

15 (2) "Community empowerment zone" means an area meeting the
16 requirements of RCW 43.31C.020 and officially designated by the
17 director.

18 (3) "Department" means the department of (~~community, trade, and
19 economic development~~) commerce.

20 (4) "Director" means the director of the department of (~~community,
21 trade, and economic development~~) commerce.

22 (5) "Local government" means a city, code city, town, or county.

23 **Sec. 32.** RCW 43.105.020 and 2003 c 18 s 2 are each amended to read
24 as follows:

25 As used in this chapter, unless the context indicates otherwise,
26 the following definitions shall apply:

27 (1) "Department" means the department of information services;

28 (2) "Board" means the information services board;

29 (3) "Committee" means the state interoperability executive
30 committee;

31 (4) "Local governments" includes all municipal and quasi municipal
32 corporations and political subdivisions, and all agencies of such
33 corporations and subdivisions authorized to contract separately;

34 (5) "Director" means the director of the department;

1 (6) "Purchased services" means services provided by a vendor to
2 accomplish routine, continuing, and necessary functions. This term
3 includes, but is not limited to, services acquired for equipment
4 maintenance and repair, operation of a physical plant, security,
5 computer hardware and software installation and maintenance,
6 telecommunications installation and maintenance, data entry, keypunch
7 services, programming services, and computer time-sharing;

8 (7) "Backbone network" means the shared high-density portions of
9 the state's telecommunications transmission facilities. It includes
10 specially conditioned high-speed communications carrier lines,
11 multiplexors, switches associated with such communications lines, and
12 any equipment and software components necessary for management and
13 control of the backbone network;

14 (8) "Telecommunications" means the transmission of information by
15 wire, radio, optical cable, electromagnetic, or other means;

16 (9) "Information" includes, but is not limited to, data, text,
17 voice, and video;

18 (10) "Information processing" means the electronic capture,
19 collection, storage, manipulation, transmission, retrieval, and
20 presentation of information in the form of data, text, voice, or image
21 and includes telecommunications and office automation functions;

22 (11) "Information services" means data processing,
23 telecommunications, office automation, and computerized information
24 systems;

25 (12) "Equipment" means the machines, devices, and transmission
26 facilities used in information processing, such as computers, word
27 processors, terminals, telephones, wireless communications system
28 facilities, cables, and any physical facility necessary for the
29 operation of such equipment;

30 (13) "Information technology portfolio" or "portfolio" means a
31 strategic management process documenting relationships between agency
32 missions and information technology and telecommunications investments;

33 (14) "Oversight" means a process of comprehensive risk analysis and
34 management designed to ensure optimum use of information technology
35 resources and telecommunications;

36 (15) "Proprietary software" means that software offered for sale or
37 license;

1 (16) "Video telecommunications" means the electronic
2 interconnection of two or more sites for the purpose of transmitting
3 and/or receiving visual and associated audio information. Video
4 telecommunications shall not include existing public television
5 broadcast stations as currently designated by the department of
6 (~~community, trade, and economic development~~) commerce under chapter
7 43.330 RCW;

8 (17) "K-20 educational network board" or "K-20 board" means the K-
9 20 educational network board created in RCW 43.105.800;

10 (18) "K-20 network technical steering committee" or "committee"
11 means the K-20 network technical steering committee created in RCW
12 43.105.810;

13 (19) "K-20 network" means the network established in RCW
14 43.105.820;

15 (20) "Educational sectors" means those institutions of higher
16 education, school districts, and educational service districts that use
17 the network for distance education, data transmission, and other uses
18 permitted by the K-20 board.

19 **Sec. 33.** RCW 43.155.020 and 2001 c 131 s 1 are each amended to
20 read as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section shall apply throughout this chapter.

23 (1) "Board" means the public works board created in RCW 43.155.030.

24 (2) "Capital facility plan" means a capital facility plan required
25 by the growth management act under chapter 36.70A RCW or, for local
26 governments not fully planning under the growth management act, a plan
27 required by the public works board.

28 (3) "Department" means the department of (~~community, trade, and
29 economic development~~) commerce.

30 (4) "Financing guarantees" means the pledge of money in the public
31 works assistance account, or money to be received by the public works
32 assistance account, to the repayment of all or a portion of the
33 principal of or interest on obligations issued by local governments to
34 finance public works projects.

35 (5) "Local governments" means cities, towns, counties, special
36 purpose districts, and any other municipal corporations or quasi-

1 municipal corporations in the state excluding school districts and port
2 districts.

3 (6) "Public works project" means a project of a local government
4 for the planning, acquisition, construction, repair, reconstruction,
5 replacement, rehabilitation, or improvement of streets and roads,
6 bridges, water systems, or storm and sanitary sewage systems and solid
7 waste facilities, including recycling facilities. A planning project
8 may include the compilation of biological, hydrological, or other data
9 on a county, drainage basin, or region necessary to develop a base of
10 information for a capital facility plan.

11 (7) "Solid waste or recycling project" means remedial actions
12 necessary to bring abandoned or closed landfills into compliance with
13 regulatory requirements and the repair, restoration, and replacement of
14 existing solid waste transfer, recycling facilities, and landfill
15 projects limited to the opening of landfill cells that are in existing
16 and permitted landfills.

17 (8) "Technical assistance" means training and other services
18 provided to local governments to: (a) Help such local governments
19 plan, apply, and qualify for loans and financing guarantees from the
20 board, and (b) help local governments improve their ability to plan
21 for, finance, acquire, construct, repair, replace, rehabilitate, and
22 maintain public facilities.

23 **Sec. 34.** RCW 43.157.010 and 2004 c 275 s 63 are each amended to
24 read as follows:

25 (1) For purposes of this chapter and RCW 28A.525.166, 28B.76.210,
26 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and an industrial
27 project of statewide significance is a border crossing project that
28 involves both private and public investments carried out in conjunction
29 with adjacent states or provinces or a private industrial development
30 with private capital investment in manufacturing or research and
31 development. To qualify as an industrial project of statewide
32 significance: (a) The project must be completed after January 1, 1997;
33 (b) the applicant must submit an application for designation as an
34 industrial project of statewide significance to the department of
35 (~~community, trade, and economic development~~) commerce; and (c) the
36 project must have:

1 (i) In counties with a population of less than or equal to twenty
2 thousand, a capital investment of twenty million dollars;

3 (ii) In counties with a population of greater than twenty thousand
4 but no more than fifty thousand, a capital investment of fifty million
5 dollars;

6 (iii) In counties with a population of greater than fifty thousand
7 but no more than one hundred thousand, a capital investment of one
8 hundred million dollars;

9 (iv) In counties with a population of greater than one hundred
10 thousand but no more than two hundred thousand, a capital investment of
11 two hundred million dollars;

12 (v) In counties with a population of greater than two hundred
13 thousand but no more than four hundred thousand, a capital investment
14 of four hundred million dollars;

15 (vi) In counties with a population of greater than four hundred
16 thousand but no more than one million, a capital investment of six
17 hundred million dollars;

18 (vii) In counties with a population of greater than one million, a
19 capital investment of one billion dollars;

20 (viii) In counties with fewer than one hundred persons per square
21 mile as determined annually by the office of financial management and
22 published by the department of revenue effective for the period July
23 1st through June 30th, projected full-time employment positions after
24 completion of construction of fifty or greater;

25 (ix) In counties with one hundred or more persons per square mile
26 as determined annually by the office of financial management and
27 published by the department of revenue effective for the period July
28 1st through June 30th, projected full-time employment positions after
29 completion of construction of one hundred or greater; or

30 (x) Been designated by the director of community, trade, and
31 economic development as an industrial project of statewide significance
32 either: (A) Because the county in which the project is to be located
33 is a distressed county and the economic circumstances of the county
34 merit the additional assistance such designation will bring; or (B)
35 because the impact on a region due to the size and complexity of the
36 project merits such designation.

37 (2) The term manufacturing shall have the meaning assigned it in
38 RCW 82.61.010.

1 (3) The term research and development shall have the meaning
2 assigned it in RCW 82.61.010.

3 (4) The term applicant means a person applying to the department of
4 (~~community, trade, and economic development~~) commerce for designation
5 of a development project as an industrial project of statewide
6 significance.

7 **Sec. 35.** RCW 43.160.020 and 2008 c 327 s 2 and 2008 c 131 s 1 are
8 each reenacted and amended to read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Board" means the community economic revitalization board.

12 (2) "Department" means the department of (~~community, trade, and~~
13 ~~economic development~~) commerce.

14 (3) "Local government" or "political subdivision" means any port
15 district, county, city, town, special purpose district, and any other
16 municipal corporations or quasi-municipal corporations in the state
17 providing for public facilities under this chapter.

18 (4) "Public facilities" means a project of a local government or a
19 federally recognized Indian tribe for the planning, acquisition,
20 construction, repair, reconstruction, replacement, rehabilitation, or
21 improvement of bridges, roads, domestic and industrial water, earth
22 stabilization, sanitary sewer, storm sewer, railroad, electricity,
23 telecommunications, transportation, natural gas, buildings or
24 structures, and port facilities, all for the purpose of job creation,
25 job retention, or job expansion.

26 (5) "Rural county" means a county with a population density of
27 fewer than one hundred persons per square mile or a county smaller than
28 two hundred twenty-five square miles, as determined by the office of
29 financial management and published each year by the department for the
30 period July 1st to June 30th.

31 **Sec. 36.** RCW 43.168.020 and 2008 c 131 s 2 are each amended to
32 read as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

35 (1) "Department" means the department of (~~community, trade, and~~
36 ~~economic development~~) commerce.

1 (2) "Director" means the director of (~~community, trade, and~~
2 ~~economic development~~) commerce.

3 (3) "Distressed area" means: (a) A rural county; (b) a county
4 which has an unemployment rate which is twenty percent above the state
5 average for the immediately previous three years; (c) a county that has
6 a median household income that is less than seventy-five percent of the
7 state median household income for the previous three years; (d) a
8 metropolitan statistical area, as defined by the office of federal
9 statistical policy and standards, United States department of commerce,
10 in which the average level of unemployment for the calendar year
11 immediately preceding the year in which an application is filed under
12 this chapter exceeds the average state unemployment for such calendar
13 year by twenty percent; or (e) an area within a county, which area:
14 (i) Is composed of contiguous census tracts; (ii) has a minimum
15 population of five thousand persons; (iii) has at least seventy percent
16 of its families and unrelated individuals with incomes below eighty
17 percent of the county's median income for families and unrelated
18 individuals; and (iv) has an unemployment rate which is at least forty
19 percent higher than the county's unemployment rate. For purposes of
20 this definition, "families and unrelated individuals" has the same
21 meaning that is ascribed to that term by the federal department of
22 housing and urban development in its regulations authorizing action
23 grants for economic development and neighborhood revitalization
24 projects.

25 (4) "Fund" means the rural Washington loan fund.

26 (5) "Local development organization" means a nonprofit organization
27 which is organized to operate within an area, demonstrates a commitment
28 to a long-standing effort for an economic development program, and
29 makes a demonstrable effort to assist in the employment of unemployed
30 or underemployed residents in an area.

31 (6) "Project" means the establishment of a new or expanded business
32 in an area which when completed will provide employment opportunities.
33 "Project" also means the retention of an existing business in an area
34 which when completed will provide employment opportunities.

35 (7) "Rural county" has the same meaning as provided in RCW
36 82.14.370.

1 **Sec. 37.** RCW 43.185.020 and 1995 c 399 s 101 are each amended to
2 read as follows:

3 "Department" means the department of (~~community, trade, and~~
4 ~~economic development~~) commerce. "Director" means the director of the
5 department of (~~community, trade, and economic development~~) commerce.

6 **Sec. 38.** RCW 43.185A.010 and 2008 c 6 s 301 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Affordable housing" means residential housing for rental
11 occupancy which, as long as the same is occupied by low-income
12 households, requires payment of monthly housing costs, including
13 utilities other than telephone, of no more than thirty percent of the
14 family's income. The department shall adopt policies for residential
15 homeownership housing, occupied by low-income households, which specify
16 the percentage of family income that may be spent on monthly housing
17 costs, including utilities other than telephone, to qualify as
18 affordable housing.

19 (2) "Department" means the department of (~~community, trade, and~~
20 ~~economic development~~) commerce.

21 (3) "Director" means the director of the department of (~~community,~~
22 ~~trade, and economic development~~) commerce.

23 (4) "First-time home buyer" means an individual or his or her
24 spouse or domestic partner who have not owned a home during the three-
25 year period prior to purchase of a home.

26 (5) "Low-income household" means a single person, family or
27 unrelated persons living together whose adjusted income is less than
28 eighty percent of the median family income, adjusted for household
29 size, for the county where the project is located.

30 **Sec. 39.** RCW 43.185B.010 and 1995 c 399 s 104 are each amended to
31 read as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout this chapter.

34 (1) "Affordable housing" means residential housing that is rented
35 or owned by a person or household whose monthly housing costs,

1 including utilities other than telephone, do not exceed thirty percent
2 of the household's monthly income.

3 (2) "Department" means the department of (~~community, trade, and~~
4 ~~economic development~~) commerce.

5 (3) "Director" means the director of (~~community, trade, and~~
6 ~~economic development~~) commerce.

7 (4) "Nonprofit organization" means any public or private nonprofit
8 organization that: (a) Is organized under federal, state, or local
9 laws; (b) has no part of its net earnings inuring to the benefit of any
10 member, founder, contributor, or individual; and (c) has among its
11 purposes significant activities related to the provision of decent
12 housing that is affordable to very low-income, low-income, or moderate-
13 income households and special needs populations.

14 (5) "Regulatory barriers to affordable housing" and "regulatory
15 barriers" mean any public policies (including those embodied in
16 statutes, ordinances, regulations, or administrative procedures or
17 processes) required to be identified by the state or local government
18 in connection with its strategy under section 105(b)(4) of the
19 Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et
20 seq.).

21 (6) "Tenant-based organization" means a nonprofit organization
22 whose governing body includes a majority of members who reside in the
23 housing development and are considered low-income households.

24 **Sec. 40.** RCW 43.185C.010 and 2007 c 427 s 3 are each amended to
25 read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Department" means the department of (~~community, trade, and~~
29 ~~economic development~~) commerce.

30 (2) "Director" means the director of the department of (~~community,~~
31 ~~trade, and economic development~~) commerce.

32 (3) "Homeless person" means an individual living outside or in a
33 building not meant for human habitation or which they have no legal
34 right to occupy, in an emergency shelter, or in a temporary housing
35 program which may include a transitional and supportive housing program
36 if habitation time limits exist. This definition includes substance

1 abusers, people with mental illness, and sex offenders who are
2 homeless.

3 (4) "Washington homeless census" means an annual statewide census
4 conducted as a collaborative effort by towns, cities, counties,
5 community-based organizations, and state agencies, with the technical
6 support and coordination of the department, to count and collect data
7 on all homeless individuals in Washington.

8 (5) "Home security fund account" means the state treasury account
9 receiving the state's portion of income from revenue from the sources
10 established by RCW 36.22.179, RCW 36.22.1791, and all other sources
11 directed to the homeless housing and assistance program.

12 (6) "Homeless housing grant program" means the vehicle by which
13 competitive grants are awarded by the department, utilizing moneys from
14 the ((homeless housing)) home security fund account, to local
15 governments for programs directly related to housing homeless
16 individuals and families, addressing the root causes of homelessness,
17 preventing homelessness, collecting data on homeless individuals, and
18 other efforts directly related to housing homeless persons.

19 (7) "Local government" means a county government in the state of
20 Washington or a city government, if the legislative authority of the
21 city affirmatively elects to accept the responsibility for housing
22 homeless persons within its borders.

23 (8) "Housing continuum" means the progression of individuals along
24 a housing-focused continuum with homelessness at one end and
25 homeownership at the other.

26 (9) "Local homeless housing task force" means a voluntary local
27 committee created to advise a local government on the creation of a
28 local homeless housing plan and participate in a local homeless housing
29 program. It must include a representative of the county, a
30 representative of the largest city located within the county, at least
31 one homeless or formerly homeless person, such other members as may be
32 required to maintain eligibility for federal funding related to housing
33 programs and services and if feasible, a representative of a private
34 nonprofit organization with experience in low-income housing.

35 (10) "Long-term private or public housing" means subsidized and
36 unsubsidized rental or owner-occupied housing in which there is no
37 established time limit for habitation of less than two years.

1 (11) "Interagency council on homelessness" means a committee
2 appointed by the governor and consisting of, at least, policy level
3 representatives of the following entities: (a) The department of
4 (~~community, trade, and economic development~~) commerce; (b) the
5 department of corrections; (c) the department of social and health
6 services; (d) the department of veterans affairs; and (e) the
7 department of health.

8 (12) "Performance measurement" means the process of comparing
9 specific measures of success against ultimate and interim goals.

10 (13) "Community action agency" means a nonprofit private or public
11 organization established under the economic opportunity act of 1964.

12 (14) "Housing authority" means any of the public corporations
13 created by chapter 35.82 RCW.

14 (15) "Homeless housing program" means the program authorized under
15 this chapter as administered by the department at the state level and
16 by the local government or its designated subcontractor at the local
17 level.

18 (16) "Homeless housing plan" means the ten-year plan developed by
19 the county or other local government to address housing for homeless
20 persons.

21 (17) "Homeless housing strategic plan" means the ten-year plan
22 developed by the department, in consultation with the interagency
23 council on homelessness and the affordable housing advisory board.

24 (18) "Washington homeless client management information system"
25 means a database of information about homeless individuals in the state
26 used to coordinate resources to assist homeless clients to obtain and
27 retain housing and reach greater levels of self-sufficiency or economic
28 independence when appropriate, depending upon their individual
29 situations.

30 **Sec. 41.** RCW 43.325.010 and 2007 c 348 s 301 are each amended to
31 read as follows:

32 The definitions in this section apply throughout this chapter
33 unless the context clearly requires otherwise.

34 (1) "Applicant" means any political subdivision of the state,
35 including port districts, counties, cities, towns, special purpose
36 districts, and other municipal corporations or quasi-municipal

1 corporations. "Applicant" may also include federally recognized tribes
2 and state institutions of higher education with appropriate research
3 capabilities.

4 (2) "Alternative fuel" means all products or energy sources used to
5 propel motor vehicles, other than conventional gasoline, diesel, or
6 reformulated gasoline. "Alternative fuel" includes, but is not limited
7 to, cellulose, liquefied petroleum gas, liquefied natural gas,
8 compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels
9 containing seventy percent or more by volume of alcohol fuel, fuels
10 that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel,
11 nonhazardous motor fuel, or electricity, excluding onboard electric
12 generation.

13 (3) "Assistance" includes loans, leases, product purchases, or
14 other forms of financial or technical assistance.

15 (4) "Biofuel" includes, but is not limited to, biodiesel, ethanol,
16 and ethanol blend fuels and renewable liquid natural gas or liquid
17 compressed natural gas made from biogas.

18 (5) "Biogas" includes waste gases derived from landfills and
19 wastewater treatment plants and dairy and farm wastes.

20 (6) "Cellulose" means lignocellulosic, hemicellulosic, or other
21 cellulosic matter that is available on a renewable or recurring basis,
22 including dedicated energy crops and trees, wood and wood residues,
23 plants, grasses, agricultural residues, fibers, animal wastes and other
24 waste materials, and municipal solid waste.

25 (7) "Coordinator" means the person appointed by the director of the
26 department of (~~community, trade, and economic development~~) commerce.

27 (8) "Department" means the department of (~~community, trade, and
28 economic development~~) commerce.

29 (9) "Director" means the director of the department of (~~community,
30 trade, and economic development~~) commerce.

31 (10) "Green highway zone" means an area in the state designated by
32 the department that is within reasonable proximity of state route
33 number 5, state route number 90, and state route number 82.

34 (11) "Peer review committee" means a board, appointed by the
35 director, that includes bioenergy specialists, energy conservation
36 specialists, scientists, and individuals with specific recognized
37 expertise.

1 (12) "Project" means the construction of facilities, including the
2 purchase of equipment, to convert farm products or wastes into
3 electricity or gaseous or liquid fuels or other coproducts associated
4 with such conversion. These specifically include fixed or mobile
5 facilities to generate electricity or methane from the anaerobic
6 digestion of organic matter, and fixed or mobile facilities for
7 extracting oils from canola, rape, mustard, and other oilseeds.
8 "Project" may also include the construction of facilities associated
9 with such conversion for the distribution and storage of such
10 feedstocks and fuels.

11 (13) "Refueling project" means the construction of new alternative
12 fuel refueling facilities, as well as upgrades and expansion of
13 existing refueling facilities, that will enable these facilities to
14 offer alternative fuels to the public.

15 (14) "Research and development project" means research and
16 development, by an institution of higher education as defined in
17 subsection (1) of this section, relating to:

- 18 (a) Bioenergy sources including but not limited to biomass and
19 associated gases; or
- 20 (b) The development of markets for bioenergy coproducts.

21 **Sec. 42.** RCW 43.336.010 and 2007 c 228 s 101 are each amended to
22 read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

- 25 (1) "Commission" means the Washington tourism commission.
- 26 (2) "Department" means the department of (~~community, trade, and~~
27 ~~economic development~~) commerce.
- 28 (3) "Director" means the director of the department.
- 29 (4) "Executive director" means the executive director of the
30 commission.

31 **Sec. 43.** RCW 43.338.010 and 2008 c 315 s 2 are each amended to
32 read as follows:

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

- 35 (1) "Costs of extension services" and "extension service costs"
36 mean the direct costs experienced under a contract with a qualified

1 manufacturing extension partnership affiliate for modernization
2 extension services, including but not limited to amounts in the
3 contract for costs of consulting, instruction, materials, equipment,
4 rental of class space, marketing, and overhead.

5 (2) "Department" means the department of (~~community, trade, and~~
6 ~~economic development~~) commerce.

7 (3) "Director" means the director of the department of (~~community,~~
8 ~~trade, and economic development~~) commerce.

9 (4) "Innovation and modernization extension voucher" and "voucher"
10 mean an instrument issued to a successful applicant from the
11 department, verifying that funds from the manufacturing innovation and
12 modernization account will be forwarded to the qualified manufacturing
13 extension partnership affiliate selected by the participant and will
14 cover identified costs of extension services.

15 (5) "Innovation and modernization extension services" and "service"
16 mean a service funded under this chapter and performed by a qualified
17 manufacturing extension partnership affiliate. The services may
18 include but are not limited to strategic planning, continuous
19 improvement, business development, six sigma, quality improvement,
20 environmental health and safety, lean processes, energy management,
21 innovation and product development, human resources and training,
22 supply chain management, and project management.

23 (6) "Outreach services" means those activities performed by an
24 affiliate to either assess the technical assistance needs of Washington
25 manufacturers or increase manufacturers' awareness of the opportunities
26 and benefits of implementing cutting edge technology, techniques, and
27 best practices. "Outreach services" includes but is not limited to
28 salaries of outreach staff, needs assessments, client follow-up, public
29 educational events, manufacturing orientated trade shows, electronic
30 communications, newsletters, advertising, direct mail efforts, and
31 contacting business organizations for names of manufacturers who might
32 need assistance.

33 (7) "Program" means the Washington manufacturing innovation and
34 modernization extension service program created in RCW 43.338.020.

35 (8) "Program participant" and "participant" mean an applicant for
36 assistance under the program that has received a voucher or a small
37 manufacturer receiving services through an industry association or
38 cluster association that has received a voucher.

1 (9) "Qualified manufacturing extension partnership affiliate" and
2 "affiliate" mean a private nonprofit organization established under RCW
3 24.50.010 or other organization that is eligible or certified to
4 receive federal matching funds from the national institute of standards
5 and technology manufacturing extension partnership program of the
6 United States department of commerce.

7 (10) "Small manufacturer" means a private employer whose primary
8 business is adding value to a product through a manufacturing process
9 and employs one hundred or fewer employees within Washington state.

10 **Sec. 44.** RCW 43.360.010 and 2005 c 514 s 908 are each amended to
11 read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Area" means a geographic area within a local government that
15 is described by a closed perimeter boundary.

16 (2) "Department" means the department of (~~community, trade, and~~
17 ~~economic development~~) commerce.

18 (3) "Director" means the director of the department of (~~community,~~
19 ~~trade, and economic development~~) commerce.

20 (4) "Local government" means a city, code city, or town.

21 (5) "Qualified levels of participation" means a local downtown or
22 neighborhood commercial district revitalization program that has been
23 designated by the department.

24 **Sec. 45.** RCW 43.362.010 and 2007 c 482 s 2 are each amended to
25 read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Department" means the department of (~~community, trade, and~~
29 ~~economic development~~) commerce.

30 (2) "Nongovernmental entities" includes nonprofit or membership
31 organizations with experience or expertise in transferring development
32 rights.

33 (3) "Transfer of development rights" includes methods for
34 protecting land from development by voluntarily removing the
35 development rights from a sending area and transferring them to a

1 receiving area for the purpose of increasing development density in the
2 receiving area.

3 **Sec. 46.** RCW 43.365.010 and 2006 c 247 s 2 are each amended to
4 read as follows:

5 The following definitions apply to this chapter, unless the context
6 clearly requires otherwise.

7 (1) "Approved motion picture competitiveness program" means a
8 nonprofit organization under the internal revenue code, section
9 501(c)(6), with the sole purpose of revitalizing the state's economic,
10 cultural, and educational standing in the national and international
11 market of motion picture production by recommending and awarding
12 financial assistance for costs associated with motion pictures in the
13 state of Washington.

14 (2) "Contribution" means cash contributions.

15 (3) "Costs" means actual expenses of production and postproduction
16 expended in Washington state for the production of motion pictures,
17 including but not limited to payments made for salaries, wages, and
18 health insurance and retirement benefits, the rental costs of machinery
19 and equipment and the purchase of services, food, property, lodging,
20 and permits for work conducted in Washington state.

21 (4) "Department" means the department of (~~community, trade, and~~
22 ~~economic development~~) commerce.

23 (5) "Motion picture" means a recorded audio-visual production
24 intended for distribution to theaters, DVD, video, or the internet, or
25 television, or one or more episodes of a single television series,
26 television pilots or presentations, or a commercial. "Motion picture"
27 does not mean production of a television commercial of an amount less
28 than two hundred fifty thousand dollars in actual total investment or
29 one or more segments of a newscast or sporting event.

30 (6) "Funding assistance" means cash expenditures from an approved
31 motion picture competitiveness program.

32 (7) "Person" has the same meaning as provided in RCW 82.04.030.

33 **Sec. 47.** RCW 59.21.010 and 2002 c 257 s 1 are each amended to read
34 as follows:

35 Unless the context clearly requires otherwise, the definitions in
36 this section apply throughout this chapter.

1 (1) "Director" means the director of the department of (~~community,~~
2 ~~trade, and economic development~~) commerce.

3 (2) "Department" means the department of (~~community, trade, and~~
4 ~~economic development~~) commerce.

5 (3) "Fund" means the mobile home park relocation fund established
6 under RCW 59.21.050.

7 (4) "Mobile home park" or "park" means real property that is rented
8 or held out for rent to others for the placement of two or more mobile
9 homes for the primary purpose of production of income, except where the
10 real property is rented or held out for rent for seasonal recreational
11 purpose only and is not intended for year-round occupancy.

12 (5) "Landlord" or "park-owner" means the owner of the mobile home
13 park that is being closed at the time relocation assistance is
14 provided.

15 (6) "Relocate" means to remove the mobile home from the mobile home
16 park being closed and to either reinstall it in another location or to
17 demolish it and purchase another mobile/manufactured home constructed
18 to the standards set by the department of housing and urban
19 development.

20 (7) "Relocation assistance" means the monetary assistance provided
21 under this chapter.

22 **Sec. 48.** RCW 59.22.020 and 1995 c 399 s 155 are each amended to
23 read as follows:

24 The following definitions shall apply throughout this chapter
25 unless the context clearly requires otherwise:

26 (1) "Account" means the (~~mobile home affairs~~) manufactured
27 housing account created under RCW 59.22.070.

28 (2) "Affordable" means that, where feasible, low-income residents
29 should not pay more than thirty percent of their monthly income for
30 housing costs.

31 (3) "Conversion costs" includes the cost of acquiring the mobile
32 home park, the costs of planning and processing the conversion, the
33 costs of any needed repairs or rehabilitation, and any expenditures
34 required by a government agency or lender for the project.

35 (4) "Department" means the department of (~~community, trade, and~~
36 ~~economic development~~) commerce.

1 (5) "Fee" means the mobile home title transfer fee imposed under
2 RCW 59.22.080.

3 (6) "Fund" or "park purchase account" means the mobile home park
4 purchase account created pursuant to RCW 59.22.030.

5 (7) "Housing costs" means the total cost of owning, occupying, and
6 maintaining a mobile home and a lot or space in a mobile home park.

7 (8) "Individual interest in a mobile home park" means any interest
8 which is fee ownership or a lesser interest which entitles the holder
9 to occupy a lot or space in a mobile home park for a period of not less
10 than either fifteen years or the life of the holder. Individual
11 interests in a mobile home park include, but are not limited to, the
12 following:

13 (a) Ownership of a lot or space in a mobile home park or
14 subdivision;

15 (b) A membership or shares in a stock cooperative, or a limited
16 equity housing cooperative; or

17 (c) Membership in a nonprofit mutual benefit corporation which
18 owns, operates, or owns and operates the mobile home park.

19 (9) "Low-income resident" means an individual or household who
20 resided in the mobile home park prior to application for a loan
21 pursuant to this chapter and with an annual income at or below eighty
22 percent of the median income for the county of standard metropolitan
23 statistical area of residence. Net worth shall be considered in the
24 calculation of income with the exception of the resident's
25 mobile/manufactured home which is used as their primary residence.

26 (10) "Low-income spaces" means those spaces in a mobile home park
27 operated by a resident organization which are occupied by low-income
28 residents.

29 (11) "Mobile home park" means a mobile home park, as defined in RCW
30 59.20.030(~~(+4)~~) (10), or a manufactured home park subdivision as
31 defined by RCW 59.20.030(~~(+6)~~) (12) created by the conversion to
32 resident ownership of a mobile home park.

33 (12) "Resident organization" means a group of mobile home park
34 residents who have formed a nonprofit corporation, cooperative
35 corporation, or other entity or organization for the purpose of
36 acquiring the mobile home park in which they reside and converting the
37 mobile home park to resident ownership. The membership of a resident

1 organization shall include at least two-thirds of the households
2 residing in the mobile home park at the time of application for
3 assistance from the department.

4 (13) "Resident ownership" means, depending on the context, either
5 the ownership, by a resident organization, as defined in this section,
6 of an interest in a mobile home park which entitles the resident
7 organization to control the operations of the mobile home park for a
8 term of no less than fifteen years, or the ownership of individual
9 interests in a mobile home park, or both.

10 (14) "Landlord" shall have the same meaning as it does in RCW
11 59.20.030.

12 (15) "Manufactured housing" means residences constructed on one or
13 more chassis for transportation, and which bear an insignia issued by
14 a state or federal regulatory agency indication compliance with all
15 applicable construction standards of the United States department of
16 housing and urban development.

17 (16) "Mobile home" shall have the same meaning as it does in RCW
18 46.04.302.

19 (17) "Mobile home lot" shall have the same meaning as it does in
20 RCW 59.20.030.

21 (18) "Tenant" means a person who rents a mobile home lot for a term
22 of one month or longer and owns the mobile home on the lot.

23 **Sec. 49.** RCW 70.103.020 and 2003 c 322 s 2 are each amended to
24 read as follows:

25 The definitions in this section apply throughout this chapter
26 unless the context clearly requires otherwise.

27 (1) "Abatement" means any measure or set of measures designed to
28 permanently eliminate lead-based paint hazards.

29 (a) Abatement includes, but is not limited to:

30 (i) The removal of paint and dust, the permanent enclosure or
31 encapsulation of lead-based paint, the replacement of painted surfaces
32 or fixtures, or the removal or permanent covering of soil, when lead-
33 based paint hazards are present in such paint, dust, or soil; and

34 (ii) All preparation, cleanup, disposal, and postabatement
35 clearance testing activities associated with such measures.

36 (b) Specifically, abatement includes, but is not limited to:

1 (i) Projects for which there is a written contract or other
2 documentation, which provides that an individual or firm will be
3 conducting activities in or to a residential dwelling or child-occupied
4 facility that:

5 (A) Shall result in the permanent elimination of lead-based paint
6 hazards; or

7 (B) Are designed to permanently eliminate lead-based paint hazards
8 and are described in (a)(i) and (ii) of this subsection;

9 (ii) Projects resulting in the permanent elimination of lead-based
10 paint hazards, conducted by certified firms or individuals, unless such
11 projects are covered by (c) of this subsection;

12 (iii) Projects resulting in the permanent elimination of lead-based
13 paint hazards, conducted by firms or individuals who, through their
14 company name or promotional literature, represent, advertise, or hold
15 themselves out to be in the business of performing lead-based paint
16 activities as identified and defined by this section, unless such
17 projects are covered by (c) of this subsection; or

18 (iv) Projects resulting in the permanent elimination of lead-based
19 paint hazards, that are conducted in response to state or local
20 abatement orders.

21 (c) Abatement does not include renovation, remodeling, landscaping,
22 or other activities, when such activities are not designed to
23 permanently eliminate lead-based paint hazards, but, instead, are
24 designed to repair, restore, or remodel a given structure or dwelling,
25 even though these activities may incidentally result in a reduction or
26 elimination of lead-based paint hazards. Furthermore, abatement does
27 not include interim controls, operations and maintenance activities, or
28 other measures and activities designed to temporarily, but not
29 permanently, reduce lead-based paint hazards.

30 (2) "Accredited training program" means a training program that has
31 been accredited by the department to provide training for individuals
32 engaged in lead-based paint activities.

33 (3) "Certified inspector" means an individual who has been trained
34 by an accredited training program, meets all the qualifications
35 established by the department, and is certified by the department to
36 conduct inspections.

37 (4) "Certified abatement worker" means an individual who has been

1 trained by an accredited training program, meets all the qualifications
2 established by the department, and is certified by the department to
3 perform abatements.

4 (5) "Certified firm" includes a company, partnership, corporation,
5 sole proprietorship, association, agency, or other business entity that
6 meets all the qualifications established by the department and performs
7 lead-based paint activities to which the department has issued a
8 certificate.

9 (6) "Certified project designer" means an individual who has been
10 trained by an accredited training program, meets all the qualifications
11 established by the department, and is certified by the department to
12 prepare abatement project designs, occupant protection plans, and
13 abatement reports.

14 (7) "Certified risk assessor" means an individual who has been
15 trained by an accredited training program, meets all the qualifications
16 established by the department, and is certified by the department to
17 conduct risk assessments and sample for the presence of lead in dust
18 and soil for the purposes of abatement clearance testing.

19 (8) "Certified supervisor" means an individual who has been trained
20 by an accredited training program, meets all the qualifications
21 established by the department, and is certified by the department to
22 supervise and conduct abatements, and to prepare occupant protection
23 plans and abatement reports.

24 (9) "Department" means the Washington state department of
25 (~~community, trade, and economic development~~) commerce.

26 (10) "Director" means the director of the Washington state
27 department of (~~community, trade, and economic development~~) commerce.

28 (11) "Federal laws and rules" means:

29 (a) Title IV, toxic substances control act (15 U.S.C. Sec. 2681 et
30 seq.) and the rules adopted by the United States environmental
31 protection agency under that law for authorization of state programs;

32 (b) Any regulations or requirements adopted by the United States
33 department of housing and urban development regarding eligibility for
34 grants to states and local governments; and

35 (c) Any other requirements adopted by a federal agency with
36 jurisdiction over lead-based paint hazards.

37 (12) "Lead-based paint" means paint or other surface coatings that

1 contain lead equal to or in excess of 1.0 milligrams per square
2 centimeter or more than 0.5 percent by weight.

3 (13) "Lead-based paint activity" includes inspection, testing, risk
4 assessment, lead-based paint hazard reduction project design or
5 planning, or abatement of lead-based paint hazards.

6 (14) "Lead-based paint hazard" means any condition that causes
7 exposure to lead from lead-contaminated dust, lead-contaminated soil,
8 or lead-contaminated paint that is deteriorated or present in
9 accessible surfaces, friction surfaces, or impact surfaces that would
10 result in adverse human health effects as identified by the
11 administrator of the United States environmental protection agency
12 under the toxic substances control act, section 403.

13 (15) "State program" means a state administered lead-based paint
14 activities certification and training program that meets the federal
15 environmental protection agency requirements.

16 (16) "Person" includes an individual, corporation, firm,
17 partnership, or association, an Indian tribe, state, or political
18 subdivision of a state, and a state department or agency.

19 (17) "Risk assessment" means:
20 (a) An on-site investigation to determine the existence, nature,
21 severity, and location of lead-based paint hazards; and
22 (b) The provision of a report by the individual or the firm
23 conducting the risk assessment, explaining the results of the
24 investigation and options for reducing lead-based paint hazards.

25 **Sec. 50.** RCW 70.125.030 and 2000 c 54 s 1 are each amended to read
26 as follows:

27 As used in this chapter and unless the context indicates otherwise:

28 (1) "Core services" means treatment services for victims of sexual
29 assault including information and referral, crisis intervention,
30 medical advocacy, legal advocacy, support, system coordination, and
31 prevention for potential victims of sexual assault.

32 (2) "Department" means the department of (~~community, trade, and~~
33 ~~economic development~~) commerce.

34 (3) "Law enforcement agencies" means police and sheriff's
35 departments of this state.

36 (4) "Personal representative" means a friend, relative, attorney,

1 or employee or volunteer from a community sexual assault program or
2 specialized treatment service provider.

3 (5) "Rape crisis center" means a community-based social service
4 agency which provides services to victims of sexual assault.

5 (6) "Community sexual assault program" means a community-based
6 social service agency that is qualified to provide and provides core
7 services to victims of sexual assault.

8 (7) "Sexual assault" means one or more of the following:

- 9 (a) Rape or rape of a child;
- 10 (b) Assault with intent to commit rape or rape of a child;
- 11 (c) Incest or indecent liberties;
- 12 (d) Child molestation;
- 13 (e) Sexual misconduct with a minor;
- 14 (f) Custodial sexual misconduct;
- 15 (g) Crimes with a sexual motivation; or
- 16 (h) An attempt to commit any of the aforementioned offenses.

17 (8) "Specialized services" means treatment services for victims of
18 sexual assault including support groups, therapy, and specialized
19 sexual assault medical examination.

20 (9) "Victim" means any person who suffers physical and/or mental
21 anguish as a proximate result of a sexual assault.

22 **Sec. 51.** RCW 70.164.020 and 1995 c 399 s 199 are each amended to
23 read as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Department" means the department of (~~community, trade, and~~
27 ~~economic development~~) commerce.

28 (2) "Energy assessment" means an analysis of a dwelling unit to
29 determine the need for cost-effective energy conservation measures as
30 determined by the department.

31 (3) "Household" means an individual or group of individuals living
32 in a dwelling unit as defined by the department.

33 (4) "Low income" means household income that is at or below one
34 hundred twenty-five percent of the federally established poverty level.

35 (5) "Nonutility sponsor" means any sponsor other than a public
36 service company, municipality, public utility district, mutual or

1 cooperative, furnishing gas or electricity used to heat low-income
2 residences.

3 (6) "Residence" means a dwelling unit as defined by the department.

4 (7) "Sponsor" means any entity that submits a proposal under RCW
5 70.164.040, including but not limited to any local community action
6 agency, community service agency, or any other participating agency or
7 any public service company, municipality, public utility district,
8 mutual or cooperative, or any combination of such entities that jointly
9 submits a proposal.

10 (8) "Sponsor match" means the share, if any, of the cost of
11 weatherization to be paid by the sponsor.

12 (9) "Weatherization" means materials or measures, and their
13 installation, that are used to improve the thermal efficiency of a
14 residence.

15 (10) "Weatherizing agency" means any approved department grantee or
16 any public service company, municipality, public utility district,
17 mutual or cooperative, or other entity that bears the responsibility
18 for ensuring the performance of weatherization of residences under this
19 chapter and has been approved by the department.

20 **Sec. 52.** RCW 70.190.010 and 1996 c 132 s 2 are each amended to
21 read as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

24 (1) "Administrative costs" means the costs associated with
25 procurement; payroll processing; personnel functions; management;
26 maintenance and operation of space and property; data processing and
27 computer services; accounting; budgeting; auditing; indirect costs; and
28 organizational planning, consultation, coordination, and training.

29 (2) "Assessment" has the same meaning as provided in RCW 43.70.010.

30 (3) "At-risk" children are children who engage in or are victims of
31 at-risk behaviors.

32 (4) "At-risk behaviors" means violent delinquent acts, teen
33 substance abuse, teen pregnancy and male parentage, teen suicide
34 attempts, dropping out of school, child abuse or neglect, and domestic
35 violence.

36 (5) "Community public health and safety networks" or "networks"
37 means the organizations authorized under RCW 70.190.060.

1 (6) "Comprehensive plan" means a two-year plan that examines
2 available resources and unmet needs for a county or multicounty area,
3 barriers that limit the effective use of resources, and a plan to
4 address these issues that is broadly supported by local residents.

5 (7) "Participating state agencies" means the office of the
6 superintendent of public instruction, the department of social and
7 health services, the department of health, the employment security
8 department, the department of (~~community, trade, and economic~~
9 ~~development~~) commerce, and such other departments as may be
10 specifically designated by the governor.

11 (8) "Family policy council" or "council" means the superintendent
12 of public instruction, the secretary of social and health services, the
13 secretary of health, the commissioner of the employment security
14 department, and the director of the department of (~~community, trade,~~
15 ~~and economic development~~) commerce or their designees, one legislator
16 from each caucus of the senate and house of representatives, and one
17 representative of the governor.

18 (9) "Fiduciary interest" means (a) the right to compensation from
19 a health, educational, social service, or justice system organization
20 that receives public funds, or (b) budgetary or policy-making authority
21 for an organization listed in (a) of this subsection. A person who
22 acts solely in an advisory capacity and receives no compensation from
23 a health, educational, social service, or justice system organization,
24 and who has no budgetary or policy-making authority is deemed to have
25 no fiduciary interest in the organization.

26 (10) "Outcome" or "outcome based" means defined and measurable
27 outcomes used to evaluate progress in reducing the rate of at-risk
28 children and youth through reducing risk factors and increasing
29 protective factors.

30 (11) "Matching funds" means an amount no less than twenty-five
31 percent of the amount budgeted for a network. The network's matching
32 funds may be in-kind goods and services. Funding sources allowable for
33 match include appropriate federal or local levy funds, private
34 charitable funding, and other charitable giving. Basic education funds
35 shall not be used as a match. State general funds shall not be used as
36 a match for violence reduction and drug enforcement account funds
37 created under RCW 69.50.520.

1 (12) "Policy development" has the same meaning as provided in RCW
2 43.70.010.

3 (13) "Protective factors" means those factors determined by the
4 department of health to be empirically associated with behaviors that
5 contribute to socially acceptable and healthy nonviolent behaviors.
6 Protective factors include promulgation, identification, and acceptance
7 of community norms regarding appropriate behaviors in the area of
8 delinquency, early sexual activity, alcohol and substance abuse,
9 educational opportunities, employment opportunities, and absence of
10 crime.

11 (14) "Risk factors" means those factors determined by the
12 department of health to be empirically associated with at-risk
13 behaviors that contribute to violence.

14 **Sec. 53.** RCW 80.36.005 and 2003 c 134 s 1 are each amended to read
15 as follows:

16 The definitions in this section apply throughout RCW 80.36.410
17 through 80.36.475, unless the context clearly requires otherwise.

18 (1) "Community agency" means local community agencies that
19 administer community service voice mail programs.

20 (2) "Community service voice mail" means a computerized voice mail
21 system that provides low-income recipients with: (a) An individually
22 assigned telephone number; (b) the ability to record a personal
23 greeting; and (c) a private security code to retrieve messages.

24 (3) "Department" means the department of social and health
25 services.

26 (4) "Service year" means the period between July 1st and June 30th.

27 (5) "Community action agency" means local community action agencies
28 or local community service agencies designated by the department of
29 (~~community, trade, and economic development~~) commerce under chapter
30 43.63A RCW.

31 **Sec. 54.** RCW 80.80.010 and 2007 c 307 s 2 are each amended to read
32 as follows:

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

35 (1) "Attorney general" means the Washington state office of the
36 attorney general.

1 (2) "Auditor" means: (a) The Washington state auditor's office or
2 its designee for consumer-owned utilities under its jurisdiction; or
3 (b) an independent auditor selected by a consumer-owned utility that is
4 not under the jurisdiction of the state auditor.

5 (3) "Average available greenhouse ((~~gases~~[gas])) gas emissions
6 output" means the level of greenhouse ((~~gases~~[gas])) gas emissions as
7 surveyed and determined by the energy policy division of the department
8 of ((~~community, trade, and economic development~~)) commerce under RCW
9 80.80.050.

10 (4) "Baseload electric generation" means electric generation from
11 a power plant that is designed and intended to provide electricity at
12 an annualized plant capacity factor of at least sixty percent.

13 (5) "Cogeneration facility" means a power plant in which the heat
14 or steam is also used for industrial or commercial heating or cooling
15 purposes and that meets federal energy regulatory commission standards
16 for qualifying facilities under the public utility regulatory policies
17 act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

18 (6) "Combined-cycle natural gas thermal electric generation
19 facility" means a power plant that employs a combination of one or more
20 gas turbines and steam turbines in which electricity is produced in the
21 steam turbine from otherwise lost waste heat exiting from one or more
22 of the gas turbines.

23 (7) "Commission" means the Washington utilities and transportation
24 commission.

25 (8) "Consumer-owned utility" means a municipal utility formed under
26 Title 35 RCW, a public utility district formed under Title 54 RCW, an
27 irrigation district formed under chapter 87.03 RCW, a cooperative
28 formed under chapter 23.86 RCW, a mutual corporation or association
29 formed under chapter 24.06 RCW, or port district within which an
30 industrial district has been established as authorized by Title 53 RCW,
31 that is engaged in the business of distributing electricity to more
32 than one retail electric customer in the state.

33 (9) "Department" means the department of ecology.

34 (10) "Distributed generation" means electric generation connected
35 to the distribution level of the transmission and distribution grid,
36 which is usually located at or near the intended place of use.

37 (11) "Electric utility" means an electrical company or a consumer-
38 owned utility.

1 (12) "Electrical company" means a company owned by investors that
2 meets the definition of RCW 80.04.010.

3 (13) "Governing board" means the board of directors or legislative
4 authority of a consumer-owned utility.

5 (14) "Greenhouse gases" includes carbon dioxide, methane, nitrous
6 oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

7 (15) "Long-term financial commitment" means:

8 (a) Either a new ownership interest in baseload electric generation
9 or an upgrade to a baseload electric generation facility; or

10 (b) A new or renewed contract for baseload electric generation with
11 a term of five or more years for the provision of retail power or
12 wholesale power to end-use customers in this state.

13 (16) "Plant capacity factor" means the ratio of the electricity
14 produced during a given time period, measured in kilowatt-hours, to the
15 electricity the unit could have produced if it had been operated at its
16 rated capacity during that period, expressed in kilowatt-hours.

17 (17) "Power plant" means a facility for the generation of
18 electricity that is permitted as a single plant by the energy facility
19 site evaluation council or a local jurisdiction.

20 (18) "Upgrade" means any modification made for the primary purpose
21 of increasing the electric generation capacity of a baseload electric
22 generation facility. "Upgrade" does not include routine or necessary
23 maintenance, installation of emission control equipment, installation,
24 replacement, or modification of equipment that improves the heat rate
25 of the facility, or installation, replacement, or modification of
26 equipment for the primary purpose of maintaining reliable generation
27 output capability that does not increase the heat input or fuel usage
28 as specified in existing generation air quality permits as of July 22,
29 2007, but may result in incidental increases in generation capacity.

30 **Sec. 55.** RCW 82.73.010 and 2005 c 514 s 902 are each amended to
31 read as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout this chapter.

34 (1) "Applicant" means a person applying for a tax credit under this
35 chapter.

36 (2) "Contribution" means cash contributions.

37 (3) "Department" means the department of revenue.

1 (4) "Person" has the meaning given in RCW 82.04.030.

2 (5) "Program" means a nonprofit organization under internal revenue
3 code sections 501(c)(3) or 501(c)(6), with the sole mission of
4 revitalizing a downtown or neighborhood commercial district area, that
5 is designated by the department of (~~community, trade, and economic~~
6 ~~development~~) commerce as described in RCW 43.360.010 through
7 43.360.050.

8 (6) "Main street trust fund" means the department of (~~community,~~
9 ~~trade, and economic development's~~) commerce's main street trust fund
10 account under RCW 43.360.050.

11 NEW SECTION. **Sec. 56.** RCW 43.330.005 and 43.330.904 are
12 decodified.

13 NEW SECTION. **Sec. 57.** (1) Section 16 of this act expires July 1,
14 2015.

15 (2) Section 41 of this act expires June 30, 2016.

16 NEW SECTION. **Sec. 58.** The code reviser shall note wherever
17 director or department of community, trade, and economic development is
18 used or referred to in statute that the name of the department has
19 changed. The code reviser shall prepare legislation for the 2010
20 regular session that changes all statutory references to director or
21 department of community, trade, and economic development to director or
22 department of commerce."

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By Committee on Ways & Means

ADOPTED 04/22/2009

23 On page 1, line 1 of the title, after "commerce;" strike the
24 remainder of the title and insert "amending RCW 43.330.007, 43.330.010,
25 43.330.020, 43.330.092, 43.330.094, 43.330.125, 43.330.135, 43.330.167,
26 43.330.170, 43.330.210, 43.330.240, 43.330.250, 43.330.280, 43.330.290,
27 43.330.300, 43.330.900, 19.260.020, 19.280.020, 19.285.030, 35.105.010,

1 36.70A.030, 39.86.110, 43.17.010, 43.17.020, 43.21F.025, 43.31.455,
2 43.31.522, 43.31.800, 43.31C.010, 43.105.020, 43.155.020, 43.157.010,
3 43.168.020, 43.185.020, 43.185A.010, 43.185B.010, 43.185C.010,
4 43.325.010, 43.336.010, 43.338.010, 43.360.010, 43.362.010, 43.365.010,
5 59.21.010, 59.22.020, 70.103.020, 70.125.030, 70.164.020, 70.190.010,
6 80.36.005, 80.80.010, and 82.73.010; reenacting and amending RCW
7 42.17.2401 and 43.160.020; adding a new section to chapter 43.330 RCW;
8 creating a new section; decodifying RCW 43.330.005 and 43.330.904; and
9 providing expiration dates."

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