

SB 5995 - S AMD 486  
By Senator Pridemore

ADOPTED AS AMENDED 04/23/2009

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

3 "NEW SECTION. **Sec. 1.** One of the key roles of advisory boards,  
4 committees, and commissions is to provide input, advice and  
5 recommendations from stakeholders, other interested parties, and the  
6 public to state agencies. These advisory boards, committees, and  
7 commissions may be abolished without detriment to the mission of the  
8 agency each supports. Most of the advisory functions of these boards,  
9 committees, and commissions can be performed without the administrative  
10 costs of maintaining formal organizations. In the interest of building  
11 a leaner, more efficient, and more responsible government, this vital  
12 communications conduit must be maintained for the benefit of the state  
13 and its citizens, through the use of modern communication technology.  
14 It is the intent of this legislation that while advisory boards,  
15 committees, and commissions be eliminated, agencies should identify  
16 new, less costly, and more effective opportunities to ensure a broad  
17 range of citizen participation is provided and that all reasonable  
18 efforts are made to ensure that channels are maintained for vital input  
19 from the citizens of Washington.

20 **Acupuncture Ad Hoc Committee**

21 **Sec. 2.** RCW 18.06.080 and 1995 c 323 s 7 are each amended to read  
22 as follows:

23 (1) The secretary is hereby authorized and empowered to execute the  
24 provisions of this chapter and shall offer examinations in acupuncture  
25 at least twice a year at such times and places as the secretary may  
26 select. The examination shall be a written examination and may include  
27 a practical examination.

1 (2) The secretary shall develop or approve a licensure examination  
2 in the subjects that the secretary determines are within the scope of  
3 and commensurate with the work performed by licensed acupuncturists and  
4 shall include but not necessarily be limited to anatomy, physiology,  
5 microbiology, biochemistry, pathology, hygiene, and acupuncture. All  
6 application papers shall be deposited with the secretary and there  
7 retained for at least one year, when they may be destroyed.

8 (3) If the examination is successfully passed, the secretary shall  
9 confer on such candidate the title of Licensed Acupuncturist.

10 ~~(4) ((The secretary may appoint members of the profession to serve  
11 in an ad hoc advisory capacity to the secretary in carrying out this  
12 chapter. The members will serve for designated times and provide  
13 advice on matters specifically identified and requested by the  
14 secretary. The members shall be compensated in accordance with RCW  
15 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and  
16 43.03.060.~~

17 (5)) The secretary, ad hoc committee members, or individuals  
18 acting in their behalf are immune from suit in a civil action based on  
19 any certification or disciplinary proceedings or other official acts  
20 performed in the course of their duties.

#### 21 **Displaced Homemaker Program Statewide Advisory Committee**

22 NEW SECTION. **Sec. 3.** RCW 28B.04.085 (Displaced homemaker program  
23 advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each  
24 repealed.

#### 25 **Adult Family Home Advisory Committee**

26 NEW SECTION. **Sec. 4.** RCW 70.128.225 (Advisory committee) and 2007  
27 c 40 s 1 & 2002 c 223 s 4 are each repealed.

28 **Sec. 5.** RCW 70.128.163 and 2001 c 193 s 6 are each amended to read  
29 as follows:

30 (1) When the department has summarily suspended a license, the  
31 licensee may, subject to the department's approval, elect to  
32 participate in a temporary management program. All provisions of this  
33 section shall apply.

1 The purposes of a temporary management program are as follows:

2 (a) To mitigate dislocation and transfer trauma of residents while  
3 the department and licensee may pursue dispute resolution or appeal of  
4 a summary suspension of license;

5 (b) To facilitate the continuity of safe and appropriate resident  
6 care and services;

7 (c) To preserve a residential option that meets a specialized  
8 service need and/or is in a geographical area that has a lack of  
9 available providers; and

10 (d) To provide residents with the opportunity for orderly  
11 discharge.

12 (2) Licensee participation in the temporary management program is  
13 voluntary. The department shall have the discretion to approve any  
14 temporary manager and the temporary management arrangements. The  
15 temporary management shall assume the total responsibility for the  
16 daily operations of the home.

17 (3) The temporary management shall contract with the licensee as an  
18 independent contractor and is responsible for ensuring that all minimum  
19 licensing requirements are met. The temporary management shall protect  
20 the health, safety, and well-being of the residents for the duration of  
21 the temporary management and shall perform all acts reasonably  
22 necessary to ensure that residents' needs are met. The licensee is  
23 responsible for all costs related to administering the temporary  
24 management program and contracting with the temporary management. The  
25 temporary management agreement shall at a minimum address the  
26 following:

27 (a) Provision of liability insurance to protect residents and their  
28 property;

29 (b) Preservation of resident trust funds;

30 (c) The timely payment of past due or current accounts, operating  
31 expenses, including but not limited to staff compensation, and all debt  
32 that comes due during the period of the temporary management;

33 (d) The responsibilities for addressing all other financial  
34 obligations that would interfere with the ability of the temporary  
35 manager to provide adequate care and services to residents; and

36 (e) The authority of the temporary manager to manage the home,  
37 including the hiring, managing, and firing of employees for good cause,  
38 and to provide adequate care and services to residents.

1 (4) The licensee and department shall provide written notification  
2 immediately to all residents, legal representatives, interested family  
3 members, and the state long-term care ombudsman program, of the  
4 temporary management and the reasons for it. This notification shall  
5 include notice that residents may move from the home without notifying  
6 the licensee in advance, and without incurring any charges, fees, or  
7 costs otherwise available for insufficient advance notice, during the  
8 temporary management period.

9 (5) The temporary management period under this section concludes  
10 twenty-eight days after issuance of the formal notification of  
11 enforcement action or conclusion of administrative proceedings,  
12 whichever date is later. Nothing in this section precludes the  
13 department from revoking its approval of the temporary management  
14 and/or exercising its licensing enforcement authority under this  
15 chapter. The department's decision whether to approve or to revoke a  
16 temporary management arrangement is not subject to the administrative  
17 procedure act, chapter 34.05 RCW.

18 (6) The department is authorized to adopt rules implementing this  
19 section. In implementing this section, the department shall consult  
20 with consumers, advocates, (~~the adult family home advisory committee~~  
21 ~~established under chapter 18.48 RCW,~~) and organizations representing  
22 adult family homes. The department may recruit and approve qualified,  
23 licensed providers interested in serving as temporary managers.

#### 24 **Boarding Home Advisory Board**

25 NEW SECTION. **Sec. 6.** RCW 18.20.260 (Advisory board) and 2000 c 47  
26 s 8 are each repealed.

#### 27 **Citizens Advisory Council on Alcoholism and Drug Addiction**

28 NEW SECTION. **Sec. 7.** RCW 70.96A.070 (Citizens advisory council--  
29 Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c  
30 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each  
31 repealed.

#### 32 **Citizens' Work Group on Health Care Reform**



1 association, partnership, or corporation holding a license as an escrow  
2 agent under the provisions of this chapter.

3 (8) "Person" means a natural person, firm, association,  
4 partnership, corporation, limited liability company, or the plural  
5 thereof, whether resident, nonresident, citizen, or not.

6 (9) "Licensed escrow officer" means any natural person handling  
7 escrow transactions and licensed as such by the director.

8 (10) "Designated escrow officer" means any licensed escrow officer  
9 designated by a licensed escrow agent and approved by the director as  
10 the licensed escrow officer responsible for supervising that agent's  
11 handling of escrow transactions, management of the agent's trust  
12 account, and supervision of all other licensed escrow officers employed  
13 by the agent.

14 (11) (~~"Escrow commission" means the escrow commission of the state  
15 of Washington created by RCW 18.44.500.~~

16 ~~(12)~~) "Controlling person" is any person who owns or controls ten  
17 percent or more of the beneficial ownership of any escrow agent,  
18 regardless of the form of business organization employed and regardless  
19 of whether such interest stands in such person's true name or in the  
20 name of a nominee.

21 **Sec. 10.** RCW 18.44.195 and 1999 c 30 s 4 are each amended to read  
22 as follows:

23 (1) Any person desiring to become a licensed escrow officer must  
24 successfully pass an examination.

25 (2) The escrow officer examination shall encompass the following:

26 (a) Appropriate knowledge of the English language, including  
27 reading, writing, and arithmetic;

28 (b) An understanding of the principles of real estate conveyancing  
29 and the general purposes and legal effects of deeds, mortgages, deeds  
30 of trust, contracts of sale, exchanges, rental and optional agreements,  
31 leases, earnest money agreements, personal property transfers, and  
32 encumbrances;

33 (c) An understanding of the obligations between principal and  
34 agent;

35 (d) An understanding of the meaning and nature of encumbrances upon  
36 real property;

1 (e) An understanding of the principles and practice of trust  
2 accounting; and

3 (f) An understanding of the escrow agent registration act and other  
4 applicable law such as the real estate settlement procedures act, 12  
5 U.S.C. Sec. 2601, and regulation X, 24 C.F.R. Sec. 3500.

6 (3) The examination shall be in such form as prescribed by the  
7 director (~~((with the advice of the escrow commission,))~~) and shall be  
8 given at least annually.

9 **Sec. 11.** RCW 18.44.221 and 1999 c 30 s 31 are each amended to read  
10 as follows:

11 The director shall, within thirty days after ~~((the))~~ a written  
12 request ~~((of the escrow commission))~~, hold a public hearing to  
13 determine whether the fidelity bond, surety bond, and/or the errors and  
14 omissions policy specified in RCW 18.44.201 is reasonably available to  
15 a substantial number of licensed escrow agents. If the director  
16 determines and the insurance commissioner concurs that such bond or  
17 bonds and/or policy is not reasonably available, the director shall  
18 waive the requirements for such bond or bonds and/or policy for a fixed  
19 period of time.

20 **Sec. 12.** RCW 18.44.251 and 1995 c 238 s 5 are each amended to read  
21 as follows:

22 A request for a waiver of the required errors and omissions policy  
23 may be accomplished under the statute by submitting to the director an  
24 affidavit that substantially addresses the following:

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27 **REQUEST FOR WAIVER OF**  
28 **ERRORS AND OMISSIONS POLICY**

29 I, . . . . ., residing at . . . . ., City of . . . . ., County  
30 of . . . . ., State of Washington, declare the following:

31 (1) ~~((The state escrow commission has determined~~  
32 ~~that))~~ An errors and omissions policy is not reasonably  
33 available to a substantial number of licensed escrow  
34 officers; and

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(2) Purchasing an errors and omissions policy is cost-prohibitive at this time; and

(3) I have not engaged in any conduct that resulted in the termination of my escrow certificate; and

(4) I have not paid, directly or through an errors and omissions policy, claims in excess of ten thousand dollars, exclusive of costs and attorneys' fees, during the calendar year preceding submission of this affidavit; and

(5) I have not paid, directly or through an errors and omissions policy, claims, exclusive of costs and attorneys' fees, totaling in excess of twenty thousand dollars in the three calendar years immediately preceding submission of this affidavit; and

(6) I have not been convicted of a crime involving honesty or moral turpitude during the calendar year preceding submission of this application.

THEREFORE, in consideration of the above, I, . . . . ., respectfully request that the director of financial institutions grant this request for a waiver of the requirement that I purchase and maintain an errors and omissions policy covering my activities as an escrow agent licensed by the state of Washington for the period from . . . . ., 19 . . . ., to . . . . ., 19 . . . .

Submitted this day of . . . . day of . . . . ., 19 . . . .

.....

(signature)

State of Washington, }

ss.

County of . . . . . }

I certify that I know or have satisfactory evidence that . . . . ., signed this instrument and acknowledged it to be . . . . . free and voluntary act for the uses and purposes mentioned in the instrument.

Dated .....

Signature of

Notary Public .....

(Seal or stamp)

Title .....



NEW SECTION. **Sec. 13.** The following acts or parts of acts are each repealed:

(1) RCW 18.44.500 (Escrow commission--Members--Terms--Compensation and travel expenses) and 1995 c 238 s 3, 1985 c 340 s 3, & 1984 c 287 s 36; and

(2) RCW 18.44.510 (Compensation and travel expenses of commission members) and 1984 c 287 s 37 & 1977 ex.s. c 156 s 29.

**Firearms Range Advisory Committee**

NEW SECTION. **Sec. 14.** RCW 79A.25.220 (Firearms range advisory committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3 are each repealed.

**Model Toxic Control Act Science Advisory Board**

**Sec. 15.** RCW 70.105D.030 and 2007 c 446 s 1, 2007 c 225 s 1, and 2007 c 104 s 19 are each reenacted and amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's

1 authorized employees, agents, or contractors may enter upon property.  
2 The department shall give reasonable notice before entering property  
3 unless an emergency prevents such notice. In conducting, providing  
4 for, or requiring remedial action, the department shall give preference  
5 to permanent solutions to the maximum extent practicable and shall  
6 provide for or require adequate monitoring to ensure the effectiveness  
7 of the remedial action;

8 (c) Indemnify contractors retained by the department for carrying  
9 out investigations and remedial actions, but not for any contractor's  
10 reckless or willful misconduct;

11 (d) Carry out all state programs authorized under the federal  
12 cleanup law and the federal resource, conservation, and recovery act,  
13 42 U.S.C. Sec. 6901 et seq., as amended;

14 (e) Classify substances as hazardous substances for purposes of RCW  
15 70.105D.020 and classify substances and products as hazardous  
16 substances for purposes of RCW 82.21.020(1);

17 (f) Issue orders or enter into consent decrees or agreed orders  
18 that include, or issue written opinions under (i) of this subsection  
19 that may be conditioned upon, environmental covenants where necessary  
20 to protect human health and the environment from a release or  
21 threatened release of a hazardous substance from a facility. Prior to  
22 establishing an environmental covenant under this subsection, the  
23 department shall consult with and seek comment from a city or county  
24 department with land use planning authority for real property subject  
25 to the environmental covenant;

26 (g) Enforce the application of permanent and effective  
27 institutional controls that are necessary for a remedial action to be  
28 protective of human health and the environment and the notification  
29 requirements established in RCW 70.105D.110, and impose penalties for  
30 violations of that section consistent with RCW 70.105D.050;

31 (h) Require holders to conduct remedial actions necessary to abate  
32 an imminent or substantial endangerment pursuant to RCW  
33 70.105D.020(17)(b)(ii)(C);

34 (i) Provide informal advice and assistance to persons regarding the  
35 administrative and technical requirements of this chapter. This may  
36 include site-specific advice to persons who are conducting or otherwise  
37 interested in independent remedial actions. Any such advice or  
38 assistance shall be advisory only, and shall not be binding on the

1 department. As a part of providing this advice and assistance for  
2 independent remedial actions, the department may prepare written  
3 opinions regarding whether the independent remedial actions or  
4 proposals for those actions meet the substantive requirements of this  
5 chapter or whether the department believes further remedial action is  
6 necessary at the facility. Nothing in this chapter may be construed to  
7 preclude the department from issuing a written opinion on whether  
8 further remedial action is necessary at any portion of the real  
9 property located within a facility, even if further remedial action is  
10 still necessary elsewhere at the same facility. Such a written opinion  
11 on a portion of a facility must also provide an opinion on the status  
12 of the facility as a whole. The department may collect, from persons  
13 requesting advice and assistance, the costs incurred by the department  
14 in providing such advice and assistance; however, the department shall,  
15 where appropriate, waive collection of costs in order to provide an  
16 appropriate level of technical assistance in support of public  
17 participation. The state, the department, and officers and employees  
18 of the state are immune from all liability, and no cause of action of  
19 any nature may arise from any act or omission in providing, or failing  
20 to provide, informal advice and assistance; and

21 (j) Take any other actions necessary to carry out the provisions of  
22 this chapter, including the power to adopt rules under chapter 34.05  
23 RCW.

24 (2) The department shall immediately implement all provisions of  
25 this chapter to the maximum extent practicable, including investigative  
26 and remedial actions where appropriate. The department shall adopt,  
27 and thereafter enforce, rules under chapter 34.05 RCW to:

28 (a) Provide for public participation, including at least (i) public  
29 notice of the development of investigative plans or remedial plans for  
30 releases or threatened releases and (ii) concurrent public notice of  
31 all compliance orders, agreed orders, enforcement orders, or notices of  
32 violation;

33 (b) Establish a hazard ranking system for hazardous waste sites;

34 (c) Provide for requiring the reporting by an owner or operator of  
35 releases of hazardous substances to the environment that may be a  
36 threat to human health or the environment within ninety days of  
37 discovery, including such exemptions from reporting as the department

1 deems appropriate, however this requirement shall not modify any  
2 existing requirements provided for under other laws;

3 (d) Establish reasonable deadlines not to exceed ninety days for  
4 initiating an investigation of a hazardous waste site after the  
5 department receives notice or otherwise receives information that the  
6 site may pose a threat to human health or the environment and other  
7 reasonable deadlines for remedying releases or threatened releases at  
8 the site;

9 (e) Publish and periodically update minimum cleanup standards for  
10 remedial actions at least as stringent as the cleanup standards under  
11 section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at  
12 least as stringent as all applicable state and federal laws, including  
13 health-based standards under state and federal law; and

14 (f) Apply industrial clean-up standards at industrial properties.  
15 Rules adopted under this subsection shall ensure that industrial  
16 properties cleaned up to industrial standards cannot be converted to  
17 nonindustrial uses without approval from the department. The  
18 department may require that a property cleaned up to industrial  
19 standards is cleaned up to a more stringent applicable standard as a  
20 condition of conversion to a nonindustrial use. Industrial clean-up  
21 standards may not be applied to industrial properties where hazardous  
22 substances remaining at the property after remedial action pose a  
23 threat to human health or the environment in adjacent nonindustrial  
24 areas.

25 (3) To achieve and protect the state's long-term ecological health,  
26 the department shall prioritize sufficient funding to clean up  
27 hazardous waste sites and prevent the creation of future hazards due to  
28 improper disposal of toxic wastes, and create financing tools to clean  
29 up large-scale hazardous waste sites requiring multiyear commitments.  
30 To effectively monitor toxic accounts expenditures, the department  
31 shall develop a comprehensive ten-year financing report that identifies  
32 long-term remedial action project costs, tracks expenses, and projects  
33 future needs.

34 (4) Before December 20th of each even-numbered year, the department  
35 shall:

36 (a) Develop a comprehensive ten-year financing report in  
37 coordination with all local governments with clean-up responsibilities

1 that identifies the projected biennial hazardous waste site remedial  
2 action needs that are eligible for funding from the local toxics  
3 control account;

4 (b) Work with local governments to develop working capital reserves  
5 to be incorporated in the ten-year financing report;

6 (c) Identify the projected remedial action needs for orphaned,  
7 abandoned, and other clean-up sites that are eligible for funding from  
8 the state toxics control account;

9 (d) Project the remedial action need, cost, revenue, and any  
10 recommended working capital reserve estimate to the next biennium's  
11 long-term remedial action needs from both the local toxics control  
12 account and the state toxics control account, and submit this  
13 information to the appropriate standing fiscal and environmental  
14 committees of the senate and house of representatives. This submittal  
15 must also include a ranked list of such remedial action projects for  
16 both accounts; and

17 (e) Provide the legislature and the public each year with an  
18 accounting of the department's activities supported by appropriations  
19 from the state and local toxics control accounts, including a list of  
20 known hazardous waste sites and their hazard rankings, actions taken  
21 and planned at each site, how the department is meeting its waste  
22 management priorities under RCW 70.105.150, and all funds expended  
23 under this chapter.

24 ~~(5) ((The department shall establish a scientific advisory board to  
25 render advice to the department with respect to the hazard ranking  
26 system, cleanup standards, remedial actions, deadlines for remedial  
27 actions, monitoring, the classification of substances as hazardous  
28 substances for purposes of RCW 70.105D.020 and the classification of  
29 substances or products as hazardous substances for purposes of RCW  
30 82.21.020(1). The board shall consist of five independent members to  
31 serve staggered three-year terms. No members may be employees of the  
32 department. Members shall be reimbursed for travel expenses as  
33 provided in RCW 43.03.050 and 43.03.060.~~

34 ~~(6))~~ The department shall establish a program to identify  
35 potential hazardous waste sites and to encourage persons to provide  
36 information about hazardous waste sites.

37 ~~((7))~~ (6) For all facilities where an environmental covenant has  
38 been required under subsection (1)(f) of this section, including all

1 facilities where the department has required an environmental covenant  
2 under an order, agreed order, or consent decree, or as a condition of  
3 a written opinion issued under the authority of subsection (1)(i) of  
4 this section, the department shall periodically review the  
5 environmental covenant for effectiveness. Except as otherwise provided  
6 in (c) of this subsection, the department shall conduct a review at  
7 least once every five years after an environmental covenant is  
8 recorded.

9 (a) The review shall consist of, at a minimum:

10 (i) A review of the title of the real property subject to the  
11 environmental covenant to determine whether the environmental covenant  
12 was properly recorded and, if applicable, amended or terminated;

13 (ii) A physical inspection of the real property subject to the  
14 environmental covenant to determine compliance with the environmental  
15 covenant, including whether any development or redevelopment of the  
16 real property has violated the terms of the environmental covenant; and

17 (iii) A review of the effectiveness of the environmental covenant  
18 in limiting or prohibiting activities that may interfere with the  
19 integrity of the remedial action or that may result in exposure to or  
20 migration of hazardous substances. This shall include a review of  
21 available monitoring data.

22 (b) If an environmental covenant has been amended or terminated  
23 without proper authority, or if the terms of an environmental covenant  
24 have been violated, or if the environmental covenant is no longer  
25 effective in limiting or prohibiting activities that may interfere with  
26 the integrity of the remedial action or that may result in exposure to  
27 or migration of hazardous substances, then the department shall take  
28 any and all appropriate actions necessary to ensure compliance with the  
29 environmental covenant and the policies and requirements of this  
30 chapter.

31 (c) For facilities where an environmental covenant required by the  
32 department under subsection (1)(f) of this section was required before  
33 July 1, 2007, the department shall:

34 (i) Enter all required information about the environmental covenant  
35 into the registry established under RCW 64.70.120 by June 30, 2008;

36 (ii) For those facilities where more than five years has elapsed  
37 since the environmental covenant was required and the department has

1 yet to conduct a review, conduct an initial review according to the  
2 following schedule:

- 3 (A) By December 30, 2008, fifty facilities;
  - 4 (B) By June 30, 2009, fifty additional facilities; and
  - 5 (C) By June 30, 2010, the remainder of the facilities;
- 6 (iii) Once this initial review has been completed, conduct  
7 subsequent reviews at least once every five years.

8 **Mortgage Brokers**

9 NEW SECTION. **Sec. 16.** RCW 19.146.280 (Mortgage broker  
10 commission--Code of conduct--Complaint review) and 2006 c 19 s 17, 2001  
11 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c 468 s 21 are each  
12 repealed.

13 **Sec. 17.** RCW 19.146.225 and 2006 c 19 s 14 are each amended to  
14 read as follows:

15 In accordance with the administrative procedure act, chapter 34.05  
16 RCW, the director may issue rules under this chapter only (~~after~~  
17 ~~seeking the advice of the mortgage broker commission and only~~) for the  
18 purpose of governing the activities of licensed mortgage brokers, loan  
19 originators, and other persons subject to this chapter.

20 **Oil Heat Advisory Committee**

21 **Sec. 18.** RCW 70.149.040 and 2007 c 240 s 1 are each amended to  
22 read as follows:

- 23 The director shall:
- 24 (1) Design a program, consistent with RCW 70.149.120, for providing  
25 pollution liability insurance for heating oil tanks that provides up to  
26 sixty thousand dollars per occurrence coverage and aggregate limits,  
27 and protects the state of Washington from unwanted or unanticipated  
28 liability for accidental release claims;
  - 29 (2) Administer, implement, and enforce the provisions of this  
30 chapter. To assist in administration of the program, the director is  
31 authorized to appoint up to two employees who are exempt from the civil  
32 service law, chapter 41.06 RCW, and who shall serve at the pleasure of  
33 the director;

1 (3) Administer the heating oil pollution liability trust account,  
2 as established under RCW 70.149.070;

3 (4) Employ and discharge, at his or her discretion, agents,  
4 attorneys, consultants, companies, organizations, and employees as  
5 deemed necessary, and to prescribe their duties and powers, and fix  
6 their compensation;

7 (5) Adopt rules under chapter 34.05 RCW as necessary to carry out  
8 the provisions of this chapter;

9 (6) Design and from time to time revise a reinsurance contract  
10 providing coverage to an insurer or insurers meeting the requirements  
11 of this chapter. The director is authorized to provide reinsurance  
12 through the pollution liability insurance program trust account;

13 (7) Solicit bids from insurers and select an insurer to provide  
14 pollution liability insurance for third-party bodily injury and  
15 property damage, and corrective action to owners and operators of  
16 heating oil tanks;

17 (8) Register, and design a means of accounting for, operating  
18 heating oil tanks;

19 (9) Implement a program to provide advice and technical assistance  
20 to owners and operators of active and abandoned heating oil tanks if  
21 contamination from an active or abandoned heating oil tank is  
22 suspected. Advice and assistance regarding administrative and  
23 technical requirements may include observation of testing or site  
24 assessment and review of the results of reports. If the director finds  
25 that contamination is not present or that the contamination is  
26 apparently minor and not a threat to human health or the environment,  
27 the director may provide written opinions and conclusions on the  
28 results of the investigation to owners and operators of active and  
29 abandoned heating oil tanks. The agency is authorized to collect, from  
30 persons requesting advice and assistance, the costs incurred by the  
31 agency in providing such advice and assistance. The costs may include  
32 travel costs and expenses associated with review of reports and  
33 preparation of written opinions and conclusions. Funds from cost  
34 reimbursement must be deposited in the heating oil pollution liability  
35 trust account. The state of Washington, the pollution liability  
36 insurance agency, and its officers and employees are immune from all  
37 liability, and no cause of action arises from any act or omission in



1 providing, or failing to provide, such advice, opinion, conclusion, or  
2 assistance;

3 (10) Establish a public information program to provide information  
4 regarding liability, technical, and environmental requirements  
5 associated with active and abandoned heating oil tanks;

6 (11) Monitor agency expenditures and seek to minimize costs and  
7 maximize benefits to ensure responsible financial stewardship;

8 ~~(12) ((Create an advisory committee of stakeholders to advise the  
9 director on all aspects of program operations and fees authorized by  
10 this chapter, including pollution prevention programs. The advisory  
11 committee must have one member each from the Pacific Northwest oil heat  
12 council, the Washington oil marketers association, the western states  
13 petroleum association, and the department of ecology and three members  
14 from among the owners of home heating oil tanks registered with the  
15 pollution liability insurance agency who are generally representative  
16 of the geographical distribution and types of registered owners. The  
17 committee should meet at least quarterly, or more frequently at the  
18 discretion of the director; and~~

19 ~~(13))~~ Study if appropriate user fees to supplement program funding  
20 are necessary and develop recommendations for legislation to authorize  
21 such fees.

22 **Parks Centennial Advisory Committee**

23 **Sec. 19.** RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read  
24 as follows:

25 This act expires ~~((December 31, 2013))~~ June 30, 2009.

26 **Prescription Drug Purchasing Consortium Advisory Commission**

27 **Sec. 20.** RCW 70.14.060 and 2005 c 129 s 1 are each amended to read  
28 as follows:

29 (1) The administrator of the state health care authority shall,  
30 directly or by contract, adopt policies necessary for establishment of  
31 a prescription drug purchasing consortium. The consortium's purchasing  
32 activities shall be based upon the evidence-based prescription drug  
33 program established under RCW 70.14.050. State purchased health care  
34 programs as defined in RCW 41.05.011 shall purchase prescription drugs

1 through the consortium for those prescription drugs that are purchased  
2 directly by the state and those that are purchased through  
3 reimbursement of pharmacies, unless exempted under this section. The  
4 administrator shall not require any supplemental rebate offered to the  
5 department of social and health services by a pharmaceutical  
6 manufacturer for prescription drugs purchased for medical assistance  
7 program clients under chapter 74.09 RCW be extended to any other state  
8 purchased health care program, or to any other individuals or entities  
9 participating in the consortium. The administrator shall explore joint  
10 purchasing opportunities with other states.

11 (2) Participation in the purchasing consortium shall be offered as  
12 an option beginning January 1, 2006. Participation in the consortium  
13 is purely voluntary for units of local government, private entities,  
14 labor organizations, and for individuals who lack or are underinsured  
15 for prescription drug coverage. The administrator may set reasonable  
16 fees, including enrollment fees, to cover administrative costs  
17 attributable to participation in the prescription drug consortium.

18 ~~(3) ((The prescription drug consortium advisory committee is  
19 created within the authority. The function of the prescription drug  
20 advisory committee is to advise the administrator of the state health  
21 care authority on the implementation of the prescription drug  
22 purchasing consortium.~~

23 ~~(4) The prescription drug consortium advisory committee shall be  
24 composed of eleven members selected as provided in this subsection.~~

25 ~~(a) The administrator shall select one member of the prescription  
26 drug consortium advisory committee from each list of three nominees  
27 submitted by statewide organizations representing the following:~~

28 ~~(i) One representative of state employees, who represents an  
29 employee union certified as exclusive representative of at least one  
30 bargaining unit of classified employees;~~

31 ~~(ii) One member who is a licensed physician;~~

32 ~~(iii) One member who is a licensed pharmacist;~~

33 ~~(iv) One member who is a licensed advanced registered nurse  
34 practitioner;~~

35 ~~(v) One member representing a health carrier licensed under Title  
36 48 RCW; and~~

37 ~~(vi) One member representing unions that represent private sector  
38 employees;~~



1 created as a nonappropriated account to be used solely and exclusively  
2 for the payment of liability settlements and judgments against the  
3 state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of  
4 its officers, employees, and volunteers and all related legal defense  
5 costs.

6 (1) The purpose of the liability account is to: (a) Expeditiously  
7 pay legal liabilities and defense costs of the state resulting from  
8 tortious conduct; (b) promote risk control through a cost allocation  
9 system which recognizes agency loss experience, levels of self-  
10 retention, and levels of risk exposure; and (c) establish an  
11 actuarially sound system to pay incurred losses, within defined limits.

12 (2) The liability account shall be used to pay claims for injury  
13 and property damages and legal defense costs exclusive of agency-  
14 retained expenses otherwise budgeted.

15 (3) No money shall be paid from the liability account, except for  
16 defense costs, unless all proceeds available to the claimant from any  
17 valid and collectible liability insurance shall have been exhausted and  
18 unless:

19 (a) The claim shall have been reduced to final judgment in a court  
20 of competent jurisdiction; or

21 (b) The claim has been approved for payment.

22 (4) The liability account shall be financed through annual premiums  
23 assessed to state agencies, based on sound actuarial principles, and  
24 shall be for liability coverage in excess of agency-budgeted self-  
25 retention levels.

26 (5) Annual premium levels shall be determined by the risk  
27 manager(~~(, with the consultation and advice of the risk management~~  
28 ~~advisory committee)~~). An actuarial study shall be conducted to assist  
29 in determining the appropriate level of funding.

30 (6) Disbursements for claims from the liability account shall be  
31 made to the claimant, or to the clerk of the court for judgments, upon  
32 written request to the state treasurer from the risk manager.

33 (7) The director may direct agencies to transfer moneys from other  
34 funds and accounts to the liability account if premiums are delinquent.

35 (8) The liability account shall not exceed fifty percent of the  
36 actuarial value of the outstanding liability as determined annually by  
37 the risk management division. If the account exceeds the maximum  
38 amount specified in this section, premiums may be adjusted by the risk

1 management division in order to maintain the account balance at the  
2 maximum limits. If, after adjustment of premiums, the account balance  
3 remains above the limits specified, the excess amount shall be prorated  
4 back to the appropriate funds.

5 **Securities Advisory Committee**

6 NEW SECTION. **Sec. 23.** The following acts or parts of acts are  
7 each repealed:

8 (1) RCW 21.20.550 (State advisory committee--Composition,  
9 appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282  
10 s 55;

11 (2) RCW 21.20.560 (State advisory committee--Chairperson,  
12 secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s  
13 4, & 1959 c 282 s 56;

14 (3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and  
15 1959 c 282 s 57;

16 (4) RCW 21.20.580 (State advisory committee--Duties) and 1981 c 272  
17 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and

18 (5) RCW 21.20.590 (State advisory committee--Reimbursement of  
19 travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, &  
20 1959 c 282 s 59.

21 **Radiologic Technologists Ad Hoc Committee**

22 **Sec. 24.** RCW 18.84.040 and 2008 c 246 s 4 are each amended to read  
23 as follows:

24 (1) In addition to any other authority provided by law, the  
25 secretary may:

26 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to  
27 implement this chapter;

28 (b) Set all registration, certification, and renewal fees in  
29 accordance with RCW 43.70.250;

30 (c) Establish forms and procedures necessary to administer this  
31 chapter;

32 (d) Evaluate and designate those schools from which graduation will  
33 be accepted as proof of an applicant's eligibility to receive a  
34 certificate;

1 (e) Determine whether alternative methods of training are  
2 equivalent to formal education, and to establish forms, procedures, and  
3 criteria for evaluation of an applicant's alternative training to  
4 determine the applicant's eligibility to receive a certificate;

5 (f) Issue a certificate to any applicant who has met the education,  
6 training, examination, and conduct requirements for certification; and

7 (g) Issue a registration to an applicant who meets the requirement  
8 for a registration.

9 (2) The secretary may hire clerical, administrative, and  
10 investigative staff as needed to implement this chapter.

11 (3) The uniform disciplinary act, chapter 18.130 RCW, governs the  
12 issuance and denial of registrations and certifications, unregistered  
13 and uncertified practice, and the discipline of registrants and  
14 certificants under this chapter. The secretary is the disciplining  
15 authority under this chapter.

16 ~~((4) The secretary may appoint ad hoc members of the profession to  
17 serve in an ad hoc advisory capacity to the secretary in carrying out  
18 this chapter. The members will serve for designated times and provide  
19 advice on matters specifically identified and requested by the  
20 secretary. The members shall be compensated in accordance with RCW  
21 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and  
22 43.03.060.))~~

23 **Sec. 25.** RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended  
24 to read as follows:

25 The secretary(~~(, ad hoc committee members,)~~) or individuals acting  
26 on ~~((their))~~ his or her behalf are immune from suit in any civil action  
27 based on any certification or disciplinary proceedings or other  
28 official acts performed in the course of their duties.

29 **Main Street Advisory Committee**

30 NEW SECTION. **Sec. 26.** RCW 43.360.040 (Washington main street  
31 advisory committee) and 2005 c 514 s 911 are each repealed.

32 **Foster Care Endowed Scholarship Advisory Board**



1 higher education coordinating board may deem necessary or appropriate  
2 to carry out the purposes of this chapter.

3 ~~((The members of the work study advisory committee may include, but  
4 need not be limited to representatives of public and private community  
5 colleges, technical colleges, and four year institutions of higher  
6 education; vocational schools; students; community service  
7 organizations; public schools; business; and labor. When selecting  
8 members of the advisory committee, the board shall consult with  
9 institutions of higher education, the state board for community and  
10 technical colleges, the workforce training and education coordinating  
11 board, and appropriate associations and organizations.))~~ With the  
12 exception of off-campus community service placements, the share from  
13 moneys disbursed under the state work-study program of the compensation  
14 of students employed under such program in accordance with such  
15 agreements shall not exceed eighty percent of the total such  
16 compensation paid such students.

17 By rule, the board shall define community service placements and  
18 may determine any salary matching requirements for any community  
19 service employers.

#### 20 **Sexual Offender Treatment Providers Advisory Committee**

21 NEW SECTION. **Sec. 30.** RCW 18.155.050 (Sexual offender treatment  
22 providers advisory committee) and 1990 c 3 s 805 are each repealed.

#### 23 **Vendor Rates Advisory Rates**

24 NEW SECTION. **Sec. 31.** The following acts or parts of acts are  
25 each repealed:

26 (1) RCW 74.32.100 (Advisory committee on vendor rates--Created--  
27 Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

28 (2) RCW 74.32.110 (Advisory committee on vendor rates--"Vendor  
29 rates" defined) and 1969 ex.s. c 203 s 2;

30 (3) RCW 74.32.120 (Advisory committee on vendor rates--Meetings--  
31 Travel expenses) and 1975-'76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203  
32 s 3;

33 (4) RCW 74.32.130 (Advisory committee on vendor rates--Powers and  
34 duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;



1 (5) RCW 74.32.140 (Investigation to determine if additional  
2 requirements or standards affecting vendor group) and 1971 ex.s. c 298  
3 s 1;

4 (6) RCW 74.32.150 (Investigation to determine if additional  
5 requirements or standards affecting vendor group--Scope of  
6 investigation) and 1971 ex.s. c 298 s 2;

7 (7) RCW 74.32.160 (Investigation to determine if additional  
8 requirements or standards affecting vendor group--Changes investigated  
9 regardless of source) and 1971 ex.s. c 298 s 3;

10 (8) RCW 74.32.170 (Investigation to determine if additional  
11 requirements or standards affecting vendor group--Prevailing wage  
12 scales and fringe benefit programs to be considered) and 1971 ex.s. c  
13 298 s 4; and

14 (9) RCW 74.32.180 (Investigation to determine if additional  
15 requirements or standards affecting vendor group--Additional factors to  
16 be accounted for) and 1971 ex.s. c 298 s 5.

#### 17 **Advisory Council on Adult Education**

18 NEW SECTION. **Sec. 32.** RCW 28B.50.254 (Advisory council on adult  
19 education--Workforce training and education coordinating board to  
20 monitor) and 1991 c 238 s 19 are each repealed.

21 **Sec. 33.** RCW 28C.18.050 and 1995 c 130 s 3 are each amended to  
22 read as follows:

23 (1) The board shall be designated as the state board of vocational  
24 education as provided for in P.L. 98-524, as amended, and shall perform  
25 such functions as is necessary to comply with federal directives  
26 pertaining to the provisions of such law.

27 (2) The board shall perform the functions of the human resource  
28 investment council as provided for in the federal job training  
29 partnership act, P.L. 97-300, as amended.

30 (3) The board shall provide policy advice for any federal act  
31 pertaining to workforce development that is not required by state or  
32 federal law to be provided by another state body.

33 (4) Upon enactment of new federal initiatives relating to workforce  
34 development, the board shall advise the governor and the legislature on  
35 mechanisms for integrating the federal initiatives into the state's

1 workforce development system and make recommendations on the  
2 legislative or administrative measures necessary to streamline and  
3 coordinate state efforts to meet federal guidelines.

4 (5) The board shall monitor for consistency with the state  
5 comprehensive plan for workforce training and education the policies  
6 and plans established by the state job training coordinating council(~~(~~  
7 ~~the advisory council on adult education,~~~~)~~) and the Washington state  
8 plan for adult basic education, and provide guidance for making such  
9 policies and plans consistent with the state comprehensive plan for  
10 workforce training and education.

11 **Sec. 34.** RCW 28C.18.090 and 1995 c 130 s 4 are each amended to  
12 read as follows:

13 (1) The board shall specify, by December 31, 1995, the common core  
14 data to be collected by the operating agencies of the state training  
15 system and the standards for data collection and maintenance required  
16 in RCW 28C.18.060(8).

17 (2) The minimum standards for program evaluation by operating  
18 agencies required in RCW 28C.18.060(9) shall include biennial program  
19 evaluations; the first of such evaluations shall be completed by the  
20 operating agencies July 1, 1996. The program evaluation of adult basic  
21 skills education shall be provided by the (~~(advisory council on adult~~  
22 ~~education)~~) board.

23 (3) The board shall complete, by January 1, 1996, its first  
24 outcome-based evaluation and, by September 1, 1996, its nonexperimental  
25 net-impact and cost-benefit evaluations of the training system. The  
26 outcome, net-impact, and cost-benefit evaluations shall for the first  
27 evaluations, include evaluations of each of the following programs:  
28 Secondary vocational-technical education, work-related adult basic  
29 skills education, postsecondary workforce training, job training  
30 partnership act titles II and III, as well as of the system as a whole.

31 (4) The board shall use the results of its outcome, net-impact, and  
32 cost-benefit evaluations to develop and make recommendations to the  
33 legislature and the governor for the modification, consolidation,  
34 initiation, or elimination of workforce training and education programs  
35 in the state.

36 The board shall perform the requirements of this section in  
37 cooperation with the operating agencies.

1 **Committee on Agency Official's Salaries**

2 **Sec. 35.** RCW 43.03.027 and 1970 ex.s. c 43 s 1 are each amended to  
3 read as follows:

4 It is hereby declared to be the public policy of this state to base  
5 the salaries of public officials on realistic standards in order that  
6 such officials may be paid according to the true value of their  
7 services and the best qualified citizens may be attracted to public  
8 service. It is the purpose of ((~~RCW 43.03.027, 43.03.028,~~) this  
9 section and RCW 43.03.040((~~, 43.03.045 and 43.03.047~~)) to effectuate  
10 this policy by utilizing the expert knowledge of citizens having access  
11 to pertinent facts concerning proper salaries for public officials,  
12 thus removing and dispelling any thought of political consideration in  
13 fixing the appropriateness of the amount of such salaries.

14 **Sec. 36.** RCW 43.03.028 and 2007 c 241 s 3 are each amended to read  
15 as follows:

16 (1) (~~(There is hereby created a state committee on agency~~  
17 ~~officials' salaries to consist of seven members, or their designees, as~~  
18 ~~follows: The president of the University of Puget Sound; the~~  
19 ~~chairperson of the council of presidents of the state's four-year~~  
20 ~~institutions of higher education; the chairperson of the Washington~~  
21 ~~personnel resources board; the president of the Association of~~  
22 ~~Washington Business; the president of the Pacific Northwest Personnel~~  
23 ~~Managers' Association; the president of the Washington State Bar~~  
24 ~~Association; and the president of the Washington State Labor Council.~~  
25 ~~If any of the titles or positions mentioned in this subsection are~~  
26 ~~changed or abolished, any person occupying an equivalent or like~~  
27 ~~position shall be qualified for appointment by the governor to~~  
28 ~~membership upon the committee.~~

29 (2) ~~The committee~~) The department of personnel shall study the  
30 duties and salaries of the directors of the several departments and the  
31 members of the several boards and commissions of state government, who  
32 are subject to appointment by the governor or whose salaries are fixed  
33 by the governor, and of the chief executive officers of the following  
34 agencies of state government:

35 The arts commission; the human rights commission; the board of  
36 accountancy; the board of pharmacy; the eastern Washington historical

1 society; the Washington state historical society; the recreation and  
2 conservation office; the criminal justice training commission; the  
3 department of personnel; the state library; the traffic safety  
4 commission; the horse racing commission; the advisory council on  
5 vocational education; the public disclosure commission; the state  
6 conservation commission; the commission on Hispanic affairs; the  
7 commission on Asian Pacific American affairs; the state board for  
8 volunteer firefighters and reserve officers; the transportation  
9 improvement board; the public employment relations commission; the  
10 forest practices appeals board; and the energy facilities site  
11 evaluation council.

12 ((The committee)) (2) The department of personnel shall report to  
13 the governor or the chairperson of the appropriate salary fixing  
14 authority at least once in each fiscal biennium on such date as the  
15 governor may designate, but not later than seventy-five days prior to  
16 the convening of each regular session of the legislature during an odd-  
17 numbered year, its recommendations for the salaries to be fixed for  
18 each position.

19 ~~((3) Committee members shall be reimbursed by the department of  
20 personnel for travel expenses under RCW 43.03.050 and 43.03.060.))~~

21 **Sec. 37.** RCW 34.12.100 and 1986 c 155 s 10 are each amended to  
22 read as follows:

23 The chief administrative law judge shall be paid a salary fixed by  
24 the governor after recommendation of the ~~((state committee on agency  
25 officials' salaries))~~ department of personnel. The salaries of  
26 administrative law judges appointed under the terms of this chapter  
27 shall be determined by the chief administrative law judge after  
28 recommendation of the ~~((state committee on agency officials' salaries))~~  
29 department of personnel.

30 **Sec. 38.** RCW 42.17.370 and 1995 c 397 s 17 are each amended to  
31 read as follows:

32 The commission is empowered to:

33 (1) Adopt, promulgate, amend, and rescind suitable administrative  
34 rules to carry out the policies and purposes of this chapter, which  
35 rules shall be adopted under chapter 34.05 RCW. Any rule relating to  
36 campaign finance, political advertising, or related forms that would

1 otherwise take effect after June 30th of a general election year shall  
2 take effect no earlier than the day following the general election in  
3 that year;

4 (2) Appoint and set, within the limits established by the  
5 (~~committee on agency officials' salaries~~) department of personnel  
6 under RCW 43.03.028, the compensation of an executive director who  
7 shall perform such duties and have such powers as the commission may  
8 prescribe and delegate to implement and enforce this chapter  
9 efficiently and effectively. The commission shall not delegate its  
10 authority to adopt, amend, or rescind rules nor shall it delegate  
11 authority to determine whether an actual violation of this chapter has  
12 occurred or to assess penalties for such violations;

13 (3) Prepare and publish such reports and technical studies as in  
14 its judgment will tend to promote the purposes of this chapter,  
15 including reports and statistics concerning campaign financing,  
16 lobbying, financial interests of elected officials, and enforcement of  
17 this chapter;

18 (4) Make from time to time, on its own motion, audits and field  
19 investigations;

20 (5) Make public the time and date of any formal hearing set to  
21 determine whether a violation has occurred, the question or questions  
22 to be considered, and the results thereof;

23 (6) Administer oaths and affirmations, issue subpoenas, and compel  
24 attendance, take evidence and require the production of any books,  
25 papers, correspondence, memorandums, or other records relevant or  
26 material for the purpose of any investigation authorized under this  
27 chapter, or any other proceeding under this chapter;

28 (7) Adopt and promulgate a code of fair campaign practices;

29 (8) Relieve, by rule, candidates or political committees of  
30 obligations to comply with the provisions of this chapter relating to  
31 election campaigns, if they have not received contributions nor made  
32 expenditures in connection with any election campaign of more than one  
33 thousand dollars;

34 (9) Adopt rules prescribing reasonable requirements for keeping  
35 accounts of and reporting on a quarterly basis costs incurred by state  
36 agencies, counties, cities, and other municipalities and political  
37 subdivisions in preparing, publishing, and distributing legislative  
38 information. The term "legislative information," for the purposes of

1 this subsection, means books, pamphlets, reports, and other materials  
2 prepared, published, or distributed at substantial cost, a substantial  
3 purpose of which is to influence the passage or defeat of any  
4 legislation. The state auditor in his or her regular examination of  
5 each agency under chapter 43.09 RCW shall review the rules, accounts,  
6 and reports and make appropriate findings, comments, and  
7 recommendations in his or her examination reports concerning those  
8 agencies;

9 (10) After hearing, by order approved and ratified by a majority of  
10 the membership of the commission, suspend or modify any of the  
11 reporting requirements of this chapter in a particular case if it finds  
12 that literal application of this chapter works a manifestly  
13 unreasonable hardship and if it also finds that the suspension or  
14 modification will not frustrate the purposes of the chapter. The  
15 commission shall find that a manifestly unreasonable hardship exists if  
16 reporting the name of an entity required to be reported under RCW  
17 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive  
18 position of any entity in which the person filing the report or any  
19 member of his or her immediate family holds any office, directorship,  
20 general partnership interest, or an ownership interest of ten percent  
21 or more. Any suspension or modification shall be only to the extent  
22 necessary to substantially relieve the hardship. The commission shall  
23 act to suspend or modify any reporting requirements only if it  
24 determines that facts exist that are clear and convincing proof of the  
25 findings required under this section. Requests for renewals of  
26 reporting modifications may be heard in a brief adjudicative proceeding  
27 as set forth in RCW 34.05.482 through 34.05.494 and in accordance with  
28 the standards established in this section. No initial request may be  
29 heard in a brief adjudicative proceeding and no request for renewal may  
30 be heard in a brief adjudicative proceeding if the initial request was  
31 granted more than three years previously or if the applicant is holding  
32 an office or position of employment different from the office or  
33 position held when the initial request was granted. The commission  
34 shall adopt administrative rules governing the proceedings. Any  
35 citizen has standing to bring an action in Thurston county superior  
36 court to contest the propriety of any order entered under this section  
37 within one year from the date of the entry of the order; and

1 (11) Revise, at least once every five years but no more often than  
2 every two years, the monetary reporting thresholds and reporting code  
3 values of this chapter. The revisions shall be only for the purpose of  
4 recognizing economic changes as reflected by an inflationary index  
5 recommended by the office of financial management. The revisions shall  
6 be guided by the change in the index for the period commencing with the  
7 month of December preceding the last revision and concluding with the  
8 month of December preceding the month the revision is adopted. As to  
9 each of the three general categories of this chapter (reports of  
10 campaign finance, reports of lobbyist activity, and reports of the  
11 financial affairs of elected and appointed officials), the revisions  
12 shall equally affect all thresholds within each category. Revisions  
13 shall be adopted as rules under chapter 34.05 RCW. The first revision  
14 authorized by this subsection shall reflect economic changes from the  
15 time of the last legislative enactment affecting the respective code or  
16 threshold through December 1985;

17 (12) Develop and provide to filers a system for certification of  
18 reports required under this chapter which are transmitted by facsimile  
19 or electronically to the commission. Implementation of the program is  
20 contingent on the availability of funds.

21 **Sec. 39.** RCW 43.03.040 and 1993 sp.s. c 24 s 914 are each amended  
22 to read as follows:

23 The directors of the several departments and members of the several  
24 boards and commissions, whose salaries are fixed by the governor and  
25 the chief executive officers of the agencies named in RCW  
26 43.03.028(~~(+2)~~) (1) as now or hereafter amended shall each severally  
27 receive such salaries, payable in monthly installments, as shall be  
28 fixed by the governor or the appropriate salary fixing authority, in an  
29 amount not to exceed the recommendations of the (~~committee on agency~~  
30 ~~officials' salaries. Beginning July 1, 1993, through June 30, 1995,~~  
31 ~~the salary paid to such directors and members of boards and commissions~~  
32 ~~shall not exceed the amount paid as of April 1, 1993)) department of  
33 personnel.~~

34 **Airport Impact Mitigation Advisory Board**

1       **Sec. 40.** RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each  
2 amended to read as follows:

3       (1) The airport impact mitigation account is created in the custody  
4 of the state treasury. Moneys deposited in the account, including  
5 moneys received from the port of Seattle for purposes of this section,  
6 may be used only for airport mitigation purposes as provided in this  
7 section. Only the director of the department of community, trade, and  
8 economic development or the director's designee may authorize  
9 expenditures from the account. The account is subject to allotment  
10 procedures under chapter 43.88 RCW, but an appropriation is not  
11 required for expenditures.

12       (2) The department of community, trade, and economic development  
13 shall establish a competitive process to prioritize applications for  
14 airport impact mitigation assistance through the account created in  
15 subsection (1) of this section. The department shall conduct a  
16 solicitation of project applications in the airport impact area as  
17 defined in subsection ~~((4))~~ (3) of this section. Eligible applicants  
18 include public entities such as cities, counties, schools, parks, fire  
19 districts, and shall include organizations eligible to apply for grants  
20 under RCW 43.63A.125. The department of community, trade, and economic  
21 development shall evaluate and rank applications ~~((in conjunction with  
22 the airport impact mitigation advisory board established in subsection  
23 (3) of this section))~~ using objective criteria developed by the  
24 department ~~((in conjunction with the airport impact mitigation advisory  
25 board))~~. At a minimum, the criteria must consider: The extent to  
26 which the applicant is impacted by the airport; and the other resources  
27 available to the applicant to mitigate the impact, including other  
28 mitigation funds. The director of the department of community, trade,  
29 and economic development shall award grants annually to the extent  
30 funds are available in the account created in subsection (1) of this  
31 section.

32       ~~(3) ((The director of the department of community, trade, and  
33 economic development shall establish the airport impact mitigation  
34 advisory board comprised of persons in the airport impact area to  
35 assist the director in developing criteria and ranking applications  
36 under this section. The advisory board shall include representation of  
37 local governments, the public in general, businesses, schools,  
38 community services organizations, parks and recreational activities,~~



1 ~~and others at the discretion of the director. The advisory board shall~~  
2 ~~be weighted toward those communities closest to the airport that are~~  
3 ~~more adversely impacted by airport activities.~~

4 (4)) The airport impact area includes the incorporated areas of  
5 Burien, Normandy Park, Des Moines, SeaTac, Tukwilla, Kent, and Federal  
6 Way, and the unincorporated portion of west King county.

7 ((+5)) (4) The department of community, trade, and economic  
8 development shall report on its activities related to the account  
9 created in this section by January 1, 2004, and each January 1st  
10 thereafter.

### 11 **Athletic Training Advisory Committee**

12 NEW SECTION. **Sec. 41.** RCW 18.250.030 (Athletic training advisory  
13 committee) and 2007 c 253 s 4 are each repealed.

14 **Sec. 42.** RCW 18.250.010 and 2007 c 253 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) "Athlete" means a person who participates in exercise,  
19 recreation, sport, or games requiring physical strength,  
20 range-of-motion, flexibility, body awareness and control, speed,  
21 stamina, or agility, and the exercise, recreation, sports, or games are  
22 of a type conducted in association with an educational institution or  
23 professional, amateur, or recreational sports club or organization.

24 (2) "Athletic injury" means an injury or condition sustained by an  
25 athlete that affects the person's participation or performance in  
26 exercise, recreation, sport, or games and the injury or condition is  
27 within the professional preparation and education of an athletic  
28 trainer.

29 (3) "Athletic trainer" means a person who is licensed under this  
30 chapter. An athletic trainer can practice athletic training through  
31 the consultation, referral, or guidelines of a licensed health care  
32 provider working within their scope of practice.

33 (4)(a) "Athletic training" means the application of the following  
34 principles and methods as provided by a licensed athletic trainer:

1 (i) Risk management and prevention of athletic injuries through  
2 preactivity screening and evaluation, educational programs, physical  
3 conditioning and reconditioning programs, application of commercial  
4 products, use of protective equipment, promotion of healthy behaviors,  
5 and reduction of environmental risks;

6 (ii) Recognition, evaluation, and assessment of athletic injuries  
7 by obtaining a history of the athletic injury, inspection and palpation  
8 of the injured part and associated structures, and performance of  
9 specific testing techniques related to stability and function to  
10 determine the extent of an injury;

11 (iii) Immediate care of athletic injuries, including emergency  
12 medical situations through the application of first-aid and emergency  
13 procedures and techniques for nonlife-threatening or life-threatening  
14 athletic injuries;

15 (iv) Treatment, rehabilitation, and reconditioning of athletic  
16 injuries through the application of physical agents and modalities,  
17 therapeutic activities and exercise, standard reassessment techniques  
18 and procedures, commercial products, and educational programs, in  
19 accordance with guidelines established with a licensed health care  
20 provider as provided in RCW 18.250.070; and

21 (v) Referral of an athlete to an appropriately licensed health care  
22 provider if the athletic injury requires further definitive care or the  
23 injury or condition is outside an athletic trainer's scope of practice,  
24 in accordance with RCW 18.250.070.

25 (b) "Athletic training" does not include:

26 (i) The use of spinal adjustment or manipulative mobilization of  
27 the spine and its immediate articulations;

28 (ii) Orthotic or prosthetic services with the exception of  
29 evaluation, measurement, fitting, and adjustment of temporary,  
30 prefabricated or direct-formed orthosis as defined in chapter 18.200  
31 RCW;

32 (iii) The practice of occupational therapy as defined in chapter  
33 18.59 RCW;

34 (iv) The practice of acupuncture as defined in chapter 18.06 RCW;

35 (v) Any medical diagnosis; and

36 (vi) Prescribing legend drugs or controlled substances, or surgery.

37 (5) (~~"Committee" means the athletic training advisory committee.~~

38 ~~+6+)) "Department" means the department of health.~~

1 ((+7)) (6) "Licensed health care provider" means a physician,  
2 physician assistant, osteopathic physician, osteopathic physician  
3 assistant, advanced registered nurse practitioner, naturopath, physical  
4 therapist, chiropractor, dentist, massage practitioner, acupuncturist,  
5 occupational therapist, or podiatric physician and surgeon.

6 ((+8)) (7) "Secretary" means the secretary of health or the  
7 secretary's designee.

8 **Sec. 43.** RCW 18.250.020 and 2007 c 253 s 3 are each amended to  
9 read as follows:

10 (1) In addition to any other authority provided by law, the  
11 secretary may:

12 (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to  
13 implement this chapter;

14 (b) Establish all license, examination, and renewal fees in  
15 accordance with RCW 43.70.250;

16 (c) Establish forms and procedures necessary to administer this  
17 chapter;

18 (d) Establish administrative procedures, administrative  
19 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.  
20 All fees collected under this section must be credited to the health  
21 professions account as required under RCW 43.70.320;

22 (e) Develop and administer, or approve, or both, examinations to  
23 applicants for a license under this chapter;

24 (f) Issue a license to any applicant who has met the education,  
25 training, and examination requirements for licensure and deny a license  
26 to applicants who do not meet the minimum qualifications for licensure.  
27 However, denial of licenses based on unprofessional conduct or impaired  
28 practice is governed by the uniform disciplinary act, chapter 18.130  
29 RCW;

30 (g) (~~In consultation with the committee,~~) Approve examinations  
31 prepared or administered by private testing agencies or organizations  
32 for use by an applicant in meeting the licensing requirements under RCW  
33 18.250.060;

34 (h) Determine which states have credentialing requirements  
35 substantially equivalent to those of this state, and issue licenses to  
36 individuals credentialed in those states that have successfully  
37 fulfilled the requirements of RCW 18.250.080;

1 (i) Hire clerical, administrative, and investigative staff as  
2 needed to implement and administer this chapter;

3 (j) Maintain the official department record of all applicants and  
4 licensees; and

5 (k) Establish requirements and procedures for an inactive license.

6 (2) The uniform disciplinary act, chapter 18.130 RCW, governs  
7 unlicensed practice, the issuance and denial of licenses, and the  
8 discipline of licensees under this chapter.

9 **Sec. 44.** RCW 18.250.060 and 2007 c 253 s 7 are each amended to  
10 read as follows:

11 An applicant for an athletic trainer license must:

12 (1) Have received a bachelor's or advanced degree from an  
13 accredited four-year college or university that meets the academic  
14 standards of athletic training, accepted by the secretary(~~(, as advised~~  
15 ~~by the committee))~~);

16 (2) Have successfully completed an examination administered or  
17 approved by the secretary(~~(, in consultation with the committee))~~); and

18 (3) Submit an application on forms prescribed by the secretary and  
19 pay the licensure fee required under this chapter.

#### 20 **Basic Health Advisory Committee**

21 **Sec. 45.** RCW 70.47.040 and 1993 c 492 s 211 are each amended to  
22 read as follows:

23 (1) The Washington basic health plan is created as a program within  
24 the Washington state health care authority. The administrative head  
25 and appointing authority of the plan shall be the administrator of the  
26 Washington state health care authority. The administrator shall  
27 appoint a medical director. The medical director and up to five other  
28 employees of the plan shall be exempt from the civil service law,  
29 chapter 41.06 RCW.

30 (2) The administrator shall employ such other staff as are  
31 necessary to fulfill the responsibilities and duties of the  
32 administrator, such staff to be subject to the civil service law,  
33 chapter 41.06 RCW. In addition, the administrator may contract with  
34 third parties for services necessary to carry out its activities where  
35 this will promote economy, avoid duplication of effort, and make best

1 use of available expertise. Any such contractor or consultant shall be  
2 prohibited from releasing, publishing, or otherwise using any  
3 information made available to it under its contractual responsibility  
4 without specific permission of the plan. The administrator may call  
5 upon other agencies of the state to provide available information as  
6 necessary to assist the administrator in meeting its responsibilities  
7 under this chapter, which information shall be supplied as promptly as  
8 circumstances permit.

9 (3) The administrator may appoint such technical or advisory  
10 committees as he or she deems necessary. (~~The administrator shall  
11 appoint a standing technical advisory committee that is representative  
12 of health care professionals, health care providers, and those directly  
13 involved in the purchase, provision, or delivery of health care  
14 services, as well as consumers and those knowledgeable of the ethical  
15 issues involved with health care public policy. Individuals appointed  
16 to any technical or other advisory committee shall serve without  
17 compensation for their services as members, but may be reimbursed for  
18 their travel expenses pursuant to RCW 43.03.050 and 43.03.060.~~)

19 (4) The administrator may apply for, receive, and accept grants,  
20 gifts, and other payments, including property and service, from any  
21 governmental or other public or private entity or person, and may make  
22 arrangements as to the use of these receipts, including the undertaking  
23 of special studies and other projects relating to health care costs and  
24 access to health care.

25 (5) Whenever feasible, the administrator shall reduce the  
26 administrative cost of operating the program by adopting joint policies  
27 or procedures applicable to both the basic health plan and employee  
28 health plans.

29 **Children of Incarcerated Parents Advisory Committee**

30 NEW SECTION. **Sec. 46.** RCW 43.63A.068 (Advisory committee on  
31 policies and programs for children and families with incarcerated  
32 parents--Funding for programs and services) and 2007 c 384 s 6 are each  
33 repealed.

34 **Sec. 47.** RCW 28A.300.520 and 2007 c 384 s 5 are each amended to  
35 read as follows:

1 (1) The superintendent of public instruction shall review current  
2 policies and assess the adequacy and availability of programs targeted  
3 at children who have a parent who is incarcerated in a department of  
4 corrections facility. The superintendent of public instruction shall  
5 adopt policies that support the children of incarcerated parents and  
6 meet their needs with the goal of facilitating normal child  
7 development, including maintaining adequate academic progress, while  
8 reducing intergenerational incarceration.

9 ~~(2) ((The superintendent shall conduct the following activities))~~  
10 To assist in implementing the requirements of subsection (1) of this  
11 section((+

12 ~~(a))~~, the superintendent shall gather information and data on the  
13 students who are the children of inmates incarcerated in department of  
14 corrections facilities(~~(+and~~

15 ~~(b) Participate in the children of incarcerated parents advisory~~  
16 ~~committee and report information obtained under this section to the~~  
17 ~~advisory committee)).~~

18 **Sec. 48.** RCW 43.215.065 and 2007 c 384 s 4 are each amended to  
19 read as follows:

20 (1)(a) The director of the department of early learning shall  
21 review current department policies and assess the adequacy and  
22 availability of programs targeted at persons who receive assistance who  
23 are the children and families of a person who is incarcerated in a  
24 department of corrections facility. Great attention shall be focused  
25 on programs and policies affecting foster youth who have a parent who  
26 is incarcerated.

27 (b) The director shall adopt policies that support the children of  
28 incarcerated parents and meet their needs with the goal of facilitating  
29 normal child development, while reducing intergenerational  
30 incarceration.

31 ~~(2) ((The director shall conduct the following activities))~~ To  
32 assist in implementing the requirements of subsection (1) of this  
33 section((+

34 ~~(a))~~, the director shall gather information and data on the  
35 recipients of assistance who are the children and families of inmates  
36 incarcerated in department of corrections facilities(~~(+and~~

1 ~~(b) Participate in the children of incarcerated parents advisory~~  
2 ~~committee and report information obtained under this section to the~~  
3 ~~advisory committee)).~~

4 **Sec. 49.** RCW 72.09.495 and 2007 c 384 s 2 are each amended to read  
5 as follows:

6 (1) The secretary of corrections shall review current department  
7 policies and assess the following:

8 (a) The impact of existing policies on the ability of offenders to  
9 maintain familial contact and engagement between inmates and children;  
10 and

11 (b) The adequacy and availability of programs targeted at inmates  
12 with children.

13 (2) The secretary shall adopt policies that encourage familial  
14 contact and engagement between inmates and their children with the goal  
15 of reducing recidivism and intergenerational incarceration. Programs  
16 and policies should take into consideration the children's need to  
17 maintain contact with his or her parent and the inmate's ability to  
18 develop plans to financially support their children, assist in  
19 reunification when appropriate, and encourage the improvement of  
20 parenting skills where needed.

21 (3) The department shall conduct the following activities to assist  
22 in implementing the requirements of subsection (1) of this section:

23 (a) Gather information and data on the families of inmates,  
24 particularly the children of incarcerated parents; and

25 (b) Evaluate data to determine the impact on recidivism and  
26 intergenerational incarceration(~~(+and~~

27 ~~(c) Participate in the children of incarcerated parents advisory~~  
28 ~~committee and report information obtained under this section to the~~  
29 ~~advisory committee)).~~

30 **Sec. 50.** RCW 74.04.800 and 2007 c 384 s 3 are each amended to read  
31 as follows:

32 (1)(a) The secretary of social and health services shall review  
33 current department policies and assess the adequacy and availability of  
34 programs targeted at persons who receive services through the  
35 department who are the children and families of a person who is

1 incarcerated in a department of corrections facility. Great attention  
2 shall be focused on programs and policies affecting foster youth who  
3 have a parent who is incarcerated.

4 (b) The secretary shall adopt policies that encourage familial  
5 contact and engagement between inmates of the department of corrections  
6 facilities and their children with the goal of facilitating normal  
7 child development, while reducing recidivism and intergenerational  
8 incarceration. Programs and policies should take into consideration  
9 the children's need to maintain contact with his or her parent, the  
10 inmate's ability to develop plans to financially support their  
11 children, assist in reunification when appropriate, and encourage the  
12 improvement of parenting skills where needed. The programs and  
13 policies should also meet the needs of the child while the parent is  
14 incarcerated.

15 (2) ~~((The secretary shall conduct the following activities))~~ To  
16 assist in implementing the requirements of subsection (1) of this  
17 section(~~(+~~

18 ~~(a))~~, the secretary shall gather information and data on the  
19 recipients of public assistance, or children in the care of the state  
20 under chapter 13.34 RCW, who are the children and families of inmates  
21 incarcerated in department of corrections facilities(~~(+and~~

22 ~~(b) Participate in the children of incarcerated parents advisory~~  
23 ~~committee and report information obtained under this section to the~~  
24 ~~advisory committee)).~~

### 25 Children's Services Advisory Committee

26 **Sec. 51.** RCW 74.13.031 and 2008 c 267 s 6 are each amended to read  
27 as follows:

28 The department shall have the duty to provide child welfare  
29 services and shall:

30 (1) Develop, administer, supervise, and monitor a coordinated and  
31 comprehensive plan that establishes, aids, and strengthens services for  
32 the protection and care of runaway, dependent, or neglected children.

33 (2) Within available resources, recruit an adequate number of  
34 prospective adoptive and foster homes, both regular and specialized,  
35 i.e. homes for children of ethnic minority, including Indian homes for  
36 Indian children, sibling groups, handicapped and emotionally disturbed,



1 teens, pregnant and parenting teens, and annually report to the  
2 governor and the legislature concerning the department's success in:  
3 (a) Meeting the need for adoptive and foster home placements; (b)  
4 reducing the foster parent turnover rate; (c) completing home studies  
5 for legally free children; and (d) implementing and operating the  
6 passport program required by RCW 74.13.285. The report shall include  
7 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

8 (3) Investigate complaints of any recent act or failure to act on  
9 the part of a parent or caretaker that results in death, serious  
10 physical or emotional harm, or sexual abuse or exploitation, or that  
11 presents an imminent risk of serious harm, and on the basis of the  
12 findings of such investigation, offer child welfare services in  
13 relation to the problem to such parents, legal custodians, or persons  
14 serving in loco parentis, and/or bring the situation to the attention  
15 of an appropriate court, or another community agency. An investigation  
16 is not required of nonaccidental injuries which are clearly not the  
17 result of a lack of care or supervision by the child's parents, legal  
18 custodians, or persons serving in loco parentis. If the investigation  
19 reveals that a crime against a child may have been committed, the  
20 department shall notify the appropriate law enforcement agency.

21 (4) Offer, on a voluntary basis, family reconciliation services to  
22 families who are in conflict.

23 (5) Monitor placements of children in out-of-home care and in-home  
24 dependencies to assure the safety, well-being, and quality of care  
25 being provided is within the scope of the intent of the legislature as  
26 defined in RCW 74.13.010 and 74.15.010. The policy for monitoring  
27 placements under this section shall require that children in out-of-  
28 home care and in-home dependencies and their caregivers receive a  
29 private and individual face-to-face visit each month.

30 (a) The department shall conduct the monthly visits with children  
31 and caregivers required under this section unless the child's placement  
32 is being supervised under a contract between the department and a  
33 private agency accredited by a national child welfare accrediting  
34 entity, in which case the private agency shall, within existing  
35 resources, conduct the monthly visits with the child and with the  
36 child's caregiver according to the standards described in this  
37 subsection and shall provide the department with a written report of  
38 the visits within fifteen days of completing the visits.

1 (b) In cases where the monthly visits required under this  
2 subsection are being conducted by a private agency, the department  
3 shall conduct a face-to-face health and safety visit with the child at  
4 least once every ninety days.

5 (6) Have authority to accept custody of children from parents and  
6 to accept custody of children from juvenile courts, where authorized to  
7 do so under law, to provide child welfare services including placement  
8 for adoption, to provide for the routine and necessary medical, dental,  
9 and mental health care, or necessary emergency care of the children,  
10 and to provide for the physical care of such children and make payment  
11 of maintenance costs if needed. Except where required by Public Law  
12 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives  
13 children for adoption from the department shall discriminate on the  
14 basis of race, creed, or color when considering applications in their  
15 placement for adoption.

16 (7) Have authority to provide temporary shelter to children who  
17 have run away from home and who are admitted to crisis residential  
18 centers.

19 (8) Have authority to purchase care for children; and shall follow  
20 in general the policy of using properly approved private agency  
21 services for the actual care and supervision of such children insofar  
22 as they are available, paying for care of such children as are accepted  
23 by the department as eligible for support at reasonable rates  
24 established by the department.

25 ~~(9) ((Establish a children's services advisory committee which  
26 shall assist the secretary in the development of a partnership plan for  
27 utilizing resources of the public and private sectors, and advise on  
28 all matters pertaining to child welfare, licensing of child care  
29 agencies, adoption, and services related thereto. At least one member  
30 shall represent the adoption community.~~

31 ~~(10))~~(a) Have authority to provide continued foster care or group  
32 care as needed to participate in or complete a high school or  
33 vocational school program.

34 (b)(i) Beginning in 2006, the department has the authority to allow  
35 up to fifty youth reaching age eighteen to continue in foster care or  
36 group care as needed to participate in or complete a posthigh school  
37 academic or vocational program, and to receive necessary support and  
38 transition services.

1 (ii) In 2007 and 2008, the department has the authority to allow up  
2 to fifty additional youth per year reaching age eighteen to remain in  
3 foster care or group care as provided in (b)(i) of this subsection.

4 (iii) A youth who remains eligible for such placement and services  
5 pursuant to department rules may continue in foster care or group care  
6 until the youth reaches his or her twenty-first birthday. Eligibility  
7 requirements shall include active enrollment in a posthigh school  
8 academic or vocational program and maintenance of a 2.0 grade point  
9 average.

10 ~~((+11+))~~ (10) Refer cases to the division of child support whenever  
11 state or federal funds are expended for the care and maintenance of a  
12 child, including a child with a developmental disability who is placed  
13 as a result of an action under chapter 13.34 RCW, unless the department  
14 finds that there is good cause not to pursue collection of child  
15 support against the parent or parents of the child. Cases involving  
16 individuals age eighteen through twenty shall not be referred to the  
17 division of child support unless required by federal law.

18 ~~((+12+))~~ (11) Have authority within funds appropriated for foster  
19 care services to purchase care for Indian children who are in the  
20 custody of a federally recognized Indian tribe or tribally licensed  
21 child-placing agency pursuant to parental consent, tribal court order,  
22 or state juvenile court order; and the purchase of such care shall be  
23 subject to the same eligibility standards and rates of support  
24 applicable to other children for whom the department purchases care.

25 Notwithstanding any other provision of RCW 13.32A.170 through  
26 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
27 services to be provided by the department of social and health services  
28 under subsections (4), (6), and (7) of this section, subject to the  
29 limitations of these subsections, may be provided by any program  
30 offering such services funded pursuant to Titles II and III of the  
31 federal juvenile justice and delinquency prevention act of 1974.

32 ~~((+13+))~~ (12) Within amounts appropriated for this specific  
33 purpose, provide preventive services to families with children that  
34 prevent or shorten the duration of an out-of-home placement.

35 ~~((+14+))~~ (13) Have authority to provide independent living services  
36 to youths, including individuals who have attained eighteen years of  
37 age, and have not attained twenty-one years of age who are or have been  
38 in foster care.

1        ~~((15))~~ (14) Consult at least quarterly with foster parents,  
2 including members of the foster parent association of Washington state,  
3 for the purpose of receiving information and comment regarding how the  
4 department is performing the duties and meeting the obligations  
5 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
6 recruitment of foster homes, reducing foster parent turnover rates,  
7 providing effective training for foster parents, and administering a  
8 coordinated and comprehensive plan that strengthens services for the  
9 protection of children. Consultation shall occur at the regional and  
10 statewide levels.

11        **Sec. 52.** RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are  
12 each reenacted and amended to read as follows:

13        The secretary shall have the power and it shall be the secretary's  
14 duty:

15        (1) ~~((In consultation with the children's services advisory  
16 committee, and))~~ With the advice and assistance of persons  
17 representative of the various type agencies to be licensed, to  
18 designate categories of facilities for which separate or different  
19 requirements shall be developed as may be appropriate whether because  
20 of variations in the ages, sex and other characteristics of persons  
21 served, variations in the purposes and services offered or size or  
22 structure of the agencies to be licensed hereunder, or because of any  
23 other factor relevant thereto;

24        (2) ~~((In consultation with the children's services advisory  
25 committee, and))~~ With the advice and assistance of persons  
26 representative of the various type agencies to be licensed, to adopt  
27 and publish minimum requirements for licensing applicable to each of  
28 the various categories of agencies to be licensed.

29        The minimum requirements shall be limited to:

30        (a) The size and suitability of a facility and the plan of  
31 operation for carrying out the purpose for which an applicant seeks a  
32 license;

33        (b) Obtaining background information and any out-of-state  
34 equivalent, to determine whether the applicant or service provider is  
35 disqualified and to determine the character, competence, and  
36 suitability of an agency, the agency's employees, volunteers, and other  
37 persons associated with an agency;

1 (c) Conducting background checks for those who will or may have  
2 unsupervised access to children, expectant mothers, or individuals with  
3 a developmental disability;

4 (d) Obtaining child protective services information or records  
5 maintained in the department case management information system. No  
6 unfounded allegation of child abuse or neglect as defined in RCW  
7 26.44.020 may be disclosed to a child-placing agency, private adoption  
8 agency, or any other provider licensed under this chapter;

9 (e) Submitting a fingerprint-based background check through the  
10 Washington state patrol under chapter 10.97 RCW and through the federal  
11 bureau of investigation for:

12 (i) Agencies and their staff, volunteers, students, and interns  
13 when the agency is seeking license or relicensure;

14 (ii) Foster care and adoption placements; and

15 (iii) Any adult living in a home where a child may be placed;

16 (f) If any adult living in the home has not resided in the state of  
17 Washington for the preceding five years, the department shall review  
18 any child abuse and neglect registries maintained by any state where  
19 the adult has resided over the preceding five years;

20 (g) The cost of fingerprint background check fees will be paid as  
21 required in RCW 43.43.837;

22 (h) National and state background information must be used solely  
23 for the purpose of determining eligibility for a license and for  
24 determining the character, suitability, and competence of those persons  
25 or agencies, excluding parents, not required to be licensed who are  
26 authorized to care for children or expectant mothers;

27 (i) The number of qualified persons required to render the type of  
28 care and treatment for which an agency seeks a license;

29 (j) The safety, cleanliness, and general adequacy of the premises  
30 to provide for the comfort, care and well-being of children, expectant  
31 mothers or developmentally disabled persons;

32 (k) The provision of necessary care, including food, clothing,  
33 supervision and discipline; physical, mental and social well-being; and  
34 educational, recreational and spiritual opportunities for those served;

35 (l) The financial ability of an agency to comply with minimum  
36 requirements established pursuant to chapter 74.15 RCW and RCW  
37 74.13.031; and

1 (m) The maintenance of records pertaining to the admission,  
2 progress, health and discharge of persons served;

3 (3) To investigate any person, including relatives by blood or  
4 marriage except for parents, for character, suitability, and competence  
5 in the care and treatment of children, expectant mothers, and  
6 developmentally disabled persons prior to authorizing that person to  
7 care for children, expectant mothers, and developmentally disabled  
8 persons. However, if a child is placed with a relative under RCW  
9 13.34.065 or 13.34.130, and if such relative appears otherwise suitable  
10 and competent to provide care and treatment the criminal history  
11 background check required by this section need not be completed before  
12 placement, but shall be completed as soon as possible after placement;

13 (4) On reports of alleged child abuse and neglect, to investigate  
14 agencies in accordance with chapter 26.44 RCW, including child day-care  
15 centers and family day-care homes, to determine whether the alleged  
16 abuse or neglect has occurred, and whether child protective services or  
17 referral to a law enforcement agency is appropriate;

18 (5) To issue, revoke, or deny licenses to agencies pursuant to  
19 chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the  
20 category of care which an agency is authorized to render and the ages,  
21 sex and number of persons to be served;

22 (6) To prescribe the procedures and the form and contents of  
23 reports necessary for the administration of chapter 74.15 RCW and RCW  
24 74.13.031 and to require regular reports from each licensee;

25 (7) To inspect agencies periodically to determine whether or not  
26 there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the  
27 requirements adopted hereunder;

28 (8) To review requirements adopted hereunder at least every two  
29 years and to adopt appropriate changes after consultation with affected  
30 groups for child day-care requirements and (~~with the children's~~  
31 ~~services advisory committee~~) for requirements for other agencies; and

32 (9) To consult with public and private agencies in order to help  
33 them improve their methods and facilities for the care of children,  
34 expectant mothers and developmentally disabled persons.

35 **Sec. 53.** RCW 74.15.050 and 1995 c 369 s 62 are each amended to  
36 read as follows:

1 The chief of the Washington state patrol, through the director of  
2 fire protection, shall have the power and it shall be his or her duty:

3 (1) (~~In consultation with the children's services advisory~~  
4 ~~committee and~~) With the advice and assistance of persons  
5 representative of the various type agencies to be licensed, to adopt  
6 recognized minimum standard requirements pertaining to each category of  
7 agency established pursuant to chapter 74.15 RCW and RCW 74.13.031,  
8 except foster-family homes and child-placing agencies, necessary to  
9 protect all persons residing therein from fire hazards;

10 (2) To make or cause to be made such inspections and investigations  
11 of agencies, other than foster-family homes or child-placing agencies,  
12 as he or she deems necessary;

13 (3) To make a periodic review of requirements under RCW  
14 74.15.030(7) and to adopt necessary changes after consultation as  
15 required in subsection (1) of this section;

16 (4) To issue to applicants for licenses hereunder, other than  
17 foster-family homes or child-placing agencies, who comply with the  
18 requirements, a certificate of compliance, a copy of which shall be  
19 presented to the department of social and health services before a  
20 license shall be issued, except that (~~a provisional~~) an initial  
21 license may be issued as provided in RCW 74.15.120.

22 **Sec. 54.** RCW 74.15.060 and 1991 c 3 s 376 are each amended to read  
23 as follows:

24 The secretary of health shall have the power and it shall be his or  
25 her duty:

26 (~~In consultation with the children's services advisory committee~~  
27 ~~and~~) With the advice and assistance of persons representative of the  
28 various type agencies to be licensed, to develop minimum requirements  
29 pertaining to each category of agency established pursuant to chapter  
30 74.15 RCW and RCW 74.13.031, necessary to promote the health of all  
31 persons residing therein.

32 The secretary of health or the city, county, or district health  
33 department designated by the secretary shall have the power and the  
34 duty:

35 (1) To make or cause to be made such inspections and investigations  
36 of agencies as may be deemed necessary; and

1 (2) To issue to applicants for licenses hereunder who comply with  
2 the requirements adopted hereunder, a certificate of compliance, a copy  
3 of which shall be presented to the department of social and health  
4 services before a license shall be issued, except that ((a  
5 ~~provisional~~)) an initial license may be issued as provided in RCW  
6 74.15.120.

7 **Combined Fund Drive Committee**

8 **Sec. 55.** RCW 41.04.033 and 2003 c 205 s 1 are each amended to read  
9 as follows:

10 The director of the department of personnel is authorized to adopt  
11 rules, after consultation with state agencies, institutions of higher  
12 education, and employee organizations(~~(, to create a Washington state  
13 combined fund drive committee, and))~~) for the operation of the  
14 Washington state combined fund drive.

15 **Sec. 56.** RCW 41.04.0331 and 2003 c 205 s 2 are each amended to  
16 read as follows:

17 To operate the Washington state combined fund (~~(drive's powers and  
18 duties include))~~) drive program, the director of the department of  
19 personnel or his or her designee may but ((are)) is not limited to the  
20 following:

21 (1) Raising money for charity, and reducing the disruption to  
22 government caused by multiple fund drives;

23 (2) Establishing criteria by which a public or private nonprofit  
24 organization may participate in the combined fund drive;

25 (3) Engaging in or encouraging fund-raising activities including  
26 the solicitation and acceptance of charitable gifts, grants, and  
27 donations from state employees, retired public employees, corporations,  
28 foundations, and other individuals for the benefit of the beneficiaries  
29 of the Washington state combined fund drive;

30 (4) Requesting the appointment of employees from state agencies and  
31 institutions of higher education to lead and manage workplace  
32 charitable giving campaigns within state government;

33 (5) Engaging in educational activities, including classes,  
34 exhibits, seminars, workshops, and conferences, related to the basic  
35 purpose of the combined fund drive;



1 (6) Engaging in appropriate fund-raising and advertising activities  
2 for the support of the administrative duties of the Washington state  
3 combined fund drive; and

4 (7) Charging an administrative fee to the beneficiaries of the  
5 Washington state combined fund drive to fund the administrative duties  
6 of the Washington state combined fund drive.

7 Activities of the Washington state combined fund drive shall not  
8 result in direct commercial solicitation of state employees, or a  
9 benefit or advantage that would violate one or more provisions of  
10 chapter 42.52 RCW. This section does not authorize individual state  
11 agencies to enter into contracts or partnerships unless otherwise  
12 authorized by law.

13 **Sec. 57.** RCW 41.04.0332 and 2003 c 205 s 3 are each amended to  
14 read as follows:

15 The (~~Washington state combined fund drive committee~~) department  
16 of personnel may enter into contracts and partnerships with private  
17 institutions, persons, firms, or corporations for the benefit of the  
18 beneficiaries of the Washington state combined fund drive. Activities  
19 of the Washington state combined fund drive shall not result in direct  
20 commercial solicitation of state employees, or a benefit or advantage  
21 that would violate one or more provisions of chapter 42.52 RCW. This  
22 section does not authorize individual state agencies to enter into  
23 contracts or partnerships unless otherwise authorized by law.

24 **Board of Law Enforcement Training Standards**  
25 **and Board on Correctional Training Standards**

26 NEW SECTION. **Sec. 58.** The following acts or parts of acts are  
27 each repealed:

28 (1) RCW 43.101.310 (Board on law enforcement training standards and  
29 education--Board on correctional training standards--Created--Purpose)  
30 and 1997 c 351 s 2;

31 (2) RCW 43.101.315 (Boards--Membership) and 1997 c 351 s 3;

32 (3) RCW 43.101.320 (Boards--Terms of members) and 1997 c 351 s 4;

33 (4) RCW 43.101.325 (Termination of membership upon termination of  
34 qualifying office or employment) and 1997 c 351 s 5;

35 (5) RCW 43.101.330 (Boards--Chairs--Quorum) and 1997 c 351 s 6;

- 1 (6) RCW 43.101.335 (Boards--Travel expenses) and 1997 c 351 s 7;  
2 (7) RCW 43.101.340 (Boards--Powers--Report to commission) and 1997  
3 c 351 s 8; and  
4 (8) RCW 43.101.345 (Recommendations of boards--Review by  
5 commission) and 1997 c 351 s 9.

6 **Sec. 59.** RCW 43.101.380 and 2006 c 22 s 3 are each amended to read  
7 as follows:

8 (1) The procedures governing adjudicative proceedings before  
9 agencies under chapter 34.05 RCW, the administrative procedure act,  
10 govern hearings before the commission and govern all other actions  
11 before the commission unless otherwise provided in this chapter. The  
12 standard of proof in actions before the commission is clear, cogent,  
13 and convincing evidence.

14 (2) In all hearings requested under RCW 43.101.155, a five-member  
15 hearings panel shall both hear the case and make the commission's final  
16 administrative decision. Members of the commission (~~or the board on~~  
17 ~~law enforcement training standards and education~~) may but need not be  
18 appointed to the hearings panels. The commission shall appoint as  
19 follows two or more panels to hear appeals from decertification  
20 actions:

21 (a) When a hearing is requested in relation to decertification of  
22 a Washington peace officer who is not a peace officer of the Washington  
23 state patrol, the commission shall appoint to the panel: (i) One  
24 police chief; (ii) one sheriff; (iii) two peace officers who are at or  
25 below the level of first line supervisor, who are from city or county  
26 law enforcement agencies, and who have at least ten years' experience  
27 as peace officers; and (iv) one person who is not currently a peace  
28 officer and who represents a community college or four-year college or  
29 university.

30 (b) When a hearing is requested in relation to decertification of  
31 a peace officer of the Washington state patrol, the commission shall  
32 appoint to the panel: (i) Either one police chief or one sheriff; (ii)  
33 one administrator of the state patrol; (iii) one peace officer who is  
34 at or below the level of first line supervisor, who is from a city or  
35 county law enforcement agency, and who has at least ten years'  
36 experience as a peace officer; (iv) one state patrol officer who is at  
37 or below the level of first line supervisor, and who has at least ten

1 years' experience as a peace officer; and (v) one person who is not  
2 currently a peace officer and who represents a community college or  
3 four-year college or university.

4 (c) When a hearing is requested in relation to decertification of  
5 a tribal police officer, the commission shall appoint to the panel (i)  
6 either one chief or one sheriff; (ii) one tribal police chief; (iii)  
7 one peace officer who is at or below the level of first line  
8 supervisor, who is from a city or county law enforcement agency, and  
9 who has at least ten years' experience as a peace officer; (iv) one  
10 tribal police officer who is at or below the level of first line  
11 supervisor, and who has at least ten years' experience as a peace  
12 officer; and (v) one person who is not currently a peace officer and  
13 who represents a community college or four-year college or university.

14 (d) Persons appointed to hearings panels by the commission shall,  
15 in relation to any decertification matter on which they sit, have the  
16 powers, duties, and immunities, and are entitled to the emoluments,  
17 including travel expenses in accordance with RCW 43.03.050 and  
18 43.03.060, of regular commission members.

19 (3) Where the charge upon which revocation or denial is based is  
20 that a peace officer was "discharged for disqualifying misconduct," and  
21 the discharge is "final," within the meaning of RCW 43.101.105(1)(d),  
22 and the officer received a civil service hearing or arbitration hearing  
23 culminating in an affirming decision following separation from service  
24 by the employer, the hearings panel may revoke or deny certification if  
25 the hearings panel determines that the discharge occurred and was based  
26 on disqualifying misconduct; the hearings panel need not redetermine  
27 the underlying facts but may make this determination based solely on  
28 review of the records and decision relating to the employment  
29 separation proceeding. However, the hearings panel may, in its  
30 discretion, consider additional evidence to determine whether such a  
31 discharge occurred and was based on such disqualifying misconduct. The  
32 hearings panel shall, upon written request by the subject peace  
33 officer, allow the peace officer to present additional evidence of  
34 extenuating circumstances.

35 Where the charge upon which revocation or denial of certification  
36 is based is that a peace officer "has been convicted at any time of a  
37 felony offense" within the meaning of RCW 43.101.105(1)(c), the  
38 hearings panel shall revoke or deny certification if it determines that

1 the peace officer was convicted of a felony. The hearings panel need  
2 not redetermine the underlying facts but may make this determination  
3 based solely on review of the records and decision relating to the  
4 criminal proceeding. However, the hearings panel shall, upon the  
5 panel's determination of relevancy, consider additional evidence to  
6 determine whether the peace officer was convicted of a felony.

7 Where the charge upon which revocation or denial is based is under  
8 RCW 43.101.105(1) (a), (b), (e), or (f), the hearings panel shall  
9 determine the underlying facts relating to the charge upon which  
10 revocation or denial of certification is based.

11 (4) The commission's final administrative decision is subject to  
12 judicial review under RCW 34.05.510 through 34.05.598.

### 13 **Customer Advisory Board--Department of Information Services**

14 NEW SECTION. **Sec. 60.** RCW 43.105.055 (Advisory committees--  
15 Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each  
16 repealed.

17 **Sec. 61.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to  
18 read as follows:

19 The department shall:

20 (1) Perform all duties and responsibilities the board delegates to  
21 the department, including but not limited to:

22 (a) The review of agency information technology portfolios and  
23 related requests; and

24 (b) Implementation of statewide and interagency policies,  
25 standards, and guidelines;

26 (2) Make available information services to state agencies and local  
27 governments and public benefit nonprofit corporations on a full cost-  
28 recovery basis. For the purposes of this section "public benefit  
29 nonprofit corporation" means a public benefit nonprofit corporation as  
30 defined in RCW 24.03.005 that is receiving local, state, or federal  
31 funds either directly or through a public agency other than an Indian  
32 tribe or political subdivision of another state. These services may  
33 include, but are not limited to:

34 (a) Telecommunications services for voice, data, and video;

35 (b) Mainframe computing services;

1 (c) Support for departmental and microcomputer evaluation,  
2 installation, and use;

3 (d) Equipment acquisition assistance, including leasing, brokering,  
4 and establishing master contracts;

5 (e) Facilities management services for information technology  
6 equipment, equipment repair, and maintenance service;

7 (f) Negotiation with local cable companies and local governments to  
8 provide for connection to local cable services to allow for access to  
9 these public and educational channels in the state;

10 (g) Office automation services;

11 (h) System development services; and

12 (i) Training.

13 These services are for discretionary use by customers and customers  
14 may elect other alternatives for service if those alternatives are more  
15 cost-effective or provide better service. Agencies may be required to  
16 use the backbone network portions of the telecommunications services  
17 during an initial start-up period not to exceed three years;

18 (3) Establish rates and fees for services provided by the  
19 department to assure that the services component of the department is  
20 self-supporting. A billing rate plan shall be developed for a two-year  
21 period to coincide with the budgeting process. The rate plan shall be  
22 subject to review at least annually by the (~~customer advisory board~~)  
23 office of financial management. The rate plan shall show the proposed  
24 rates by each cost center and will show the components of the rate  
25 structure as mutually determined by the department and the (~~customer  
26 advisory board~~) office of financial management. The same rate  
27 structure will apply to all user agencies of each cost center. The  
28 rate plan and any adjustments to rates shall be approved by the office  
29 of financial management. The services component shall not subsidize  
30 the operations of the strategic planning and policy component;

31 (4) With the advice of the information services board and agencies,  
32 develop a state strategic information technology plan and performance  
33 reports as required under RCW 43.105.160;

34 (5) Develop plans for the department's achievement of statewide  
35 goals and objectives set forth in the state strategic information  
36 technology plan required under RCW 43.105.160. These plans shall  
37 address such services as telecommunications, central and distributed

1 computing, local area networks, office automation, and end user  
2 computing. The department shall seek the advice of the (~~customer~~  
3 ~~advisory board and the~~) board in the development of these plans;

4 (6) Under direction of the information services board and in  
5 collaboration with the department of personnel, and other agencies as  
6 may be appropriate, develop training plans and coordinate training  
7 programs that are responsive to the needs of agencies;

8 (7) Identify opportunities for the effective use of information  
9 services and coordinate appropriate responses to those opportunities;

10 (8) Assess agencies' projects, acquisitions, plans, information  
11 technology portfolios, or overall information processing performance as  
12 requested by the board, agencies, the director of financial management,  
13 or the legislature. Agencies may be required to reimburse the  
14 department for agency-requested reviews;

15 (9) Develop planning, budgeting, and expenditure reporting  
16 requirements, in conjunction with the office of financial management,  
17 for agencies to follow;

18 (10) Assist the office of financial management with budgetary and  
19 policy review of agency plans for information services;

20 (11) Provide staff support from the strategic planning and policy  
21 component to the board for:

22 (a) Meeting preparation, notices, and minutes;

23 (b) Promulgation of policies, standards, and guidelines adopted by  
24 the board;

25 (c) Supervision of studies and reports requested by the board;

26 (d) Conducting reviews and assessments as directed by the board;

27 (12) Be the lead agency in coordinating video telecommunications  
28 services for all state agencies and develop, pursuant to board  
29 policies, standards and common specifications for leased and purchased  
30 telecommunications equipment. The department shall not evaluate the  
31 merits of school curriculum, higher education course offerings, or  
32 other education and training programs proposed for transmission and/or  
33 reception using video telecommunications resources. Nothing in this  
34 section shall abrogate or abridge the legal responsibilities of  
35 licensees of telecommunications facilities as licensed by the federal  
36 communication commission on March 27, 1990; and

37 (13) Perform all other matters and things necessary to carry out  
38 the purposes and provisions of this chapter.

1                   **Early Intervention for Children who are Deaf**  
2                   **and have Hearing Loss--Advisory Committee**

3           NEW SECTION.   **Sec. 62.**   RCW 70.198.010 (Findings) and 2004 c 47 s  
4 1 are each repealed.

5                   **Eastern State Hospital Board and Western State Hospital Board**

6           **Sec. 63.**   RCW 72.23.025 and 2006 c 333 s 204 are each amended to  
7 read as follows:

8           (1) It is the intent of the legislature to improve the quality of  
9 service at state hospitals, eliminate overcrowding, and more  
10 specifically define the role of the state hospitals. The legislature  
11 intends that eastern and western state hospitals shall become clinical  
12 centers for handling the most complicated long-term care needs of  
13 patients with a primary diagnosis of mental disorder. To this end, the  
14 legislature intends that funds appropriated for mental health programs,  
15 including funds for regional support networks and the state hospitals  
16 be used for persons with primary diagnosis of mental disorder. The  
17 legislature finds that establishment of (~~the eastern state hospital~~  
18 ~~board, the western state hospital board, and~~) institutes for the study  
19 and treatment of mental disorders at both eastern state hospital and  
20 western state hospital will be instrumental in implementing the  
21 legislative intent.

22           ~~(2)((a) The eastern state hospital board and the western state~~  
23 ~~hospital board are each established. Members of the boards shall be~~  
24 ~~appointed by the governor with the consent of the senate. Each board~~  
25 ~~shall include:~~

26           ~~(i) The director of the institute for the study and treatment of~~  
27 ~~mental disorders established at the hospital;~~

28           ~~(ii) One family member of a current or recent hospital resident;~~

29           ~~(iii) One consumer of services;~~

30           ~~(iv) One community mental health service provider;~~

31           ~~(v) Two citizens with no financial or professional interest in~~  
32 ~~mental health services;~~

33           ~~(vi) One representative of the regional support network in which~~  
34 ~~the hospital is located;~~

35           ~~(vii) One representative from the staff who is a physician;~~

1 ~~(viii) One representative from the nursing staff;~~

2 ~~(ix) One representative from the other professional staff;~~

3 ~~(x) One representative from the nonprofessional staff; and~~

4 ~~(xi) One representative of a minority community.~~

5 ~~(b) At least one representative listed in (a)(viii), (ix), or (x)~~  
6 ~~of this subsection shall be a union member.~~

7 ~~(c) Members shall serve four-year terms. Members of the board~~  
8 ~~shall be reimbursed for travel expenses as provided in RCW 43.03.050~~  
9 ~~and 43.03.060 and shall receive compensation as provided in RCW~~  
10 ~~43.03.240.~~

11 ~~(3) The boards established under this section shall:~~

12 ~~(a) Monitor the operation and activities of the hospital;~~

13 ~~(b) Review and advise on the hospital budget;~~

14 ~~(c) Make recommendations to the governor and the legislature for~~  
15 ~~improving the quality of service provided by the hospital;~~

16 ~~(d) Monitor and review the activities of the hospital in~~  
17 ~~implementing the intent of the legislature set forth in this section;~~  
18 ~~and~~

19 ~~(e) Consult with the secretary regarding persons the secretary may~~  
20 ~~select as the superintendent of the hospital whenever a vacancy occurs.~~

21 ~~(4))~~(a) There is established at eastern state hospital and western  
22 state hospital, institutes for the study and treatment of mental  
23 disorders. The institutes shall be operated by joint operating  
24 agreements between state colleges and universities and the department  
25 of social and health services. The institutes are intended to conduct  
26 training, research, and clinical program development activities that  
27 will directly benefit ~~((mentally ill))~~ persons with mental illness who  
28 are receiving treatment in Washington state by performing the following  
29 activities:

30 (i) Promote recruitment and retention of highly qualified  
31 professionals at the state hospitals and community mental health  
32 programs;

33 (ii) Improve clinical care by exploring new, innovative, and  
34 scientifically based treatment models for persons presenting  
35 particularly difficult and complicated clinical syndromes;

36 (iii) Provide expanded training opportunities for existing staff at  
37 the state hospitals and community mental health programs;



1 (iv) Promote bilateral understanding of treatment orientation,  
2 possibilities, and challenges between state hospital professionals and  
3 community mental health professionals.

4 (b) To accomplish these purposes the institutes may, within funds  
5 appropriated for this purpose:

6 (i) Enter joint operating agreements with state universities or  
7 other institutions of higher education to accomplish the placement and  
8 training of students and faculty in psychiatry, psychology, social  
9 work, occupational therapy, nursing, and other relevant professions at  
10 the state hospitals and community mental health programs;

11 (ii) Design and implement clinical research projects to improve the  
12 quality and effectiveness of state hospital services and operations;

13 (iii) Enter into agreements with community mental health service  
14 providers to accomplish the exchange of professional staff between the  
15 state hospitals and community mental health service providers;

16 (iv) Establish a student loan forgiveness and conditional  
17 scholarship program to retain qualified professionals at the state  
18 hospitals and community mental health providers when the secretary has  
19 determined a shortage of such professionals exists.

20 (c) Notwithstanding any other provisions of law to the contrary,  
21 the institutes may enter into agreements with the department or the  
22 state hospitals which may involve changes in staffing necessary to  
23 implement improved patient care programs contemplated by this section.

24 (d) The institutes are authorized to seek and accept public or  
25 private gifts, grants, contracts, or donations to accomplish their  
26 purposes under this section.

## 27 **Fire Protection Policy Board**

28 **Sec. 64.** RCW 43.43.930 and 1995 c 369 s 14 are each amended to  
29 read as follows:

30 The legislature finds that fire protection services at the state  
31 level are provided by different, independent state agencies. This has  
32 resulted in a lack of a comprehensive state-level focus for state fire  
33 protection services, funding, and policy. The legislature further  
34 finds that the paramount duty of the state in fire protection services  
35 is to enhance the capacity of all local jurisdictions to assure that  
36 their personnel with fire suppression, prevention, inspection, origin

1 and cause, and arson investigation responsibilities are adequately  
2 trained to discharge their responsibilities. It is the intent of the  
3 legislature to consolidate fire protection services into a single state  
4 agency (~~(and to create a state board with the responsibility of (1)~~  
5 ~~establishing a comprehensive state policy regarding fire protection~~  
6 ~~services and (2) advising the chief of the Washington state patrol and~~  
7 ~~the director of fire protection on matters relating to their duties~~  
8 ~~under state law)). It is also the intent of the legislature that the~~  
9 fire protection services program created herein will assist local fire  
10 protection agencies in program development without encroaching upon  
11 their historic autonomy. It is the further intent of the legislature  
12 that the fire protection services program be implemented incrementally  
13 to assure a smooth transition, to build local, regional, and state  
14 capacity, and to avoid undue burdens on jurisdictions with limited  
15 resources.

16 **Sec. 65.** RCW 43.43.938 and 1995 c 369 s 18 are each amended to  
17 read as follows:

18 (1) Wherever the term state fire marshal appears in the Revised  
19 Code of Washington or the Washington Administrative Code it shall mean  
20 the director of fire protection.

21 (2) The chief of the Washington state patrol shall appoint an  
22 officer who shall be known as the director of fire protection. The  
23 (~~board, after consulting with the~~) chief of the Washington state  
24 patrol(~~(7)~~) shall prescribe qualifications for the position of director  
25 of fire protection. (~~The board shall submit to the chief of the~~  
26 ~~Washington state patrol a list containing the names of three persons~~  
27 ~~whom the board believes meet its qualifications. If requested by the~~  
28 ~~chief of the Washington state patrol, the board shall submit one~~  
29 ~~additional list of three persons whom the board believes meet its~~  
30 ~~qualifications. The appointment shall be from one of the lists of~~  
31 ~~persons submitted by the board.))~~

32 (3) The director of fire protection may designate one or more  
33 deputies and may delegate to those deputies his or her duties and  
34 authorities as deemed appropriate.

35 (4) The director of fire protection(~~(, in accordance with the~~  
36 ~~policies, objectives, and priorities of the fire protection policy~~

1 ~~board,~~) shall prepare a biennial budget pertaining to fire protection  
2 services. Such biennial budget shall be submitted as part of the  
3 Washington state patrol's budget request.

4 (5) The director of fire protection(~~(7)~~) shall implement and  
5 administer, within constraints established by budgeted resources, (~~the~~  
6 ~~policies, objectives, and priorities of the board and~~) all duties of  
7 the chief of the Washington state patrol that are to be carried out  
8 through the director of fire protection. Such administration shall  
9 include negotiation of agreements with the state board for community  
10 and technical colleges, the higher education coordinating board, and  
11 the state colleges and universities as provided in RCW (~~43.63A.320~~)  
12 43.43.934. Programs covered by such agreements shall include, but not  
13 be limited to, planning curricula, developing and delivering  
14 instructional programs and materials, and using existing instructional  
15 personnel and facilities. Where appropriate, such contracts shall also  
16 include planning and conducting instructional programs at the state  
17 fire service training center.

18 (6) The chief of the Washington state patrol, through the director  
19 of fire protection, shall seek the advice of the board in carrying out  
20 his or her duties under law.

21 **Sec. 66.** RCW 43.43.962 and 2003 c 405 s 3 are each amended to read  
22 as follows:

23 The (~~state fire protection policy board shall review and make~~  
24 ~~recommendations to the chief on the refinement and maintenance of~~)  
25 director of fire protection shall maintain and refine the Washington  
26 state fire services mobilization plan, which shall include the  
27 procedures to be used during fire and other emergencies for  
28 coordinating local, regional, and state fire jurisdiction resources.  
29 In carrying out this duty, the director of fire protection (~~policy~~  
30 ~~board~~) shall consult with and solicit recommendations from  
31 representatives of state and local fire and emergency management  
32 organizations, regional fire defense boards, and the department of  
33 natural resources. The Washington state fire services mobilization  
34 plan shall be consistent with, and made part of, the Washington state  
35 comprehensive emergency management plan. The chief shall review the  
36 fire services mobilization plan as submitted by the director of fire

1 protection ((~~policy board~~)), recommend changes that may be necessary,  
2 and approve the fire services mobilization plan for inclusion within  
3 the state comprehensive emergency management plan.

4 It is the responsibility of the chief to mobilize jurisdictions  
5 under the Washington state fire services mobilization plan. The state  
6 fire marshal shall serve as the state fire resources coordinator when  
7 the Washington state fire services mobilization plan is mobilized.

8 NEW SECTION. **Sec. 67.** The following acts or parts of acts are  
9 each repealed:

10 (1) RCW 43.43.932 (State fire protection policy board--Created--  
11 Members) and 2005 c 35 s 1, 1995 c 369 s 15, & 1986 c 266 s 55; and

12 (2) RCW 43.43.936 (State fire protection policy board--Advisory  
13 duties) and 1995 c 369 s 17, 1993 c 280 s 70, & 1986 c 266 s 57.

14 **Sec. 68.** RCW 43.43.934 and 2003 c 316 s 1 are each amended to read  
15 as follows:

16 ((~~Except for matters relating to the statutory duties of the chief  
17 of the Washington state patrol that are to be carried out through~~)) The  
18 director of fire protection((~~, the board shall have the responsibility  
19 of developing a comprehensive state policy regarding fire protection  
20 services. In carrying out its duties, the board~~)) shall:

21 (1)(a) ((~~Adopt a state fire training and education master plan that  
22 allows to the maximum feasible extent for negotiated agreements~~)) (i)  
23 With the state board for community and technical colleges ((~~to~~))  
24 provide academic, vocational, and field training programs for the fire  
25 service; and (ii) with the higher education coordinating board and the  
26 state colleges and universities ((~~to~~))  
27 provide instructional programs  
28 requiring advanced training, especially in command and management  
29 skills;

30 (b) ((~~Adopt minimum standards for each level of responsibility  
31 among personnel with fire suppression, prevention, inspection, and  
32 investigation responsibilities that assure continuing assessment of  
33 skills and are flexible enough to meet emerging technologies. With  
34 particular respect to training for fire investigations, the master plan  
35 shall encourage cross training in appropriate law enforcement skills.  
36 To meet special local needs, fire agencies may adopt more stringent  
requirements than those adopted by the state;~~))

1       ~~(e)~~) Cooperate with the common schools, technical and community  
2 colleges, institutions of higher education, and any department or  
3 division of the state, or of any county or municipal corporation in  
4 establishing and maintaining instruction in fire service training and  
5 education in accordance with any act of congress and legislation  
6 enacted by the legislature in pursuance thereof and in establishing,  
7 building, and operating training and education facilities.

8       Industrial fire departments and private fire investigators may  
9 participate in training and education programs under this chapter for  
10 a reasonable fee established by rule;

11       ~~((d))~~ (c) Develop and adopt a master plan for constructing,  
12 equipping, maintaining, and operating necessary fire service training  
13 and education facilities subject to the provisions of chapter 43.19  
14 RCW;

15       ~~((e))~~ (d) Develop and adopt a master plan for the purchase,  
16 lease, or other acquisition of real estate necessary for fire service  
17 training and education facilities in a manner provided by law; and

18       ~~((f))~~ (e) Develop and adopt a plan with a goal of providing  
19 firefighter one and wildland training, as defined by the board, to all  
20 firefighters in the state. Wildland training reimbursement will be  
21 provided if a fire protection district or a city fire department has  
22 and is fulfilling their interior attack policy or if they do not have  
23 an interior attack policy. The plan will include a reimbursement for  
24 fire protection districts and city fire departments of not less than  
25 three dollars for every hour of firefighter one or wildland training.  
26 The Washington state patrol shall not provide reimbursement for more  
27 than two hundred hours of firefighter one or wildland training for each  
28 firefighter trained.

29       (2) ~~((In addition to its responsibilities for fire service  
30 training, the board shall:~~

31       ~~(a) Adopt a state fire protection master plan;~~

32       ~~(b) Monitor fire protection in the state and develop objectives and  
33 priorities to improve fire protection for the state's citizens  
34 including: (i) The comprehensiveness of state and local inspections  
35 required by law for fire and life safety; (ii) the level of skills and  
36 training of inspectors, as well as needs for additional training; and  
37 (iii) the efforts of local, regional, and state inspection agencies to  
38 improve coordination and reduce duplication among inspection efforts;~~

1 ~~(c) Establish and promote state arson control programs and ensure~~  
2 ~~development of local arson control programs;~~

3 ~~(d) Provide representation for local fire protection services to~~  
4 ~~the governor in state level fire protection planning matters such as,~~  
5 ~~but not limited to, hazardous materials control;~~

6 ~~(e) Recommend to the adjutant general rules on minimum information~~  
7 ~~requirements of automatic location identification for the purposes of~~  
8 ~~enhanced 911 emergency service;~~

9 ~~(f) Seek and solicit grants, gifts, bequests, devises, and matching~~  
10 ~~funds for use in furthering the objectives and duties of the board, and~~  
11 ~~establish procedures for administering them;~~

12 ~~(g))~~ (a) Promote mutual aid and disaster planning for fire  
13 services in this state;

14 ~~((h))~~ (b) Assure the dissemination of information concerning the  
15 amount of fire damage including that damage caused by arson, and its  
16 causes and prevention; and

17 ~~((i))~~ (c) Implement any legislation enacted by the legislature to  
18 meet the requirements of any acts of congress that apply to this  
19 section.

20 (3) In carrying out its statutory duties, the ~~((board))~~ office of  
21 the state fire marshal shall give particular consideration to the  
22 appropriate roles to be played by the state and by local jurisdictions  
23 with fire protection responsibilities. Any determinations on the  
24 division of responsibility shall be made in consultation with local  
25 fire officials and their representatives.

26 To the extent possible, the ~~((board))~~ office of the state fire  
27 marshal shall encourage development of regional units along compatible  
28 geographic, population, economic, and fire risk dimensions. Such  
29 regional units may serve to: (a) Reinforce coordination among state  
30 and local activities in fire service training, reporting, inspections,  
31 and investigations; (b) identify areas of special need, particularly in  
32 smaller jurisdictions with inadequate resources; (c) assist the state  
33 in its oversight responsibilities; (d) identify funding needs and  
34 options at both the state and local levels; and (e) provide models for  
35 building local capacity in fire protection programs.

36 **Sec. 69.** RCW 38.52.530 and 2006 c 210 s 1 are each amended to read  
37 as follows:

1           The enhanced 911 advisory committee is created to advise and assist  
2 the state enhanced 911 coordinator in coordinating and facilitating the  
3 implementation and operation of enhanced 911 throughout the state. The  
4 director shall appoint members of the committee who represent diverse  
5 geographical areas of the state and include state residents who are  
6 members of the national emergency number association, the associated  
7 public communications officers Washington chapter, the Washington state  
8 fire chiefs association, the Washington association of sheriffs and  
9 police chiefs, the Washington state council of firefighters, the  
10 Washington state council of police officers, the Washington ambulance  
11 association, (~~the state fire protection policy board,~~) the Washington  
12 state firefighters association, the Washington state association of  
13 fire marshals, the Washington fire commissioners association, the  
14 Washington state patrol, the association of Washington cities, the  
15 Washington state association of counties, the utilities and  
16 transportation commission or commission staff, a representative of a  
17 voice over internet protocol company, and an equal number of  
18 representatives of large and small local exchange telephone companies  
19 and large and small radio communications service companies offering  
20 commercial mobile radio service in the state. This section expires  
21 December 31, 2011.

22           **Sec. 70.** RCW 49.26.120 and 1995 c 218 s 6 are each amended to read  
23 as follows:

24           (1) No person may assign any employee, contract with, or permit any  
25 individual or person to remove or encapsulate asbestos in any facility  
26 unless performed by a certified asbestos worker and under the direct,  
27 on-site supervision of a certified asbestos supervisor. In cases in  
28 which an employer conducts an asbestos abatement project in its own  
29 facility and by its own employees, supervision can be performed in the  
30 regular course of a certified asbestos supervisor's duties. Asbestos  
31 workers must have access to certified asbestos supervisors throughout  
32 the duration of the project.

33           (2) The department shall require persons undertaking asbestos  
34 projects to provide written notice to the department before the  
35 commencement of the project except as provided in RCW 49.26.125. The  
36 notice shall include a written description containing such information  
37 as the department requires by rule. The department may by rule allow

1 a person to report multiple projects at one site in one report. The  
2 department shall by rule establish the procedure and criteria by which  
3 a person will be considered to have attempted to meet the  
4 prenotification requirement.

5 (3) The department shall consult with the (~~state fire protection~~  
6 ~~policy board,~~) Washington state association of fire chiefs and may  
7 establish any additional policies and procedures for municipal fire  
8 department and fire district personnel who clean up sites after fires  
9 which have rendered it likely that asbestos has been or will be  
10 disturbed or released into the air.

11 **Hazardous Substance Mixed Waste Advisory Board**

12 NEW SECTION. **Sec. 71.** The following acts or parts of acts are  
13 each repealed:

- 14 (1) RCW 70.105E.070 (Disclosure of costs and clean-up budgets) and  
15 2005 c 1 s 7; and
- 16 (2) RCW 70.105E.090 (Advisory board--Public involvement--Funding)  
17 and 2005 c 1 s 9.

18 **Health and Welfare Advisory Board**  
19 **and Property and Liability Advisory Board**

20 NEW SECTION. **Sec. 72.** The following acts or parts of acts are  
21 each repealed:

- 22 (1) RCW 48.62.051 (Health and welfare advisory board--Creation--  
23 Membership--Duties) and 1991 sp.s. c 30 s 5; and
- 24 (2) RCW 48.62.041 (Property and liability advisory board--  
25 Creation--Membership--Duties) and 1991 sp.s. c 30 s 4.

26 **Sec. 73.** RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended to  
27 read as follows:

28 The state risk manager(~~, in consultation with the property and~~  
29 ~~liability advisory board,~~) shall adopt rules governing the management  
30 and operation of both individual and joint local government self-  
31 insurance programs covering property or liability risks. The state  
32 risk manager shall also adopt rules governing the management and  
33 operation of both individual and joint local government self-insured



1 health and welfare benefits programs (~~in consultation with the health~~  
2 ~~and welfare benefits advisory board~~). All rules shall be appropriate  
3 for the type of program and class of risk covered. The state risk  
4 manager's rules shall include:

5 (1) Standards for the management, operation, and solvency of self-  
6 insurance programs, including the necessity and frequency of actuarial  
7 analyses and claims audits;

8 (2) Standards for claims management procedures; and

9 (3) Standards for contracts between self-insurance programs and  
10 private businesses including standards for contracts between third-  
11 party administrators and programs.

12 **Sec. 74.** RCW 48.62.161 and 1991 sp.s. c 30 s 16 are each amended  
13 to read as follows:

14 (1) The state risk manager shall establish and charge an  
15 investigation fee in an amount necessary to cover the costs for the  
16 initial review and approval of a self-insurance program. The fee must  
17 accompany the initial submission of the plan of operation and  
18 management.

19 (2) The costs of subsequent reviews and investigations shall be  
20 charged to the self-insurance program being reviewed or investigated in  
21 accordance with the actual time and expenses incurred in the review or  
22 investigation.

23 (3) (~~After the formation of the two advisory boards, each board~~  
24 ~~may~~) The state risk manager shall calculate, levy, and collect from  
25 each joint property and liability self-insurance program and each  
26 individual and joint health and welfare benefit program regulated by  
27 this chapter a start-up assessment to pay initial expenses and  
28 operating costs of (~~the boards and~~) the risk manager's office in  
29 administering this chapter. Any program failing to remit its  
30 assessment when due is subject to denial of permission to operate or to  
31 a cease and desist order until the assessment is paid.

32 **Health Information Infrastructure Advisory Board**

33 **Sec. 75.** RCW 41.05.035 and 2007 c 259 s 10 are each amended to  
34 read as follows:

35 (1) The administrator shall design and pilot a consumer-centric

1 health information infrastructure and the first health record banks  
2 that will facilitate the secure exchange of health information when and  
3 where needed and shall:

4 (a) Complete the plan of initial implementation, including but not  
5 limited to determining the technical infrastructure for health record  
6 banks and the account locator service, setting criteria and standards  
7 for health record banks, and determining oversight of health record  
8 banks;

9 (b) Implement the first health record banks in pilot sites as  
10 funding allows;

11 (c) Involve health care consumers in meaningful ways in the design,  
12 implementation, oversight, and dissemination of information on the  
13 health record bank system; and

14 (d) Promote adoption of electronic medical records and health  
15 information exchange through continuation of the Washington health  
16 information collaborative, and by working with private payors and other  
17 organizations in restructuring reimbursement to provide incentives for  
18 providers to adopt electronic medical records in their practices.

19 ~~(2) ((The administrator may establish an advisory board, a  
20 stakeholder committee, and subcommittees to assist in carrying out the  
21 duties under this section. The administrator may reappoint health  
22 information infrastructure advisory board members to assure continuity  
23 and shall appoint any additional representatives that may be required  
24 for their expertise and experience.~~

25 ~~(a) The administrator shall appoint the chair of the advisory  
26 board, chairs, and cochairs of the stakeholder committee, if formed;~~

27 ~~(b) Meetings of the board, stakeholder committee, and any advisory  
28 group are subject to chapter 42.30 RCW, the open public meetings act,  
29 including RCW 42.30.110(1)(1), which authorizes an executive session  
30 during a regular or special meeting to consider proprietary or  
31 confidential nonpublished information; and~~

32 ~~(c) The members of the board, stakeholder committee, and any  
33 advisory group;~~

34 ~~(i) Shall agree to the terms and conditions imposed by the  
35 administrator regarding conflicts of interest as a condition of  
36 appointment;~~

37 ~~(ii) Are immune from civil liability for any official acts~~

1 performed in good faith as members of the board, stakeholder committee,  
2 or any advisory group.

3 ~~(3) Members of the board may be compensated for participation in~~  
4 ~~accordance with a personal services contract to be executed after~~  
5 ~~appointment and before commencement of activities related to the work~~  
6 ~~of the board. Members of the stakeholder committee shall not receive~~  
7 ~~compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.~~

8 ~~(4))~~ The administrator may work with public and private entities  
9 to develop and encourage the use of personal health records which are  
10 portable, interoperable, secure, and respectful of patients' privacy.

11 ~~((5))~~ (3) The administrator may enter into contracts to issue,  
12 distribute, and administer grants that are necessary or proper to carry  
13 out this section.

#### 14 **Higher Education Coordinating Board Advisory Council**

15 NEW SECTION. **Sec. 76.** RCW 28B.76.100 (Advisory council) and 2007  
16 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

17 **Sec. 77.** RCW 28B.76.280 and 2004 c 275 s 12 are each amended to  
18 read as follows:

19 (1) In consultation with the institutions of higher education and  
20 state education agencies, the board shall identify the data needed to  
21 carry out its responsibilities for policy analysis, accountability,  
22 program improvements, and public information. The primary goals of the  
23 board's data collection and research are to describe how students and  
24 other beneficiaries of higher education are being served; to support  
25 higher education accountability; and to assist state policymakers and  
26 institutions in making policy decisions.

27 (2) The board shall ~~((convene a research advisory group and shall~~  
28 ~~collaborate with the group to))~~ identify the most cost-effective manner  
29 for the board to collect data or access existing data. The board shall  
30 ~~((work with the advisory group to))~~ develop research priorities,  
31 policies, and common definitions to maximize the reliability and  
32 consistency of data across institutions. ~~((The advisory group shall~~  
33 ~~include representatives of public and independent higher education~~  
34 ~~institutions and other state agencies, including the state board for~~  
35 ~~community and technical colleges, the office of the superintendent of~~

1 ~~public instruction, the office of financial management, the employment~~  
2 ~~security department, the workforce training and education coordinating~~  
3 ~~board, and other agencies as appropriate.)~~

4 (3) Specific protocols shall be developed by the board (~~and the~~  
5 ~~advisory group~~) to protect the privacy of individual student records  
6 while ensuring the availability of student data for legitimate research  
7 purposes.

## 8 Home Inspector Advisory Licensing Board

9 NEW SECTION. **Sec. 78.** RCW 18.280.040 (Home inspector advisory  
10 licensing board) and 2008 c 119 s 4 are each repealed.

11 **Sec. 79.** RCW 18.280.010 and 2008 c 119 s 1 are each amended to  
12 read as follows:

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

15 (1) (~~"Board" means the home inspector advisory licensing board.~~

16 ~~+2~~) "Department" means the department of licensing.

17 (~~+3~~) (2) "Director" means the director of the department of  
18 licensing.

19 (~~+4~~) (3) "Entity" or "entities" means educational groups or  
20 organizations, national organizations or associations, or a national  
21 test organization.

22 (~~+5~~) (4) "Home inspection" means a professional examination of  
23 the current condition of a house.

24 (~~+6~~) (5) "Home inspector" means a person who carries out a  
25 noninvasive examination of the condition of a home, often in connection  
26 with the sale of that home, using special training and education to  
27 carry out the inspection.

28 (~~+7~~) (6) "Report" means a written report prepared and issued  
29 after a home inspection.

30 (~~+8~~) (7) "Wood destroying organism" means insects or fungi that  
31 consume, excavate, develop in, or otherwise modify the integrity of  
32 wood or wood products. "Wood destroying organism" includes but is not  
33 limited to carpenter ants, moisture ants, subterranean termites,  
34 dampwood termites, beetles in the family Anobiidae, and wood decay  
35 fungi, known as wood rot.

1       **Sec. 80.** RCW 18.280.030 and 2008 c 119 s 3 are each amended to  
2 read as follows:

3       A person licensed under this chapter is responsible for performing  
4 a visual and noninvasive inspection of the following readily accessible  
5 systems and components of a home and reporting on the general condition  
6 of those systems and components at the time of the inspection in his or  
7 her written report: The roof, foundation, exterior, heating system,  
8 air-conditioning system, structure, plumbing and electrical systems,  
9 and other aspects of the home as may be identified by the ((board))  
10 director. The inspection must include looking for certain fire and  
11 safety hazards as defined by the ((board)) director. The standards of  
12 practice to be developed by the ((board)) director will be used as the  
13 minimum standards for an inspection. The duties of the home inspector  
14 with regard to wood destroying organisms are provided in RCW  
15 18.280.190.

16       **Sec. 81.** RCW 18.280.050 and 2008 c 119 s 5 are each amended to  
17 read as follows:

18       The director has the following authority in administering this  
19 chapter:

20       (1) To adopt, amend, and rescind rules ((approved by the board)) as  
21 deemed necessary to carry out this chapter;

22       (2) To administer licensing examinations ((approved by the board))  
23 and to adopt or recognize examinations prepared by other entities ((as  
24 approved by the board));

25       (3) To adopt standards of professional conduct, practice, and  
26 ethics ((as approved by the board)); and

27       (4) To adopt fees as provided in RCW 43.24.086.

28       **Sec. 82.** RCW 18.280.060 and 2008 c 119 s 6 are each amended to  
29 read as follows:

30       The ((board)) director has the following authority in administering  
31 this chapter:

32       (1) ((To establish rules, including board organization and  
33 assignment of terms, and meeting frequency and timing, for adoption by  
34 the director;

35       +2)) To establish the minimum qualifications for licensing  
36 applicants as provided in this chapter;



1 licensed home inspector shall present satisfactory evidence to the  
2 ((board)) director of having completed the continuing education  
3 requirements provided for in this section.

4 (2) Each applicant for license renewal shall complete at least  
5 twenty-four hours of instruction in courses approved by the ((board))  
6 director every two years.

7 **Sec. 86.** RCW 18.280.120 and 2008 c 119 s 12 are each amended to  
8 read as follows:

9 (1) A licensed home inspector shall provide a written report of the  
10 home inspection to each person for whom the inspector performs a home  
11 inspection within a time period set by the ((board)) director in rule.  
12 The issues to be addressed in the report shall be set by the ((board))  
13 director in rule.

14 (2) A licensed home inspector, or other licensed home inspectors or  
15 employees who work for the same company or for any company in which the  
16 home inspector has a financial interest, shall not, from the time of  
17 the inspection until one year from the date of the report, perform any  
18 work other than home inspection-related consultation on the home upon  
19 which he or she has performed a home inspection.

20 **Sec. 87.** RCW 18.280.130 and 2008 c 119 s 13 are each amended to  
21 read as follows:

22 (1) The director shall immediately suspend the license of a person  
23 who has been certified pursuant to RCW 74.20A.320 by the department of  
24 social and health services as a person who is not in compliance with a  
25 child support order. If the person has continued to meet all other  
26 requirements for a license under this chapter during the suspension,  
27 reissuance of the license is automatic upon the ((board's)) director's  
28 receipt of a release issued by the department of social and health  
29 services stating that the licensee is in compliance with the child  
30 support order. The procedure in RCW 74.20A.320 is the exclusive  
31 administrative remedy for contesting the establishment of noncompliance  
32 with a child support order, and suspension of a license under this  
33 subsection, and satisfies the requirements of RCW 34.05.422.

34 (2) The director(~~(, with the assistance of the board,)~~) shall  
35 establish by rule under what circumstances a home inspector license may

1 be suspended or revoked. These circumstances shall be based upon  
2 accepted industry standards (~~(and the board's cumulative experience)~~).

3 (3) Any person aggrieved by a decision of the director under this  
4 section may appeal the decision as provided in chapter 34.05 RCW. The  
5 adjudicative proceeding shall be conducted under chapter 34.05 RCW by  
6 an administrative law judge appointed pursuant to RCW 34.12.030.

7 **Industry Cluster Advisory Committee**

8 **Sec. 88.** RCW 43.330.090 and 2007 c 228 s 201 are each amended to  
9 read as follows:

10 (1) The department shall work with private sector organizations,  
11 industry and cluster associations, federal agencies, state agencies  
12 that use a cluster-based approach to service delivery, local  
13 governments, local associate development organizations, and higher  
14 education and training institutions in the development of industry  
15 cluster-based strategies to diversify the economy, facilitate  
16 technology transfer and diffusion, and increase value-added production.  
17 The industry clusters targeted by the department may include, but are  
18 not limited to, aerospace, agriculture, food processing, forest  
19 products, marine services, health and biomedical, software, digital and  
20 interactive media, transportation and distribution, and  
21 microelectronics. The department shall, on a continuing basis,  
22 evaluate the potential return to the state from devoting additional  
23 resources to an industry cluster-based approach to economic development  
24 and identifying and assisting additional clusters. The department  
25 shall use information gathered in each service delivery region in  
26 formulating its industry cluster-based strategies and shall assist  
27 local communities in identifying regional industry clusters and  
28 developing industry cluster-based strategies.

29 (2)(a) The department shall promote, market, and encourage growth  
30 in the production of films and videos, as well as television  
31 commercials within the state; to this end the department is directed to  
32 assist in the location of a film and video production studio within the  
33 state.

34 (b) The department may, in carrying out its efforts to encourage  
35 film and video production in the state, solicit and receive gifts,  
36 grants, funds, fees, and endowments, in trust or otherwise, from



1 tribal, local, or other governmental entities, as well as private  
2 sources, and may expend the same or any income therefrom for the  
3 encouragement of film and video production. All revenue received for  
4 such purposes shall be deposited into the film and video promotion  
5 account created in RCW 43.330.092.

6 (3) In assisting in the development of regional and statewide  
7 industry cluster-based strategies, the department's activities shall  
8 include, but are not limited to:

9 (a) Facilitating regional focus group discussions and conducting  
10 studies to identify industry clusters, appraise the current information  
11 linkages within a cluster, and identify issues of common concern within  
12 a cluster;

13 (b) Supporting industry and cluster associations, publications of  
14 association and cluster directories, and related efforts to create or  
15 expand the activities of industry and cluster associations;

16 (c) Administering a competitive grant program to fund activities  
17 designed to further regional cluster growth. In administering the  
18 program, the department shall work with (~~(an industry cluster advisory~~  
19 ~~committee with equal representation from)~~) the workforce training and  
20 education coordinating board, the state board for community and  
21 technical colleges, the employment security department, business, and  
22 labor.

23 (i) The (~~(industry cluster advisory committee)~~) department shall  
24 (~~(recommend)~~) seek recommendations on criteria for evaluating  
25 applications for grant funds and recommend applicants for receipt of  
26 grant funds.

27 (ii) Applicants must include organizations from at least two  
28 counties and participants from the local business community. Eligible  
29 organizations include, but are not limited to, local governments,  
30 economic development councils, chambers of commerce, federally  
31 recognized Indian tribes, workforce development councils, and  
32 educational institutions.

33 (iii) Applications must evidence financial participation of the  
34 partner organizations.

35 (iv) Priority shall be given to applicants which will use the grant  
36 funds to build linkages and joint projects, to develop common resources  
37 and common training, and to develop common research and development  
38 projects or facilities.

1 (v) The maximum amount of a grant is one hundred thousand dollars.

2 (vi) A maximum of one hundred thousand dollars total can go to  
3 King, Pierce, Kitsap, and Snohomish counties combined.

4 (vii) No more than ten percent of funds received for the grant  
5 program may be used by the department for administrative costs.

6 (4) As used in subsection (3) of this section, "industry cluster"  
7 means a geographic concentration of interdependent competitive firms  
8 that do business with each other. "Industry cluster" also includes  
9 firms that sell inside and outside of the geographic region as well as  
10 support firms that supply raw materials, components, and business  
11 services.

12 **Integrated Justice Information Board**

13 NEW SECTION. **Sec. 89.** The following acts or parts of acts are  
14 each repealed:

15 (1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c  
16 104 s 1;

17 (2) RCW 10.98.210 (Washington integrated justice information  
18 board--Members) and 2003 c 104 s 3;

19 (3) RCW 10.98.220 (Washington integrated justice information  
20 board--Meetings) and 2003 c 104 s 4;

21 (4) RCW 10.98.230 (Washington integrated justice information  
22 board--Powers and duties) and 2003 c 104 s 5; and

23 (5) RCW 10.98.240 (Washington integrated justice information  
24 board--Report) and 2003 c 104 s 6.

25 **K-20 Educational Network Board**

26 **K-20 Network Technical Steering Committee**

27 NEW SECTION. **Sec. 90.** The following acts or parts of acts are  
28 each repealed:

29 (1) RCW 43.105.800 (K-20 educational network board) and 1999 c 285  
30 s 2; and

31 (2) RCW 43.105.810 (K-20 network technical steering committee) and  
32 1999 c 285 s 6.



1 processors, terminals, telephones, wireless communications system  
2 facilities, cables, and any physical facility necessary for the  
3 operation of such equipment;

4 (13) "Information technology portfolio" or "portfolio" means a  
5 strategic management process documenting relationships between agency  
6 missions and information technology and telecommunications investments;

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

10 (15) "Proprietary software" means that software offered for sale or  
11 license;

12 (16) "Video telecommunications" means the electronic  
13 interconnection of two or more sites for the purpose of transmitting  
14 and/or receiving visual and associated audio information. Video  
15 telecommunications shall not include existing public television  
16 broadcast stations as currently designated by the department of  
17 community, trade, and economic development under chapter 43.330 RCW;

18 (~~(17) ("K-20 educational network board" or "K-20 board" means the~~  
19 ~~K-20 educational network board created in RCW 43.105.800;~~

20 ~~(18) "K-20 network technical steering committee" or "committee"~~  
21 ~~means the K-20 network technical steering committee created in RCW~~  
22 ~~43.105.810;~~

23 ~~(19)) "K-20 network" means the network established in RCW~~  
24 ~~43.105.820;~~

25 ~~((20))~~ (18) "Educational sectors" means those institutions of  
26 higher education, school districts, and educational service districts  
27 that use the network for distance education, data transmission, and  
28 other uses permitted by the ~~((K-20))~~ board.

29 **Sec. 92.** RCW 43.105.041 and 2003 c 18 s 3 are each amended to read  
30 as follows:

31 (1) The board shall have the following powers and duties related to  
32 information services:

33 (a) To develop standards and procedures governing the acquisition  
34 and disposition of equipment, proprietary software and purchased  
35 services, licensing of the radio spectrum by or on behalf of state  
36 agencies, and confidentiality of computerized data;

1 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and  
2 maintain equipment, proprietary software, and purchased services, or to  
3 delegate to other agencies and institutions of state government, under  
4 appropriate standards, the authority to purchase, lease, rent, or  
5 otherwise acquire, dispose of, and maintain equipment, proprietary  
6 software, and purchased services: PROVIDED, That, agencies and  
7 institutions of state government are expressly prohibited from  
8 acquiring or disposing of equipment, proprietary software, and  
9 purchased services without such delegation of authority. The  
10 acquisition and disposition of equipment, proprietary software, and  
11 purchased services is exempt from RCW 43.19.1919 and, as provided in  
12 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.  
13 This subsection (1)(b) does not apply to the legislative branch;

14 (c) To develop statewide or interagency technical policies,  
15 standards, and procedures;

16 (d) To review and approve standards and common specifications for  
17 new or expanded telecommunications networks proposed by agencies,  
18 public postsecondary education institutions, educational service  
19 districts, or statewide or regional providers of K-12 information  
20 technology services, and to assure the cost-effective development and  
21 incremental implementation of a statewide video telecommunications  
22 system to serve: Public schools; educational service districts;  
23 vocational-technical institutes; community colleges; colleges and  
24 universities; state and local government; and the general public  
25 through public affairs programming;

26 (e) To provide direction concerning strategic planning goals and  
27 objectives for the state. The board shall seek input from the  
28 legislature and the judiciary;

29 (f) To develop and implement a process for the resolution of  
30 appeals by:

31 (i) Vendors concerning the conduct of an acquisition process by an  
32 agency or the department; or

33 (ii) A customer agency concerning the provision of services by the  
34 department or by other state agency providers;

35 (g) To establish policies for the periodic review by the department  
36 of agency performance which may include but are not limited to analysis  
37 of:

38 (i) Planning, management, control, and use of information services;

1 (ii) Training and education; and

2 (iii) Project management;

3 (h) To set its meeting schedules and convene at scheduled times, or  
4 meet at the request of a majority of its members, the chair, or the  
5 director; and

6 (i) To review and approve that portion of the department's budget  
7 requests that provides for support to the board.

8 (2) Statewide technical standards to promote and facilitate  
9 electronic information sharing and access are an essential component of  
10 acceptable and reliable public access service and complement content-  
11 related standards designed to meet those goals. The board shall:

12 (a) Establish technical standards to facilitate electronic access  
13 to government information and interoperability of information systems,  
14 including wireless communications systems. Local governments are  
15 strongly encouraged to follow the standards established by the board;  
16 and

17 (b) Require agencies to consider electronic public access needs  
18 when planning new information systems or major upgrades of systems.

19 In developing these standards, the board is encouraged to include  
20 the state library, state archives, and appropriate representatives of  
21 state and local government.

22 (3)(a) The board(~~(, in consultation with the K-20 board,)~~) has the  
23 duty to govern, operate, and oversee the technical design,  
24 implementation, and operation of the K-20 network including, but not  
25 limited to, the following duties: Establishment and implementation of  
26 K-20 network technical policy, including technical standards and  
27 conditions of use; review and approval of network design; procurement  
28 of shared network services and equipment; and resolving user/provider  
29 disputes concerning technical matters. The board shall delegate  
30 general operational and technical oversight to the (~~(K-20 network  
31 technical steering committee))~~ department as appropriate.

32 (b) The board has the authority to adopt rules under chapter 34.05  
33 RCW to implement the provisions regarding the technical operations and  
34 conditions of use of the K-20 network.

35 **Sec. 93.** RCW 43.105.805 and 1999 c 285 s 3 are each amended to  
36 read as follows:

37 The (~~(K-20))~~ board has the following powers and duties:

1           (1) In cooperation with the educational sectors and other  
2 interested parties, to establish goals and measurable objectives for  
3 the network;

4           (2) To ensure that the goals and measurable objectives of the  
5 network are the basis for any decisions or recommendations regarding  
6 the technical development and operation of the network;

7           (3) To adopt, modify, and implement policies to facilitate network  
8 development, operation, and expansion. Such policies may include but  
9 need not be limited to the following issues: Quality of educational  
10 services; access to the network by recognized organizations and  
11 accredited institutions that deliver educational programming, including  
12 public libraries; prioritization of programming within limited  
13 resources; prioritization of access to the system and the sharing of  
14 technological advances; network security; identification and evaluation  
15 of emerging technologies for delivery of educational programs; future  
16 expansion or redirection of the system; network fee structures; and  
17 costs for the development and operation of the network;

18           (4) To prepare and submit to the governor and the legislature a  
19 coordinated budget for network development, operation, and expansion.  
20 The budget shall include the recommendations of the ((K-20)) board on  
21 (a) any state funding requested for network transport and equipment,  
22 distance education facilities and hardware or software specific to the  
23 use of the network, and proposed new network end sites, (b) annual  
24 copayments to be charged to public educational sector institutions and  
25 other public entities connected to the network, and (c) charges to  
26 nongovernmental entities connected to the network;

27           (5) To adopt and monitor the implementation of a methodology to  
28 evaluate the effectiveness of the network in achieving the educational  
29 goals and measurable objectives;

30           (6) To authorize the release of funds from the K-20 technology  
31 account under RCW 43.105.830 for network expenditures;

32           (7) To establish by rule acceptable use policies governing user  
33 eligibility for participation in the K-20 network, acceptable uses of  
34 network resources, and procedures for enforcement of such policies.  
35 The ((K-20)) board shall set forth appropriate procedures for  
36 enforcement of acceptable use policies, that may include suspension of  
37 network connections and removal of shared equipment for violations of

1 network conditions or policies. (~~However, the information services~~)  
2 The board shall have sole responsibility for the implementation of  
3 enforcement procedures relating to technical conditions of use.

4 **Sec. 94.** RCW 43.105.820 and 1999 c 285 s 11 are each amended to  
5 read as follows:

6 The information services board shall prepare a technical plan for  
7 the design and construction of the K-20 telecommunication system. The  
8 board shall ensure that the technical plan adheres to the goals and  
9 objectives established under RCW 43.105.041. The board shall provide  
10 formal project approval and oversight during the development and  
11 implementation of the K-20 telecommunications network. In approving  
12 the plan, the board shall conduct a request for proposal process. The  
13 technical plan shall be developed in phases as follows:

14 (1) Phase one shall provide a telecommunication backbone connecting  
15 educational service districts, the main campuses of public  
16 baccalaureate institutions, the branch campuses of public research  
17 institutions, and the main campuses of community colleges and technical  
18 colleges.

19 (2) Phase two shall provide for (a) connection to the network by  
20 entities that include, but need not be limited to: School districts,  
21 public higher education off-campus and extension centers, and branch  
22 campuses of community colleges and technical colleges, as prioritized  
23 by the K-20 telecommunications oversight and policy committee, or as  
24 modified by the board; (b) distance education facilities and components  
25 for entities listed in subsections (1) and (2) of this section; and (c)  
26 connection for independent nonprofit institutions of higher education,  
27 provided that:

28 (i) The (~~K-20~~) board and each independent nonprofit institution  
29 of higher education to be connected agree in writing to terms and  
30 conditions of connectivity. The terms and conditions shall ensure,  
31 among other things, that the provision of K-20 services does not  
32 violate Article VIII, section 5 of the state Constitution and that the  
33 institution shall adhere to network policies; and

34 (ii) The (~~K-20~~) board determines that inclusion of the  
35 independent nonprofit institutions of higher education will not  
36 significantly affect the network's eligibility for federal universal  
37 service fund discounts or subsidies.



1 (3) Subsequent phases may include, but need not be limited to,  
2 connections to public libraries, state and local governments, community  
3 resource centers, and the private sector.

4 **Livestock Identification Advisory Board**

5 NEW SECTION. **Sec. 95.** RCW 16.57.015 (Livestock identification  
6 advisory board--Rule review--Fee setting) and 2003 c 326 s 3 & 1993 c  
7 354 s 10 are each repealed.

8 **Sec. 96.** RCW 16.57.353 and 2004 c 233 s 1 are each amended to read  
9 as follows:

10 (1) The director may adopt rules:

11 (a) To support the agriculture industry in meeting federal  
12 requirements for the country-of-origin labeling of meat. Any  
13 requirements established under this subsection for country of origin  
14 labeling purposes shall be substantially consistent with and shall not  
15 exceed the requirements established by the United States department of  
16 agriculture; and

17 (b) (~~In consultation with the livestock identification advisory~~  
18 ~~board under RCW 16.57.015,~~) To implement federal requirements for  
19 animal identification needed to trace the source of livestock for  
20 disease control and response purposes.

21 (2) The director may cooperate with and enter into agreements with  
22 other states and agencies of federal government to carry out such  
23 systems and to promote consistency of regulation.

24 **McNeil Island Secure Community Transition**

25 **Facility Operational Advisory Board**

26 NEW SECTION. **Sec. 97.** RCW 71.09.320 (Transition facilities--  
27 Operational advisory boards) and 2001 2nd sp.s. c 12 s 220 are each  
28 repealed.

29 **Nonhighway and Off-Road Vehicle Activities**

30 **Advisory Committee**



1 picnicking, driving for pleasure, kayaking/canoeing, and gathering  
2 berries, firewood, mushrooms, and other natural products.

3 ~~((+10+))~~ (9) "Nonhighway vehicle" means any motorized vehicle  
4 including an ORV when used for recreational purposes on nonhighway  
5 roads, trails, or a variety of other natural terrain.

6 Nonhighway vehicle does not include:

7 (a) Any vehicle designed primarily for travel on, over, or in the  
8 water;

9 (b) Snowmobiles or any military vehicles; or

10 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or  
11 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.  
12 This exemption includes but is not limited to farm, construction, and  
13 logging vehicles.

14 ~~((+11+))~~ (10) "Nonmotorized recreational facilities" means  
15 recreational trails and facilities that are adjacent to, or accessed  
16 by, a nonhighway road and intended primarily for nonmotorized  
17 recreational users.

18 ~~((+12+))~~ (11) "Nonmotorized recreational user" means a person whose  
19 purpose for consuming fuel on a nonhighway road or off-road is  
20 primarily for nonmotorized recreational purposes including, but not  
21 limited to, walking, hiking, backpacking, climbing, cross-country  
22 skiing, snowshoeing, mountain biking, horseback riding, and pack animal  
23 activities.

24 ~~((+13+))~~ (12) "Off-road vehicle" or "ORV" means any nonstreet  
25 licensed vehicle when used for recreational purposes on nonhighway  
26 roads, trails, or a variety of other natural terrain. Such vehicles  
27 include, but are not limited to, all-terrain vehicles, motorcycles,  
28 four-wheel drive vehicles, and dune buggies.

29 ~~((+14+))~~ (13) "Operator" means each person who operates, or is in  
30 physical control of, any nonhighway vehicle.

31 ~~((+15+))~~ (14) "Organized competitive event" means any competition,  
32 advertised in advance through written notice to organized clubs or  
33 published in local newspapers, sponsored by recognized clubs, and  
34 conducted at a predetermined time and place.

35 ~~((+16+))~~ (15) "ORV recreation facilities" include, but are not  
36 limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and  
37 ORV use areas, designated for ORV use by the managing authority that  
38 are intended primarily for ORV recreational users.

1 ((+17+)) (16) "ORV recreational user" means a person whose purpose  
2 for consuming fuel on nonhighway roads or off-road is primarily for ORV  
3 recreational purposes, including but not limited to riding an all-  
4 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or  
5 dune buggy.

6 ((+18+)) (17) "ORV sports park" means a facility designed to  
7 accommodate competitive ORV recreational uses including, but not  
8 limited to, motocross racing, four-wheel drive competitions, and flat  
9 track racing. Use of ORV sports parks can be competitive or  
10 noncompetitive in nature.

11 ((+19+)) (18) "ORV trail" means a multiple-use corridor designated  
12 by the managing authority and maintained for recreational use by  
13 motorized vehicles.

14 ((+20+)) (19) "ORV use permit" means a permit issued for operation  
15 of an off-road vehicle under this chapter.

16 ((+21+)) (20) "Owner" means the person other than the lienholder,  
17 having an interest in or title to a nonhighway vehicle, and entitled to  
18 the use or possession thereof.

19 ((+22+)) (21) "Person" means any individual, firm, partnership,  
20 association, or corporation.

21 **On-site Wastewater Treatment Systems Advisory Committee**

22 NEW SECTION. **Sec. 100.** The following acts or parts of acts are  
23 each repealed:

- 24 (1) RCW 18.210.040 (Advisory committee) and 1999 c 263 s 5; and  
25 (2) RCW 18.210.070 (Advisory committee--Duties) and 1999 c 263 s 8.

26 **Sec. 101.** RCW 18.210.010 and 1999 c 263 s 2 are each amended to  
27 read as follows:

28 The definitions in this section apply throughout this chapter  
29 unless the context clearly requires otherwise.

30 (1) (~~"Advisory committee" means a group of individuals with broad~~  
31 ~~knowledge and experience in the design, construction, and regulation of~~  
32 ~~on-site wastewater treatment systems, appointed under this chapter to~~  
33 ~~offer recommendations to the board and the director on the~~  
34 ~~administration of the program established under this chapter.~~

1       ~~(2)~~) "Board" means the board of registration for professional  
2 engineers and land surveyors as defined in chapter 18.43 RCW.

3       ~~((3))~~) (2) "Designer," "licensee," or "permit holder" means an  
4 individual authorized under this chapter to perform design services for  
5 on-site wastewater treatment systems.

6       ~~((4))~~) (3) "Director" means the director of the Washington state  
7 department of licensing.

8       ~~((5))~~) (4) "Engineer" means a professional engineer licensed under  
9 chapter 18.43 RCW.

10       ~~((6))~~) (5) "Practice of engineering" has the meaning set forth in  
11 RCW 18.43.020(5).

12       ~~((7))~~) (6) "On-site wastewater treatment system" means an  
13 integrated system of components that: Convey, store, treat, and/or  
14 provide subsurface soil treatment and disposal of wastewater effluent  
15 on the property where it originates or on adjacent or other property  
16 and includes piping, treatment devices, other accessories, and soil  
17 underlying the disposal component of the initial and reserve areas, for  
18 on-site wastewater treatment under three thousand five hundred gallons  
19 per day when not connected to a public sewer system.

20       ~~((8))~~) (7) "On-site wastewater design" means the development of  
21 plans, details, specifications, instructions, or inspections by  
22 application of specialized knowledge in analysis of soils, on-site  
23 wastewater treatment systems, disposal methods, and technologies to  
24 create an integrated system of collection, transport, distribution,  
25 treatment, and disposal of on-site wastewater.

26       ~~((9))~~) (8) "Local health jurisdiction" or "jurisdictional health  
27 department" means an administrative agency created under chapter 70.05,  
28 70.08, or 70.46 RCW, that administers the regulation and codes  
29 regarding on-site wastewater treatment systems.

30       ~~((10))~~) (9) "Practice permit" means an authorization to practice  
31 granted to an individual who designs on-site wastewater treatment  
32 systems and who has been authorized by a local health jurisdiction to  
33 practice on or before July 1, 2000.

34       ~~((11))~~) (10) "License" means a license to design on-site  
35 wastewater treatment systems under this chapter.

36       ~~((12))~~) (11) "Certificate of competency" means a certificate  
37 issued to employees of local health jurisdictions indicating that the

1 certificate holder has passed the licensing examination required under  
2 this chapter.

3 **Sec. 102.** RCW 18.210.050 and 1999 c 263 s 6 are each amended to  
4 read as follows:

5 The director may:

6 ~~(1) ((Appoint and reappoint members to the advisory committee,~~  
7 ~~including temporary additional members, and remove committee members~~  
8 ~~for just cause;~~

9 ~~(2))~~ Employ administrative, clerical, and investigative staff as  
10 necessary to administer and enforce this chapter;

11 ~~((3))~~ (2) Establish fees for applications, examinations, and  
12 renewals in accordance with chapter 43.24 RCW;

13 ~~((4))~~ (3) Issue practice permits and licenses to applicants who  
14 meet the requirements of this chapter; and

15 ~~((5))~~ (4) Exercise rule-making authority to implement this  
16 section.

17 **Sec. 103.** RCW 18.210.060 and 2002 c 86 s 258 are each amended to  
18 read as follows:

19 ~~((1))~~ The board may:

20 ~~((a))~~ (1) Adopt rules to implement this chapter including, but  
21 not limited to, evaluation of experience, examinations, and scope and  
22 standards of practice;

23 ~~((b))~~ (2) Administer licensing examinations; and

24 ~~((c))~~ (3) Review and approve or deny initial and renewal license  
25 applications.

26 ~~((2) The board shall consider recommendations of the advisory~~  
27 ~~committee made in accordance with this chapter.))~~

28 **On-site Sewage Disposal Systems Alternative Systems**  
29 **Technical Review Committee**

30 NEW SECTION. **Sec. 104.** RCW 70.118.100 (Alternative systems--  
31 Technical review committee) and 1997 c 447 s 3 are each repealed.

32 **Sec. 105.** RCW 70.118.110 and 1997 c 447 s 5 are each amended to  
33 read as follows:

1 In order to assure that technical guidelines and standards keep  
2 pace with advancing technologies, the department of health in  
3 collaboration with (~~the technical review committee,~~) local health  
4 departments(~~(7)~~) and other interested parties, must review and update  
5 as appropriate, the state guidelines and standards for alternative on-  
6 site sewage disposal every three years. The first review and update  
7 must be completed by January 1, 1999.

8 **Organized Crime Advisory Board**

9 NEW SECTION. **Sec. 106.** The following acts or parts of acts are  
10 each repealed:

11 (1) RCW 43.43.858 (Organized crime advisory board--Created--  
12 Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s  
13 1, 1980 c 146 s 14, 1975-'76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c  
14 202 s 5;

15 (2) RCW 43.43.860 (Organized crime advisory board--Terms of  
16 members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s  
17 6;

18 (3) RCW 43.43.862 (Organized crime advisory board--Powers and  
19 duties) and 1973 1st ex.s. c 202 s 7;

20 (4) RCW 43.43.864 (Information to be furnished board--Security--  
21 Confidentiality) and 1973 1st ex.s. c 202 s 8;

22 (5) RCW 10.29.030 (Appointment of statewide special inquiry judge--  
23 Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c 146 s  
24 3;

25 (6) RCW 10.29.040 (Scope of investigation and proceeding--Request  
26 for additional authority) and 1980 c 146 s 4;

27 (7) RCW 10.29.080 (Special prosecutor--Selection--Qualifications--  
28 Removal) and 1980 c 146 s 8; and

29 (8) RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c  
30 274 s 205 & 1980 c 146 s 9.

31 **Sec. 107.** RCW 43.43.866 and 1980 c 146 s 16 are each amended to  
32 read as follows:

33 There shall be a fund known as the organized crime prosecution  
34 revolving fund which shall consist of such moneys as may be  
35 appropriated by law. The state treasurer shall be custodian of the

1 revolving fund. Disbursements from the revolving fund shall be subject  
2 to budget approval given by the (~~organized crime advisory board~~  
3 ~~pursuant to RCW 10.29.090~~) chief of the Washington state patrol, and  
4 may be made either on authorization of the governor or the governor's  
5 designee, or upon request of (~~a majority of the members of the~~  
6 ~~organized crime advisory board~~) the chief of the Washington state  
7 patrol. In order to maintain an effective expenditure and revenue  
8 control, the organized crime prosecution revolving fund shall be  
9 subject in all respects to chapter 43.88 RCW but no appropriation shall  
10 be required to permit expenditures and payment of obligations from the  
11 fund.

12 **Sec. 108.** RCW 43.10.240 and 1985 c 251 s 1 are each amended to  
13 read as follows:

14 The attorney general shall annually report to the (~~organized crime~~  
15 ~~advisory board~~) chief of the Washington state patrol a summary of the  
16 attorney general's investigative and criminal prosecution activity  
17 conducted pursuant to this chapter. Except to the extent the summary  
18 describes information that is a matter of public record, the  
19 information made available to the (~~board~~) chief of the Washington  
20 state patrol shall be given all necessary security protection in  
21 accordance with the terms and provisions of applicable laws and rules  
22 and shall not be revealed or divulged publicly or privately (~~by~~  
23 ~~members of the board~~)).

#### 24 **Orthotic and Prosthetics Advisory Committee**

25 NEW SECTION. **Sec. 109.** RCW 18.200.060 (Advisory committee--  
26 Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

27 **Sec. 110.** RCW 18.200.010 and 1997 c 285 s 2 are each amended to  
28 read as follows:

29 The definitions in this section apply throughout this chapter  
30 unless the context clearly requires otherwise.

31 (1) (~~"Advisory committee" means the orthotics and prosthetics~~  
32 ~~advisory committee.~~

33 (2)) "Department" means the department of health.



1        ~~((+3))~~ (2) "Secretary" means the secretary of health or the  
2 secretary's designee.

3        ~~((+4))~~ (3) "Orthotics" means the science and practice of  
4 evaluating, measuring, designing, fabricating, assembling, fitting,  
5 adjusting, or servicing, as well as providing the initial training  
6 necessary to accomplish the fitting of, an orthosis for the support,  
7 correction, or alleviation of neuromuscular or musculoskeletal  
8 dysfunction, disease, injury, or deformity. The practice of orthotics  
9 encompasses evaluation, treatment, and consultation. With basic  
10 observational gait and postural analysis, orthotists assess and design  
11 orthoses to maximize function and provide not only the support but the  
12 alignment necessary to either prevent or correct deformity or to  
13 improve the safety and efficiency of mobility or locomotion, or both.  
14 Orthotic practice includes providing continuing patient care in order  
15 to assess its effect on the patient's tissues and to assure proper fit  
16 and function of the orthotic device by periodic evaluation.

17        ~~((+5))~~ (4) "Orthotist" means a person licensed to practice  
18 orthotics under this chapter.

19        ~~((+6))~~ (5) "Orthosis" means a custom-fabricated, definitive brace  
20 or support that is designed for long-term use. Except for the  
21 treatment of scoliosis, orthosis does not include prefabricated or  
22 direct-formed orthotic devices, as defined in this section, or any of  
23 the following assistive technology devices: Commercially available  
24 knee orthoses used following injury or surgery; spastic muscle tone-  
25 inhibiting orthoses; upper extremity adaptive equipment; finger  
26 splints; hand splints; custom-made, leather wrist gauntlets; face masks  
27 used following burns; wheelchair seating that is an integral part of  
28 the wheelchair and not worn by the patient independent of the  
29 wheelchair; fabric or elastic supports; corsets; arch supports, also  
30 known as foot orthotics; low-temperature formed plastic splints;  
31 trusses; elastic hose; canes; crutches; cervical collars; dental  
32 appliances; and other similar devices as determined by the secretary,  
33 such as those commonly carried in stock by a pharmacy, department  
34 store, corset shop, or surgical supply facility. Prefabricated  
35 orthoses, also known as custom-fitted, or off-the-shelf, are devices  
36 that are manufactured as commercially available stock items for no  
37 specific patient. Direct-formed orthoses are devices formed or shaped  
38 during the molding process directly on the patient's body or body

1 segment. Custom-fabricated orthoses, also known as custom-made  
2 orthoses, are devices designed and fabricated, in turn, from raw  
3 materials for a specific patient and require the generation of an  
4 image, form, or mold that replicates the patient's body or body segment  
5 and, in turn, involves the rectification of dimensions, contours, and  
6 volumes to achieve proper fit, comfort, and function for that specific  
7 patient.

8 ((+7)) (6) "Prosthetics" means the science and practice of  
9 evaluating, measuring, designing, fabricating, assembling, fitting,  
10 aligning, adjusting, or servicing, as well as providing the initial  
11 training necessary to accomplish the fitting of, a prosthesis through  
12 the replacement of external parts of a human body lost due to  
13 amputation or congenital deformities or absences. The practice of  
14 prosthetics also includes the generation of an image, form, or mold  
15 that replicates the patient's body or body segment and that requires  
16 rectification of dimensions, contours, and volumes for use in the  
17 design and fabrication of a socket to accept a residual anatomic limb  
18 to, in turn, create an artificial appendage that is designed either to  
19 support body weight or to improve or restore function or cosmesis, or  
20 both. Involved in the practice of prosthetics is observational gait  
21 analysis and clinical assessment of the requirements necessary to  
22 refine and mechanically fix the relative position of various parts of  
23 the prosthesis to maximize the function, stability, and safety of the  
24 patient. The practice of prosthetics includes providing continuing  
25 patient care in order to assess the prosthetic device's effect on the  
26 patient's tissues and to assure proper fit and function of the  
27 prosthetic device by periodic evaluation.

28 ((+8)) (7) "Prosthetist" means a person who is licensed to  
29 practice prosthetics under this chapter.

30 ((+9)) (8) "Prosthesis" means a definitive artificial limb that is  
31 alignable or articulated, or, in lower extremity applications, capable  
32 of weight bearing. Prosthesis means an artificial medical device that  
33 is not surgically implanted and that is used to replace a missing limb,  
34 appendage, or other external human body part including an artificial  
35 limb, hand, or foot. The term does not include artificial eyes, ears,  
36 fingers or toes, dental appliances, ostomy products, devices such as  
37 artificial breasts, eyelashes, wigs, or other devices as determined by  
38 the secretary that do not have a significant impact on the

1 musculoskeletal functions of the body. In the lower extremity of the  
2 body, the term prosthesis does not include prostheses required for  
3 amputations distal to and including the transmetatarsal level. In the  
4 upper extremity of the body, the term prosthesis does not include  
5 prostheses that are provided to restore function for amputations distal  
6 to and including the carpal level.

7 ~~((10))~~ (9) "Authorized health care practitioner" means licensed  
8 physicians, physician's assistants, osteopathic physicians,  
9 chiropractors, naturopaths, podiatric physicians and surgeons,  
10 dentists, and advanced registered nurse practitioners.

11 **Sec. 111.** RCW 18.200.050 and 1997 c 285 s 6 are each amended to  
12 read as follows:

13 In addition to other authority provided by law, the secretary has  
14 the authority to:

15 (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
16 chapter;

17 (2) Establish administrative procedures, administrative  
18 requirements, and fees in accordance with RCW 43.70.250 and 43.70.280.  
19 All fees collected under this section must be credited to the health  
20 professions account as required under RCW 43.70.320;

21 (3) Register applicants, issue licenses to applicants who have met  
22 the education, training, and examination requirements for licensure,  
23 and deny licenses to applicants who do not meet the minimum  
24 qualifications, except that proceedings concerning the denial of  
25 credentials based upon unprofessional conduct or impairment are  
26 governed by the uniform disciplinary act, chapter 18.130 RCW;

27 (4) Hire clerical, administrative, investigative, and other staff  
28 as needed to implement this chapter and hire individuals licensed under  
29 this chapter to serve as examiners for any practical examinations;

30 (5) Determine minimum education requirements and evaluate and  
31 designate those educational programs from which graduation will be  
32 accepted as proof of eligibility to take a qualifying examination for  
33 applicants for licensure;

34 (6) Establish the standards and procedures for revocation of  
35 approval of education programs;

36 (7) Utilize or contract with individuals or organizations having

1 expertise in the profession or in education to assist in the  
2 evaluations;

3 (8) Prepare and administer, or approve the preparation and  
4 administration of, examinations for applicants for licensure;

5 (9) Determine whether alternative methods of training are  
6 equivalent to formal education, and establish forms, procedures, and  
7 criteria for evaluation of an applicant's alternative training to  
8 determine the applicant's eligibility to take any qualifying  
9 examination;

10 (10) Determine which jurisdictions have licensing requirements  
11 equivalent to those of this state and issue licenses without  
12 examinations to individuals licensed in those jurisdictions;

13 (11) Define and approve any experience requirement for licensing;

14 (12) Implement and administer a program for consumer education;

15 (13) Adopt rules implementing continuing competency requirements  
16 for renewal of the license and relicensing;

17 (14) Maintain the official department records of all applicants and  
18 licensees;

19 (15) Establish by rule the procedures for an appeal of an  
20 examination failure;

21 (16) Establish requirements and procedures for an inactive license;  
22 and

23 (17) (~~With the advice of the advisory committee, the secretary~~  
24 ~~may~~) Recommend collaboration with health professions, boards, and  
25 commissions to develop appropriate referral protocols.

26 **Sec. 112.** RCW 18.200.070 and 1997 c 285 s 8 are each amended to  
27 read as follows:

28 (1) An applicant must file a written application on forms provided  
29 by the department showing to the satisfaction of the secretary(~~(, in~~  
30 ~~consultation with the advisory committee,)~~) that the applicant meets  
31 the following requirements:

32 (a) The applicant possesses a baccalaureate degree with coursework  
33 appropriate for the profession approved by the secretary, or possesses  
34 equivalent training as determined by the secretary pursuant to  
35 subsections (3) and (5) of this section;

36 (b) The applicant has the amount of formal training, including the

1 hours of classroom education and clinical practice, in areas of study  
2 as the secretary deems necessary and appropriate;

3 (c) The applicant has completed a clinical internship or residency  
4 in the professional area for which a license is sought in accordance  
5 with the standards, guidelines, or procedures for clinical internships  
6 or residencies inside or outside the state as established by the  
7 secretary, or that are otherwise substantially equivalent to the  
8 standards commonly accepted in the fields of orthotics and prosthetics  
9 as determined by the secretary pursuant to subsections (3) and (5) of  
10 this section. The secretary must set the internship as at least one  
11 year.

12 (2) An applicant for licensure as either an orthotist or  
13 prosthetist must pass all written and practical examinations that are  
14 required and approved by the secretary (~~in consultation with the~~  
15 ~~advisory committee~~)).

16 (3) The standards and requirements for licensure established by the  
17 secretary must be substantially equal to the standards commonly  
18 accepted in the fields of orthotics and prosthetics.

19 (4) An applicant failing to make the required grade in the first  
20 examination may take up to three subsequent examinations as the  
21 applicant desires upon prepaying a fee, determined by the secretary  
22 under RCW 43.70.250, for each subsequent examination. Upon failing  
23 four examinations, the secretary may invalidate the original  
24 application and require remedial education before the person may take  
25 future examinations.

26 (5) The secretary may waive some of the education, examination, or  
27 experience requirements of this section if the secretary determines  
28 that the applicant meets alternative standards, established by the  
29 secretary through rule, that are substantially equivalent to the  
30 requirements in subsections (1) and (2) of this section.

31 **Oversight Committee on Character-Building**  
32 **Residential Services in Prisons**

33 NEW SECTION. **Sec. 113.** RCW 72.09.800 (Comprehensive plan for  
34 character-building residential services in prisons--Establishment of  
35 oversight committee) and 2008 c 104 s 2 are each repealed.

1 **Real Estate Appraiser Commission**

2 NEW SECTION. **Sec. 114.** The following acts or parts of acts are  
3 each repealed:

4 (1) RCW 18.140.230 (Real estate appraiser commission--  
5 Establishment--Composition) and 2005 c 339 s 19 & 2000 c 249 s 3;

6 (2) RCW 18.140.240 (Commission/members--Duties and  
7 responsibilities) and 2000 c 249 s 4; and

8 (3) RCW 18.140.250 (Commission member's compensation) and 2000 c  
9 249 s 5.

10 **Sec. 115.** RCW 18.140.010 and 2005 c 339 s 2 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) "Appraisal" means the act or process of estimating value; an  
15 estimate of value; or of or pertaining to appraising and related  
16 functions.

17 (2) "Appraisal report" means any communication, written or oral, of  
18 an appraisal, review, or consulting service in accordance with the  
19 standards of professional conduct or practice, adopted by the director,  
20 that is transmitted to the client upon completion of an assignment.

21 (3) "Appraisal assignment" means an engagement for which an  
22 appraiser is employed or retained to act, or would be perceived by  
23 third parties or the public as acting, as a disinterested third party  
24 in rendering an unbiased analysis, opinion, or conclusion relating to  
25 the value of specified interests in, or aspects of, identified real  
26 estate. The term "appraisal assignment" may apply to valuation work  
27 and analysis work.

28 (4) "Brokers price opinion" means an oral or written report of  
29 property value that is prepared by a real estate broker or salesperson  
30 licensed under chapter 18.85 RCW.

31 (5) "Client" means any party for whom an appraiser performs a  
32 service.

33 (6) (~~"Commission" means the real estate appraiser commission of~~  
34 ~~the state of Washington.~~

35 (+7)) "Comparative market analysis" means a brokers price opinion.

36 ((+8)) (7) "Department" means the department of licensing.

1        ~~((+9))~~ (8) "Director" means the director of the department of  
2        licensing.

3        ~~((+10))~~ (9) "Expert review appraiser" means a state-certified or  
4        state-licensed real estate appraiser chosen by the director for the  
5        purpose of providing appraisal review assistance to the director.

6        ~~((+11))~~ (10) "Federal department" means an executive department of  
7        the United States of America specifically concerned with housing  
8        finance issues, such as the department of housing and urban  
9        development, the department of veterans affairs, or their legal federal  
10       successors.

11       ~~((+12))~~ (11) "Federal financial institutions regulatory agency"  
12       means the board of governors of the federal reserve system, the federal  
13       deposit insurance corporation, the office of the comptroller of the  
14       currency, the office of thrift supervision, the national credit union  
15       administration, their successors and/or such other agencies as may be  
16       named in future amendments to 12 U.S.C. Sec. 3350(6).

17       ~~((+13))~~ (12) "Federal secondary mortgage marketing agency" means  
18       the federal national mortgage association, the government national  
19       mortgage association, the federal home loan mortgage corporation, their  
20       successors and/or such other similarly functioning housing finance  
21       agencies as may be federally chartered in the future.

22       ~~((+14))~~ (13) "Federally related transaction" means any real  
23       estate-related financial transaction that the federal financial  
24       institutions regulatory agency or the resolution trust corporation  
25       engages in, contracts for, or regulates; and that requires the services  
26       of an appraiser.

27       ~~((+15))~~ (14) "Financial institution" means any person doing  
28       business under the laws of this state or the United States relating to  
29       banks, bank holding companies, savings banks, trust companies, savings  
30       and loan associations, credit unions, consumer loan companies, and the  
31       affiliates, subsidiaries, and service corporations thereof.

32       ~~((+16))~~ (15) "Mortgage broker" for the purpose of this chapter  
33       means a mortgage broker licensed under chapter 19.146 RCW, any mortgage  
34       broker approved and subject to audit by the federal national mortgage  
35       association, the government national mortgage association, or the  
36       federal home loan mortgage corporation as provided in RCW 19.146.020,  
37       any mortgage broker approved by the United States secretary of housing

1 and urban development for participation in any mortgage insurance under  
2 the national housing act, 12 U.S.C. Sec. 1201, and the affiliates,  
3 subsidiaries, and service corporations thereof.

4 ~~((+17))~~ (16) "Real estate" means an identified parcel or tract of  
5 land, including improvements, if any.

6 ~~((+18))~~ (17) "Real estate-related financial transaction" means any  
7 transaction involving:

8 (a) The sale, lease, purchase, investment in, or exchange of real  
9 property, including interests in property, or the financing thereof;

10 (b) The refinancing of real property or interests in real property;  
11 and

12 (c) The use of real property or interests in property as security  
13 for a loan or investment, including mortgage-backed securities.

14 ~~((+19))~~ (18) "Real property" means one or more defined interests,  
15 benefits, or rights inherent in the ownership of real estate.

16 ~~((+20))~~ (19) "Review" means the act or process of critically  
17 studying an appraisal report prepared by another.

18 ~~((+21))~~ (20) "Specialized appraisal services" means all appraisal  
19 services that do not fall within the definition of appraisal  
20 assignment. The term "specialized appraisal service" may apply to  
21 valuation work and to analysis work. Regardless of the intention of  
22 the client or employer, if the appraiser would be perceived by third  
23 parties or the public as acting as a disinterested third party in  
24 rendering an unbiased analysis, opinion, or conclusion, the work is  
25 classified as an appraisal assignment and not a specialized appraisal  
26 service.

27 ~~((+22))~~ (21) "State-certified general real estate appraiser" means  
28 a person certified by the director to develop and communicate real  
29 estate appraisals of all types of property. A state-certified general  
30 real estate appraiser may designate or identify an appraisal rendered  
31 by him or her as a "certified appraisal."

32 ~~((+23))~~ (22) "State-certified residential real estate appraiser"  
33 means a person certified by the director to develop and communicate  
34 real estate appraisals of all types of residential property of one to  
35 four units without regard to transaction value or complexity and  
36 nonresidential property having a transaction value as specified in  
37 rules adopted by the director. A state certified residential real



1 estate appraiser may designate or identify an appraisal rendered by him  
2 or her as a "certified appraisal."

3 ~~((+24))~~ (23) "State-licensed real estate appraiser" means a person  
4 licensed by the director to develop and communicate real estate  
5 appraisals of noncomplex one to four residential units and complex one  
6 to four residential units and nonresidential property having  
7 transaction values as specified in rules adopted by the director.

8 ~~((+25))~~ (24) "State-registered appraiser trainee," "trainee," or  
9 "trainee real estate appraiser" means a person registered by the  
10 director under RCW 18.140.280 to develop and communicate real estate  
11 appraisals under the immediate and personal direction of a state-  
12 certified real estate appraiser. Appraisals are limited to those types  
13 of properties that the supervisory appraiser is permitted by their  
14 current credential, and that the supervisory appraiser is competent and  
15 qualified to appraise. By signing the appraisal report, or being  
16 identified in the certification or addenda as having lent significant  
17 professional assistance, the state-registered appraiser trainee accepts  
18 total and complete individual responsibility for all content, analyses,  
19 and conclusions in the report.

20 ~~((+26))~~ (25) "Supervisory appraiser" means a person holding a  
21 currently valid certificate issued by the director as a state-certified  
22 real estate appraiser providing direct supervision to another state-  
23 certified, state-licensed, or state-registered appraiser trainee. The  
24 supervisory appraiser must be in good standing in each jurisdiction  
25 that he or she is credentialed. The supervisory appraiser must sign  
26 all appraisal reports. By signing the appraisal report, the  
27 supervisory appraiser accepts full responsibility for all content,  
28 analyses, and conclusions in the report.

29 **Sec. 116.** RCW 18.140.030 and 2005 c 339 s 4 are each amended to  
30 read as follows:

31 The director shall have the following powers and duties:

32 (1) To adopt rules in accordance with chapter 34.05 RCW necessary  
33 to implement this chapter and chapter 18.235 RCW ~~(, with the advice and  
34 approval of the commission)~~);

35 (2) To receive and approve or deny applications for certification  
36 or licensure as a state-certified or state-licensed real estate  
37 appraiser and for registration as a state-registered appraiser trainee

1 under this chapter; to establish appropriate administrative procedures  
2 for the processing of such applications; to issue certificates,  
3 licenses, or registrations to qualified applicants pursuant to the  
4 provisions of this chapter; and to maintain a roster of the names and  
5 addresses of individuals who are currently certified, licensed, or  
6 registered under this chapter;

7 ~~(3) ((To provide administrative assistance to the members of and to  
8 keep records for the real estate appraiser commission;~~

9 ~~(4))~~ To solicit bids and enter into contracts with educational  
10 testing services or organizations for the preparation of questions and  
11 answers for certification or licensure examinations;

12 ~~((+5))~~ (4) To administer or contract for administration of  
13 certification or licensure examinations at locations and times as may  
14 be required to carry out the responsibilities under this chapter;

15 ~~((+6))~~ (5) To enter into contracts for professional services  
16 determined to be necessary for adequate enforcement of this chapter;

17 ~~((+7) To consider recommendations by the real estate appraiser  
18 commission relating to the experience, education, and examination  
19 requirements for each classification of state certified appraiser and  
20 for licensure;~~

21 ~~(8) To consider recommendations by the real estate appraiser  
22 commission relating to the educational requirements for the state-  
23 registered appraiser trainee classification;~~

24 ~~(9) To consider recommendations by the real estate appraiser  
25 commission relating to the maximum number of state registered appraiser  
26 trainees that each supervisory appraiser will be permitted to  
27 supervise;~~

28 ~~(10) To consider recommendations by the real estate appraiser  
29 commission relating to continuing education requirements as a  
30 prerequisite to renewal of certification or licensure;~~

31 ~~(11) To consider recommendations by the real estate appraiser  
32 commission relating to standards of professional appraisal conduct or  
33 practice in the enforcement of this chapter;~~

34 ~~(+12))~~ (6) To employ such professional, clerical, and technical  
35 assistance as may be necessary to properly administer the work of the  
36 director;

37 ~~((+13))~~ (7) To establish forms necessary to administer this  
38 chapter;

1        ~~((14))~~ (8) To establish an expert review appraiser roster  
2 comprised of state-certified or licensed real estate appraisers whose  
3 purpose is to assist the director by applying their individual  
4 expertise by reviewing real estate appraisals for compliance with this  
5 chapter. Qualifications to act as an expert review appraiser shall be  
6 established by the director ~~((with the advice of the commission))~~. An  
7 application to serve as an expert review appraiser shall be submitted  
8 to the real estate appraiser program, and the roster of accepted expert  
9 review appraisers shall be maintained by the department. An expert  
10 review appraiser may be added to or deleted from that roster by the  
11 director. The expert review appraiser shall be reimbursed for expenses  
12 ~~((in the same manner as))~~ by the department ~~((reimburses the~~  
13 ~~commission))~~; and

14        ~~((15))~~ (9) To do all other things necessary to carry out the  
15 provisions of this chapter and minimally meet the requirements of  
16 federal guidelines regarding state certification or licensure of  
17 appraisers and registration of state-registered appraiser trainees that  
18 the director determines are appropriate for state-certified and state-  
19 licensed appraisers and state-registered appraiser trainees in this  
20 state.

21        **Sec. 117.** RCW 18.140.160 and 2007 c 256 s 1 are each amended to  
22 read as follows:

23        In addition to the unprofessional conduct described in RCW  
24 18.235.130, the director may take disciplinary action for the following  
25 conduct, acts, or conditions:

26        (1) Failing to meet the minimum qualifications for state  
27 certification, licensure, or registration established by or pursuant to  
28 this chapter;

29        (2) Paying money other than the fees provided for by this chapter  
30 to any employee of the director ~~((or the commission))~~ to procure state  
31 certification, licensure, or registration under this chapter;

32        (3) Continuing to act as a state-certified real estate appraiser,  
33 state-licensed real estate appraiser, or state-registered appraiser  
34 trainee when his or her certificate, license, or registration is on an  
35 expired status;

36        (4) Violating any provision of this chapter or any lawful rule made  
37 by the director pursuant thereto;

1 (5) Issuing an appraisal report on any real property in which the  
2 appraiser has an interest unless his or her interest is clearly stated  
3 in the appraisal report;

4 (6) Being affiliated as an employer, independent contractor, or  
5 supervisory appraiser of a state-certified real estate appraiser,  
6 state-licensed real estate appraiser, or state-registered appraiser  
7 trainee whose certification, license, or registration is currently in  
8 a suspended or revoked status;

9 (7) Failure or refusal without good cause to exercise reasonable  
10 diligence in performing an appraisal practice under this chapter,  
11 including preparing an oral or written report to communicate  
12 information concerning an appraisal practice; and

13 (8) Negligence or incompetence in performing an appraisal practice  
14 under this chapter, including preparing an oral or written report to  
15 communicate information concerning an appraisal practice.

16 **Sec. 118.** RCW 18.140.170 and 2005 c 339 s 15 are each amended to  
17 read as follows:

18 The director may investigate the actions of a state-certified or  
19 state-licensed real estate appraiser or a state-registered appraiser  
20 trainee or an applicant for certification, licensure, or registration  
21 or recertification, relicensure, or reregistration. Upon receipt of  
22 information indicating that a state-certified or state-licensed real  
23 estate appraiser or state-registered appraiser trainee under this  
24 chapter may have violated this chapter, the director may cause one or  
25 more of the staff investigators to make an investigation of the facts  
26 to determine whether or not there is admissible evidence of any such  
27 violation. (~~(If technical assistance is required, a staff investigator~~  
28 ~~may consult with one or more of the members of the commission.))~~)

29 **Regional Fisheries Enhancement Group Advisory Board**

30 NEW SECTION. **Sec. 119.** The following acts or parts of acts are  
31 each repealed:

32 (1) RCW 77.95.110 (Regional fisheries enhancement group advisory  
33 board) and 2000 c 107 s 108; and

34 (2) RCW 77.95.120 (Regional fisheries enhancement group advisory

1 board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, &  
2 1995 c 367 s 6.

3 **Sec. 120.** RCW 77.95.100 and 2000 c 107 s 107 are each amended to  
4 read as follows:

5 The department may provide start-up funds to regional fisheries  
6 enhancement groups for costs associated with any enhancement project.  
7 The (~~regional fisheries enhancement group advisory board and the~~)  
8 commission shall develop guidelines for providing funds to the regional  
9 fisheries enhancement groups.

10 **Sec. 121.** RCW 77.95.180 and 1995 c 367 s 3 are each amended to  
11 read as follows:

12 To maximize available state resources, the department and the  
13 department of transportation shall work in partnership (~~with the~~  
14 ~~regional fisheries enhancement group advisory board~~) to identify  
15 cooperative projects to eliminate fish passage barriers caused by state  
16 roads and highways. (~~The advisory board may provide input to the~~  
17 ~~department to aid in identifying priority barrier removal projects that~~  
18 ~~can be accomplished with the assistance of regional fisheries~~  
19 ~~enhancement groups.~~) The department of transportation shall provide  
20 engineering and other technical services to assist regional fisheries  
21 enhancement groups with fish passage barrier removal projects, provided  
22 that the barrier removal projects have been identified as a priority by  
23 the department of fish and wildlife and the department of  
24 transportation has received an appropriation to continue the fish  
25 barrier removal program.

26 **Sec. 122.** RCW 77.95.190 and 1995 c 367 s 10 are each amended to  
27 read as follows:

28 The department shall (~~coordinate with the regional fisheries~~  
29 ~~enhancement group advisory board to~~) field test coho and chinook  
30 salmon remote site incubators. The purpose of field testing efforts  
31 shall be to gather conclusive scientific data on the effectiveness of  
32 coho and chinook remote site incubators.

33 **Revenue-Simplified Sales and Use Tax Admin Advisory Group**

1       **Sec. 123.** RCW 82.58.020 and 2002 c 267 s 4 are each amended to  
2 read as follows:

3       ~~((1))~~ For the purposes of reviewing or amending the agreement  
4 embodying the simplification requirements in RCW 82.58.050, the state  
5 shall enter into multistate discussions. For purposes of these  
6 discussions, the state shall be represented by the department. The  
7 governor may appoint up to four persons to consult with the department  
8 at these discussions. The persons advising the department shall not be  
9 compensated and are not entitled to payment of travel expenses by the  
10 state.

11       ~~((2) The department shall regularly consult with an advisory group  
12 composed of one member from each of the two largest caucuses of the  
13 senate, appointed by the majority and minority leaders of the senate;  
14 one member from each of the two largest caucuses of the house of  
15 representatives, appointed by the speaker and minority leader of the  
16 house of representatives; representatives of retailers, including those  
17 selling via mail, telephone, and the internet; representatives of large  
18 and small businesses; and representatives of counties and cities. The  
19 department shall use its best efforts to consult with the advisory  
20 group before any multistate discussions in which it is anticipated that  
21 amendments may be proposed to the agreement embodying the  
22 simplification requirements in RCW 82.58.050.))~~

### 23                                   **State Solid Waste Advisory Committee**

24       NEW SECTION.   **Sec. 124.** The following acts or parts of acts are  
25 each repealed:

26       (1) RCW 70.95.040 (Solid waste advisory committee--Members--  
27 Meetings--Travel expenses--"Governor's award of excellence.") and 1991  
28 c 319 s 401, 1987 c 115 s 1, 1982 c 108 s 1, & 1977 c 10 s 1;

29       (2) RCW 70.95.050 (Solid waste advisory committee--Staff services  
30 and facilities) and 1969 ex.s. c 134 s 5;

31       (3) RCW 70.95.070 (Review of standards prior to adoption--  
32 Revisions, additions and modifications--Factors) and 1975-'76 2nd ex.s.  
33 c 41 s 4 & 1969 ex.s. c 134 s 7; and

34       (4) RCW 70.105.060 (Review of rules, regulations, criteria and fee  
35 schedules) and 1975-'76 2nd ex.s. c 101 s 6.

1       **Sec. 125.** RCW 70.95.030 and 2004 c 101 s 1 are each amended to  
2 read as follows:

3       As used in this chapter, unless the context indicates otherwise:

4       (1) "City" means every incorporated city and town.

5       (2) "Commission" means the utilities and transportation commission.

6       (3) (~~("Committee" means the state solid waste advisory committee.~~

7       ~~(4))~~ (4) "Composted material" means organic solid waste that has been  
8 subjected to controlled aerobic degradation at a solid waste facility  
9 in compliance with the requirements of this chapter. Natural decay of  
10 organic solid waste under uncontrolled conditions does not result in  
11 composted material.

12       ~~((5))~~ (4) "Department" means the department of ecology.

13       ~~((6))~~ (5) "Director" means the director of the department of  
14 ecology.

15       ~~((7))~~ (6) "Disposal site" means the location where any final  
16 treatment, utilization, processing, or deposit of solid waste occurs.

17       ~~((8))~~ (7) "Energy recovery" means a process operating under  
18 federal and state environmental laws and regulations for converting  
19 solid waste into usable energy and for reducing the volume of solid  
20 waste.

21       ~~((9))~~ (8) "Functional standards" means criteria for solid waste  
22 handling expressed in terms of expected performance or solid waste  
23 handling functions.

24       ~~((10))~~ (9) "Incineration" means a process of reducing the volume  
25 of solid waste operating under federal and state environmental laws and  
26 regulations by use of an enclosed device using controlled flame  
27 combustion.

28       ~~((11))~~ (10) "Inert waste landfill" means a landfill that receives  
29 only inert waste, as determined under RCW 70.95.065, and includes  
30 facilities that use inert wastes as a component of fill.

31       ~~((12))~~ (11) "Jurisdictional health department" means city,  
32 county, city-county, or district public health department.

33       ~~((13))~~ (12) "Landfill" means a disposal facility or part of a  
34 facility at which solid waste is placed in or on land and which is not  
35 a land treatment facility.

36       ~~((14))~~ (13) "Local government" means a city, town, or county.

37       ~~((15))~~ (14) "Modify" means to substantially change the design or

1 operational plans including, but not limited to, removal of a design  
2 element previously set forth in a permit application or the addition of  
3 a disposal or processing activity that is not approved in the permit.

4 ~~((+16+))~~ (15) "Multiple family residence" means any structure  
5 housing two or more dwelling units.

6 ~~((+17+))~~ (16) "Person" means individual, firm, association,  
7 copartnership, political subdivision, government agency, municipality,  
8 industry, public or private corporation, or any other entity  
9 whatsoever.

10 ~~((+18+))~~ (17) "Recyclable materials" means those solid wastes that  
11 are separated for recycling or reuse, such as papers, metals, and  
12 glass, that are identified as recyclable material pursuant to a local  
13 comprehensive solid waste plan. Prior to the adoption of the local  
14 comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2),  
15 local governments may identify recyclable materials by ordinance from  
16 July 23, 1989.

17 ~~((+19+))~~ (18) "Recycling" means transforming or remanufacturing  
18 waste materials into usable or marketable materials for use other than  
19 landfill disposal or incineration.

20 ~~((+20+))~~ (19) "Residence" means the regular dwelling place of an  
21 individual or individuals.

22 ~~((+21+))~~ (20) "Sewage sludge" means a semisolid substance  
23 consisting of settled sewage solids combined with varying amounts of  
24 water and dissolved materials, generated from a wastewater treatment  
25 system, that does not meet the requirements of chapter 70.95J RCW.

26 ~~((+22+))~~ (21) "Soil amendment" means any substance that is intended  
27 to improve the physical characteristics of the soil, except composted  
28 material, commercial fertilizers, agricultural liming agents,  
29 unmanipulated animal manures, unmanipulated vegetable manures, food  
30 wastes, food processing wastes, and materials exempted by rule of the  
31 department, such as biosolids as defined in chapter 70.95J RCW and  
32 wastewater as regulated in chapter 90.48 RCW.

33 ~~((+23+))~~ (22) "Solid waste" or "wastes" means all putrescible and  
34 nonputrescible solid and semisolid wastes including, but not limited  
35 to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge,  
36 demolition and construction wastes, abandoned vehicles or parts  
37 thereof, and recyclable materials.



1 ((+24)) (23) "Solid waste handling" means the management, storage,  
2 collection, transportation, treatment, utilization, processing, and  
3 final disposal of solid wastes, including the recovery and recycling of  
4 materials from solid wastes, the recovery of energy resources from  
5 solid wastes or the conversion of the energy in solid wastes to more  
6 useful forms or combinations thereof.

7 ((+25)) (24) "Source separation" means the separation of different  
8 kinds of solid waste at the place where the waste originates.

9 ((+26)) (25) "Vehicle" includes every device physically capable of  
10 being moved upon a public or private highway, road, street, or  
11 watercourse and in, upon, or by which any person or property is or may  
12 be transported or drawn upon a public or private highway, road, street,  
13 or watercourse, except devices moved by human or animal power or used  
14 exclusively upon stationary rails or tracks.

15 ((+27)) (26) "Waste-derived soil amendment" means any soil  
16 amendment as defined in this chapter that is derived from solid waste  
17 as defined in ((RCW 70.95.030)) this section, but does not include  
18 biosolids or biosolids products regulated under chapter 70.95J RCW or  
19 wastewaters regulated under chapter 90.48 RCW.

20 ((+28)) (27) "Waste reduction" means reducing the amount or  
21 toxicity of waste generated or reusing materials.

22 ((+29)) (28) "Yard debris" means plant material commonly created  
23 in the course of maintaining yards and gardens, and through  
24 horticulture, gardening, landscaping, or similar activities. Yard  
25 debris includes but is not limited to grass clippings, leaves,  
26 branches, brush, weeds, flowers, roots, windfall fruit, vegetable  
27 garden debris, holiday trees, and tree prunings four inches or less in  
28 diameter.

29 **Sec. 126.** RCW 43.21A.520 and 1989 c 431 s 47 are each amended to  
30 read as follows:

31 (1) The department of ecology shall develop and implement an  
32 environmental excellence awards program that recognizes products that  
33 are produced, labeled, or packaged in a manner that helps ensure  
34 environmental protection. The award shall be in recognition of  
35 products that are made from recycled materials, easy to recycle,  
36 substitute for more hazardous products, or otherwise help protect the

1 environment. Application for the award shall be voluntary. The awards  
2 may be made in a variety of product categories including, but not  
3 limited to:

- 4 (a) Paint products;
- 5 (b) Cleaning products;
- 6 (c) Pest control products;
- 7 (d) Automotive, marine, and related maintenance products;
- 8 (e) Hobby and recreation products; and
- 9 (f) Any other product available for retail or wholesale sale.

10 (2) ~~((The state solid waste advisory committee shall establish an  
11 environmental excellence product award subcommittee to develop and  
12 recommend criteria for awarding environmental excellence awards for  
13 products. The subcommittee shall also review award applications and  
14 make recommendations to the department. The subcommittee shall consist  
15 of equal representation of: (a) Product manufacturing or other  
16 business representatives; (b) environmental representatives; (c) labor  
17 or consumer representatives; and (d) independent technical experts.  
18 Members of the subcommittee need not necessarily be regular members of  
19 the state solid waste advisory committee.~~

20 (3)) Products receiving an environmental excellence award pursuant  
21 to this section shall be entitled to display a logo or other symbol  
22 developed by the department to signify the award. Awards shall be  
23 given each year to as many products as qualify. The award logo may be  
24 displayed for a period to be determined by the department.

25 **Sec. 127.** RCW 70.105.010 and 1989 c 376 s 1 are each amended to  
26 read as follows:

27 The words and phrases defined in this section shall have the  
28 meanings indicated when used in this chapter unless the context clearly  
29 requires otherwise.

30 (1) "Department" means the department of ecology.

31 (2) "Director" means the director of the department of ecology or  
32 the director's designee.

33 (3) "Disposal site" means a geographical site in or upon which  
34 hazardous wastes are disposed of in accordance with the provisions of  
35 this chapter.

36 (4) "Dispose or disposal" means the discarding or abandoning of

1 hazardous wastes or the treatment, decontamination, or recycling of  
2 such wastes once they have been discarded or abandoned.

3 (5) "Dangerous wastes" means any discarded, useless, unwanted, or  
4 abandoned substances, including but not limited to certain pesticides,  
5 or any residues or containers of such substances which are disposed of  
6 in such quantity or concentration as to pose a substantial present or  
7 potential hazard to human health, wildlife, or the environment because  
8 such wastes or constituents or combinations of such wastes:

9 (a) Have short-lived, toxic properties that may cause death,  
10 injury, or illness or have mutagenic, teratogenic, or carcinogenic  
11 properties; or

12 (b) Are corrosive, explosive, flammable, or may generate pressure  
13 through decomposition or other means.

14 (6) "Extremely hazardous waste" means any dangerous waste which

15 (a) will persist in a hazardous form for several years or more at  
16 a disposal site and which in its persistent form

17 (i) presents a significant environmental hazard and may be  
18 concentrated by living organisms through a food chain or may affect the  
19 genetic make-up of man or wildlife, and

20 (ii) is highly toxic to man or wildlife

21 (b) if disposed of at a disposal site in such quantities as would  
22 present an extreme hazard to man or the environment.

23 (7) "Person" means any person, firm, association, county, public or  
24 municipal or private corporation, agency, or other entity whatsoever.

25 (8) "Pesticide" shall have the meaning of the term as defined in  
26 RCW 15.58.030 as now or hereafter amended.

27 (9) (~~"Solid waste advisory committee" means the same advisory~~  
28 ~~committee as per RCW 70.95.040 through 70.95.070.~~

29 ~~(10)~~) "Designated zone facility" means any facility that requires  
30 an interim or final status permit under rules adopted under this  
31 chapter and that is not a preempted facility as defined in this  
32 section.

33 ~~((11))~~ (10) "Facility" means all contiguous land and structures,  
34 other appurtenances, and improvements on the land used for recycling,  
35 storing, treating, incinerating, or disposing of hazardous waste.

36 ~~((12))~~ (11) "Preempted facility" means any facility that includes  
37 as a significant part of its activities any of the following

1 operations: (a) Landfill, (b) incineration, (c) land treatment, (d)  
2 surface impoundment to be closed as a landfill, or (e) waste pile to be  
3 closed as a landfill.

4 ~~((+13))~~ (12) "Hazardous household substances" means those  
5 substances identified by the department as hazardous household  
6 substances in the guidelines developed under RCW 70.105.220.

7 ~~((+14))~~ (13) "Hazardous substances" means any liquid, solid, gas,  
8 or sludge, including any material, substance, product, commodity, or  
9 waste, regardless of quantity, that exhibits any of the characteristics  
10 or criteria of hazardous waste as described in rules adopted under this  
11 chapter.

12 ~~((+15))~~ (14) "Hazardous waste" means and includes all dangerous  
13 and extremely hazardous waste, including substances composed of both  
14 radioactive and hazardous components.

15 ~~((+16))~~ (15) "Local government" means a city, town, or county.

16 ~~((+17))~~ (16) "Moderate-risk waste" means (a) any waste that  
17 exhibits any of the properties of hazardous waste but is exempt from  
18 regulation under this chapter solely because the waste is generated in  
19 quantities below the threshold for regulation, and (b) any household  
20 wastes which are generated from the disposal of substances identified  
21 by the department as hazardous household substances.

22 ~~((+18))~~ (17) "Service charge" means an assessment imposed under  
23 RCW 70.105.280 against those facilities that store, treat, incinerate,  
24 or dispose of dangerous or extremely hazardous waste that contains both  
25 a nonradioactive hazardous component and a radioactive component.  
26 Service charges shall also apply to facilities undergoing closure under  
27 this chapter in those instances where closure entails the physical  
28 characterization of remaining wastes which contain both a  
29 nonradioactive hazardous component and a radioactive component or the  
30 management of such wastes through treatment or removal, except any  
31 commercial low-level radioactive waste facility.

32 **Sec. 128.** RCW 70.105.160 and 1998 c 245 s 110 are each amended to  
33 read as follows:

34 The department shall conduct a study to determine the best  
35 management practices for categories of waste for the priority waste  
36 management methods established in RCW 70.105.150, with due  
37 consideration in the course of the study to sound environmental

1 management and available technology. As an element of the study, the  
2 department shall review methods that will help achieve the priority of  
3 RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed  
4 rules, the department shall conduct public hearings regarding the best  
5 management practices for the various waste categories studied by the  
6 department. After conducting the study, the department shall prepare  
7 new rules or modify existing rules as appropriate to promote  
8 implementation of the priorities established in RCW 70.105.150 for  
9 management practices which assure use of sound environmental management  
10 techniques and available technology. The preliminary study shall be  
11 completed by July 1, 1986, and the rules shall be adopted by July 1,  
12 1987. (~~The solid waste advisory committee shall review the studies  
13 and the new or modified rules.~~)

14 The studies shall be updated at least once every five years. The  
15 funding for these studies shall be from the hazardous waste control and  
16 elimination account, subject to legislative appropriation.

#### 17 **Water Supply Advisory Committee**

18 NEW SECTION. **Sec. 129.** RCW 70.119A.160 (Water supply advisory  
19 committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

20 **Sec. 130.** RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each  
21 amended to read as follows:

22 (1) It is the intent of the legislature that the department  
23 establish water use efficiency requirements designed to ensure  
24 efficient use of water while maintaining water system financial  
25 viability, improving affordability of supplies, and enhancing system  
26 reliability.

27 (2) The requirements of this section shall apply to all municipal  
28 water suppliers and shall be tailored to be appropriate to system size,  
29 forecasted system demand, and system supply characteristics.

30 (3) For the purposes of this section:

31 (a) Water use efficiency includes conservation planning  
32 requirements, water distribution system leakage standards, and water  
33 conservation performance reporting requirements; and

34 (b) "Municipal water supplier" and "municipal water supply  
35 purposes" have the meanings provided by RCW 90.03.015.

1 (4) To accomplish the purposes of this section, the department  
2 shall adopt rules necessary to implement this section by December 31,  
3 2005. The department shall:

4 (a) Develop conservation planning requirements that ensure  
5 municipal water suppliers are: (i) Implementing programs to integrate  
6 conservation with water system operation and management; and (ii)  
7 identifying how to appropriately fund and implement conservation  
8 activities. Requirements shall apply to the conservation element of  
9 water system plans and small water system management programs developed  
10 pursuant to chapter 43.20 RCW. In establishing the conservation  
11 planning requirements the department shall review the current  
12 department conservation planning guidelines and include those elements  
13 that are appropriate for rule. Conservation planning requirements  
14 shall include but not be limited to:

15 (A) Selection of cost-effective measures to achieve a system's  
16 water conservation objectives. Requirements shall allow the municipal  
17 water supplier to select and schedule implementation of the best  
18 methods for achieving its conservation objectives;

19 (B) Evaluation of the feasibility of adopting and implementing  
20 water delivery rate structures that encourage water conservation;

21 (C) Evaluation of each system's water distribution system leakage  
22 and, if necessary, identification of steps necessary for achieving  
23 water distribution system leakage standards developed under (b) of this  
24 subsection;

25 (D) Collection and reporting of water consumption and source  
26 production and/or water purchase data. Data collection and reporting  
27 requirements shall be sufficient to identify water use patterns among  
28 utility customer classes, where applicable, and evaluate the  
29 effectiveness of each system's conservation program. Requirements,  
30 including reporting frequency, shall be appropriate to system size and  
31 complexity. Reports shall be available to the public; and

32 (E) Establishment of minimum requirements for water demand forecast  
33 methodologies such that demand forecasts prepared by municipal water  
34 suppliers are sufficient for use in determining reasonably anticipated  
35 future water needs;

36 (b) Develop water distribution system leakage standards to ensure  
37 that municipal water suppliers are taking appropriate steps to reduce  
38 water system leakage rates or are maintaining their water distribution

1 systems in a condition that results in leakage rates in compliance with  
2 the standards. Limits shall be developed in terms of percentage of  
3 total water produced and/or purchased and shall not be lower than ten  
4 percent. The department may consider alternatives to the percentage of  
5 total water supplied where alternatives provide a better evaluation of  
6 the water system's leakage performance. The department shall institute  
7 a graduated system of requirements based on levels of water system  
8 leakage. A municipal water supplier shall select one or more control  
9 methods appropriate for addressing leakage in its water system;

10 (c) Establish minimum requirements for water conservation  
11 performance reporting to assure that municipal water suppliers are  
12 regularly evaluating and reporting their water conservation  
13 performance. The objective of setting conservation goals is to enhance  
14 the efficient use of water by the water system customers. Performance  
15 reporting shall include:

16 (i) Requirements that municipal water suppliers adopt and achieve  
17 water conservation goals. The elected governing board or governing  
18 body of the water system shall set water conservation goals for the  
19 system. In setting water conservation goals the water supplier may  
20 consider historic conservation performance and conservation investment,  
21 customer base demographics, regional climate variations, forecasted  
22 demand and system supply characteristics, system financial viability,  
23 system reliability, and affordability of water rates. Conservation  
24 goals shall be established by the municipal water supplier in an open  
25 public forum;

26 (ii) Requirements that the municipal water supplier adopt schedules  
27 for implementing conservation program elements and achieving  
28 conservation goals to ensure that progress is being made toward adopted  
29 conservation goals;

30 (iii) A reporting system for regular reviews of conservation  
31 performance against adopted goals. Performance reports shall be  
32 available to customers and the public. Requirements, including  
33 reporting frequency, shall be appropriate to system size and  
34 complexity;

35 (iv) Requirements that any system not meeting its water  
36 conservation goals shall develop a plan for modifying its conservation  
37 program to achieve its goals along with procedures for reporting  
38 performance to the department;

1 (v) If a municipal water supplier determines that further  
2 reductions in consumption are not reasonably achievable, it shall  
3 identify how current consumption levels will be maintained;

4 (d) Adopt rules that, to the maximum extent practical, utilize  
5 existing mechanisms and simplified procedures in order to minimize the  
6 cost and complexity of implementation and to avoid placing unreasonable  
7 financial burden on smaller municipal systems.

8 ~~((The department shall establish an advisory committee to  
9 assist the department in developing rules for water use efficiency.  
10 The advisory committee shall include representatives from public water  
11 system customers, environmental interest groups, business interest  
12 groups, a representative cross section of municipal water suppliers, a  
13 water utility conservation professional, tribal governments, the  
14 department of ecology, and any other members determined necessary by  
15 the department. The department may use the water supply advisory  
16 committee created pursuant to RCW 70.119A.160 augmented with additional  
17 participants as necessary to comply with this subsection to assist the  
18 department in developing rules.~~

19 ~~(+6+))~~ The department shall provide technical assistance upon  
20 request to municipal water suppliers and local governments regarding  
21 water conservation, which may include development of best management  
22 practices for water conservation programs, conservation landscape  
23 ordinances, conservation rate structures for public water systems, and  
24 general public education programs on water conservation.

25 ~~((+7+))~~ (6) To ensure compliance with this section, the department  
26 shall establish a compliance process that incorporates a graduated  
27 approach employing the full range of compliance mechanisms available to  
28 the department.

29 ~~((+8+))~~ (7) Prior to completion of rule making required in  
30 subsection (4) of this section, municipal water suppliers shall  
31 continue to meet the existing conservation requirements of the  
32 department and shall continue to implement their current water  
33 conservation programs.

34 **Sec. 131.** RCW 90.86.030 and 2005 c 60 s 3 are each amended to read  
35 as follows:

36 (1) The joint legislative committee on water supply during drought  
37 shall convene from time to time at the call of the chair when a drought



1 conditions order under RCW 43.83B.405 is in effect, or when the chair  
2 determines, in consultation with the department of ecology, that it is  
3 likely that such an order will be issued within the next year.

4 (2) The committee may request and review information relating to  
5 water supply conditions in the state, and economic, environmental, and  
6 other impacts relating to decreased water supply being experienced or  
7 anticipated. The governor's executive water emergency committee, the  
8 department of ecology, (~~the water supply advisory committee,~~) and  
9 other state agencies with water management or related responsibilities  
10 shall cooperate in responding to requests from the committee.

11 (3) During drought conditions in which an order issued under RCW  
12 43.83B.405 is in effect, the department of ecology shall provide to the  
13 committee no less than monthly a report describing drought response  
14 activities of the department and other state and federal agencies  
15 participating on the water supply availability committee. The report  
16 shall include information regarding applications for, and approvals and  
17 denials of emergency water withdrawals and temporary changes or  
18 transfers of, water rights under RCW 43.83B.410.

19 (4) The committee from time to time shall make recommendations to  
20 the senate and house of representatives on budgetary and legislative  
21 actions that will improve the state's drought response programs and  
22 planning.

### 23 **Well Drilling Technical Advisory Group**

24 NEW SECTION. **Sec. 132.** RCW 18.104.190 (Technical advisory group)  
25 and 2005 c 84 s 8 & 1993 c 387 s 25 are each repealed.

26 **Sec. 133.** RCW 18.104.040 and 1993 c 387 s 4 are each amended to  
27 read as follows:

28 The department shall have the power:

29 (1) To issue, deny, suspend or revoke licenses pursuant to the  
30 provisions of this chapter;

31 (2) At all reasonable times, to enter upon lands for the purpose of  
32 inspecting, taking measurements from, or tagging any well, constructed  
33 or being constructed;

34 (3) To call upon or receive professional or technical advice from

1 the department of health(~~(, the technical advisory group created in RCW~~  
2 ~~18.104.190,)~~) or any other public agency or person;

3 (4) To adopt rules, in consultation with the department of health  
4 (~~(and the technical advisory group created in RCW 18.104.190, governing~~  
5 ~~licensing and well construction)~~), as may be appropriate to carry out  
6 the purposes of this chapter. The rules adopted by the department may  
7 include, but are not limited to:

8 (a) Standards for the construction and maintenance of wells and  
9 their casings;

10 (b) Methods of capping, sealing, and decommissioning wells to  
11 prevent contamination of groundwater resources and to protect public  
12 health and safety;

13 (c) Methods of artificial recharge of groundwater bodies and of  
14 construction of wells which insure separation of individual water  
15 bearing formations;

16 (d) The manner of conducting and the content of examinations  
17 required to be taken by applicants for license hereunder;

18 (e) Requirements for the filing of notices of intent, well reports,  
19 and the payment of fees;

20 (f) Reporting requirements of well contractors;

21 (g) Limitations on well construction in areas identified by the  
22 department as requiring intensive control of withdrawals in the  
23 interests of sound management of the groundwater resource;

24 (5) To require the operator in the construction of a well and the  
25 property owner in the maintenance of a well to guard against waste and  
26 contamination of the groundwater resources;

27 (6) To require the operator to place a well identification tag on  
28 a new well and on an existing well on which work is performed after the  
29 effective date of rules requiring well identification tags and to place  
30 or require the owner to place a well identification tag on an existing  
31 well;

32 (7) To require the well owner to repair or decommission any well:

33 (a) That is abandoned, unusable, or not intended for future use; or

34 (b) That is an environmental, safety, or public health hazard.

35 **Sec. 134.** RCW 18.104.043 and 2005 c 84 s 2 are each amended to  
36 read as follows:

37 (1) If requested in writing by the governing body of a local health

1 district or county, the department by memorandum of agreement may  
2 delegate to the governing body the authority to administer and enforce  
3 the well tagging, sealing, and decommissioning portions of the water  
4 well construction program.

5 (2) The department shall determine whether a local health district  
6 or county that seeks delegation under this section has the resources,  
7 capability, and expertise, including qualified field inspectors, to  
8 administer the delegated program. If the department determines the  
9 local government has these resources, it shall notify well contractors  
10 and operators of the proposal. The department shall accept written  
11 comments on the proposal for sixty days after the notice is mailed.

12 (3) If the department determines that a delegation of authority to  
13 a local health district or county to administer and enforce the well  
14 sealing and decommissioning portions of the water well construction  
15 program will enhance the public health and safety and the environment,  
16 the department and the local governing body may enter into a memorandum  
17 of agreement setting forth the specific authorities delegated by the  
18 department to the local governing body. The memorandum of agreement  
19 must be, at a minimum, reviewed annually. The department(~~(, in~~  
20 ~~consultation with the technical advisory group, created under RCW~~  
21 ~~18.104.190,)) shall adopt rules outlining the annual review and  
22 reporting process. A detailed summary of the review must be made  
23 available to well contractors and operators upon request and be  
24 published on the department's web site.~~

25 (4) With regard to the portions of the water well construction  
26 program delegated under this section, the local governing agency shall  
27 exercise only the authority delegated to it under this section. If,  
28 after a public hearing, the department determines that a local  
29 governing body is not administering the program in accordance with this  
30 chapter, it shall notify the local governing body of the deficiencies.  
31 If corrective action is not taken within a reasonable time, not to  
32 exceed sixty days, the department by order shall withdraw the  
33 delegation of authority.

34 (5) The department shall promptly furnish the local governing body  
35 with a copy of each water well report and notification of start cards  
36 received in the area covered by a delegated program.

37 (6) The department and the local governing body shall coordinate to

1 reduce duplication of effort and shall share all appropriate  
2 information including technical reports, violations, and well reports.

3 (7) Any person aggrieved by a decision of a local health district  
4 or county under a delegated program may appeal the decision to the  
5 department. The department's decision is subject to review by the  
6 pollution control hearings board as provided in RCW 43.21B.110.

7 (8) The department shall not delegate the authority to license well  
8 contractors, renew licenses, receive notices of intent to commence  
9 constructing a well, receive well reports, or collect state fees  
10 provided for in this chapter.

11 **Sec. 135.** RCW 18.104.049 and 1993 c 387 s 7 are each amended to  
12 read as follows:

13 The department by rule shall adopt procedures to permit a well  
14 operator to modify construction standards to meet unforeseen  
15 circumstances encountered during the construction of a well. ((The  
16 procedures shall be developed in consultation with the technical  
17 advisory group established in RCW 18.104.190.))

18 **Sec. 136.** RCW 18.104.100 and 2005 c 84 s 5 are each amended to  
19 read as follows:

20 (1) Licenses issued pursuant to this chapter shall be renewed every  
21 two years. A license shall be renewed upon payment of a renewal fee  
22 and completion of continuing education requirements and receipt of a  
23 completed license renewal application. If a licensee fails to submit  
24 an application for renewal, the renewal fee, and proof of completion of  
25 the required continuing education, the license shall be suspended at  
26 the end of its effective term. The licensee is not allowed to perform  
27 work authorized by their license during the time that it is suspended.  
28 The licensee is allowed thirty days to submit an application for  
29 renewal, the renewal fee, and proof of completion of the required  
30 continuing education for the renewal period. Continuing education  
31 obtained during the thirty-day suspension period may be applied only to  
32 the next renewal period. If a licensee fails to submit an application  
33 for renewal, the renewal fee, and proof of completion of the required  
34 continuing education by the end of the thirty-day suspension period,  
35 the license expires. The department shall adopt rules(~~(, in~~  
36 ~~consultation with the technical advisory group created under RCW~~

1 ~~18.104.190,~~) that allow for an extension of the thirty-day suspension  
2 period for certain situations that are beyond the control of the  
3 licensee. The rules must also allow for a retirement or inactive  
4 license.

5 (2) A person whose license has expired must apply for a new license  
6 as provided in this chapter. The department may waive the requirement  
7 for a written examination and on-site testing for a person whose  
8 license has expired.

9 (3) The department may refuse to renew a license if the licensee  
10 has not complied with an order issued by the department or has not paid  
11 a penalty imposed in accordance with this chapter, unless the order or  
12 penalty is under appeal.

13 (4) The department may issue a conditional license to enable a  
14 former licensee to comply with an order to correct problems with a  
15 well.

16 **Sec. 137.** RCW 18.104.200 and 2005 c 84 s 6 are each amended to  
17 read as follows:

18 (1) A person seeking a new license or to renew an existing license  
19 under this chapter must demonstrate a willingness to maintain a high  
20 level of professional competency by completing continuing education  
21 programs as required by the department by rule. The department shall  
22 not approve any continuing education program unless: (a) It is offered  
23 by an approved provider; (b) it is open to all persons licensed or  
24 pursuing a license under this chapter; and (c) the fees charged are  
25 reasonable for all persons desiring to attend the program.

26 (2) The department(~~(, in consultation with the technical advisory~~  
27 ~~group created in RCW 18.104.190,~~) shall adopt rules governing  
28 continuing education programs. At a minimum, the rules must establish:  
29 A method of approving providers of continuing education; a criteria to  
30 evaluate the offerings, workshops, courses, classes, or programs; a  
31 criteria for assigning credits; and a criteria for reporting and  
32 verifying completion.

33 (3) The department shall support approved providers by providing,  
34 upon request and at the department's discretion, technical assistance  
35 and presenters for continuing education offerings.

36 (4) The department shall maintain a current list of all continuing

1 education offerings by approved providers and ensure that the list is  
2 available to all licensees by request. The list must also be posted on  
3 the department's web site.

#### 4 **Lieutenant Governor Appointments and Assignments**

5 **Sec. 138.** RCW 43.15.020 and 2008 c 152 s 9 are each amended to  
6 read as follows:

7 The lieutenant governor serves as president of the senate and is  
8 responsible for making appointments to, and serving on, the committees  
9 and boards as set forth in this section.

10 (1) The lieutenant governor serves on the following boards and  
11 committees:

12 (a) Capitol furnishings preservation committee, RCW 27.48.040;

13 (b) Washington higher education facilities authority, RCW  
14 28B.07.030;

15 (c) Productivity board, also known as the employee involvement and  
16 recognition board, RCW 41.60.015;

17 (d) State finance committee, RCW 43.33.010;

18 (e) State capitol committee, RCW 43.34.010;

19 (f) Washington health care facilities authority, RCW 70.37.030;

20 (g) State medal of merit nominating committee, RCW 1.40.020;

21 (h) Medal of valor committee, RCW 1.60.020; and

22 (i) Association of Washington generals, RCW 43.15.030.

23 (2) The lieutenant governor, and when serving as president of the  
24 senate, appoints members to the following boards and committees:

25 ~~((Organized crime advisory board, RCW 43.43.858;~~

26 ~~(b))~~ Civil legal aid oversight committee, RCW 2.53.010;

27 ~~((e))~~ (b) Office of public defense advisory committee, RCW  
28 2.70.030;

29 ~~((d))~~ (c) Washington state gambling commission, RCW 9.46.040;

30 ~~((e))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;

31 ~~((f))~~ (e) State building code council, RCW 19.27.070;

32 ~~((g))~~ (f) Women's history consortium board of advisors, RCW  
33 27.34.365;

34 ~~((h))~~ (g) Financial literacy public-private partnership, RCW  
35 28A.300.450;

1        ~~((i))~~ (h) Joint administrative rules review committee, RCW  
2 34.05.610;  
3        ~~((j))~~ (i) Capital projects advisory review board, RCW 39.10.220;  
4        ~~((k))~~ (j) Select committee on pension policy, RCW 41.04.276;  
5        ~~((l))~~ (k) Legislative ethics board, RCW 42.52.310;  
6        ~~((m))~~ (l) Washington citizens' commission on salaries, RCW  
7 43.03.305;  
8        ~~((n))~~ (m) Legislative oral history ~~((advisory))~~ committee, RCW  
9 ~~((43.07.230))~~ 44.04.325;  
10       ~~((o))~~ (n) State council on aging, RCW 43.20A.685;  
11       ~~((p))~~ (o) State investment board, RCW 43.33A.020;  
12       ~~((q))~~ (p) Capitol campus design advisory committee, RCW  
13 43.34.080;  
14       ~~((r))~~ (q) Washington state arts commission, RCW 43.46.015;  
15       ~~((s))~~ (r) Information services board, RCW 43.105.032;  
16       ~~((t) K-20 educational network board, RCW 43.105.800;~~  
17 ~~((u))~~ (s) Municipal research council, RCW 43.110.010;  
18       ~~((v))~~ (t) Council for children and families, RCW 43.121.020;  
19       ~~((w))~~ (u) PNWER-Net working subgroup under chapter 43.147 RCW;  
20       ~~((x))~~ (v) Community economic revitalization board, RCW  
21 43.160.030;  
22       ~~((y))~~ (w) Washington economic development finance authority, RCW  
23 43.163.020;  
24       ~~((z) Tourism development advisory committee, RCW 43.330.095;~~  
25 ~~((aa))~~ (x) Life sciences discovery fund authority, RCW 43.350.020;  
26       ~~((bb))~~ (y) Legislative children's oversight committee, RCW  
27 44.04.220;  
28       ~~((cc))~~ (z) Joint legislative audit and review committee, RCW  
29 44.28.010;  
30       ~~((dd))~~ (aa) Joint committee on energy supply and energy  
31 conservation, RCW 44.39.015;  
32       ~~((ee))~~ (bb) Legislative evaluation and accountability program  
33 committee, RCW 44.48.010;  
34       ~~((ff))~~ (cc) Agency council on coordinated transportation, RCW  
35 47.06B.020;  
36       ~~((gg))~~ (dd) Manufactured housing task force, RCW 59.22.090;  
37       ~~((hh))~~ (ee) Washington horse racing commission, RCW 67.16.014;

1        ~~((+ii))~~ (ff) Correctional industries board of directors, RCW  
2 72.09.080;  
3        ~~((+jj))~~ (gg) Joint committee on veterans' and military affairs,  
4 RCW 73.04.150;  
5        ~~((+kk) Washington state parks centennial advisory committee, RCW  
6 79A.75.010;~~  
7        ~~(+ll) Puget Sound council, RCW 90.71.030;~~  
8        ~~(+mm))~~ (hh) Joint legislative committee on water supply during  
9 drought, RCW 90.86.020;  
10        ~~((+nn))~~ (ii) Statute law committee, RCW 1.08.001; and  
11        ~~((+oo))~~ (jj) Joint legislative oversight committee on trade  
12 policy, RCW 44.55.020.

13        NEW SECTION.    **Sec. 139.** A new section is added to chapter 34.05  
14 RCW to read as follows:

15        The following acts or parts of acts are each temporarily suspended  
16 until July 1, 2011: RCW 34.05.610 (joint administrative rules review  
17 committee).

18        NEW SECTION.    **Sec. 140.** A new section is added to chapter 43.185B  
19 RCW to read as follows:

20        The following acts or parts of acts are each temporarily suspended  
21 until July 1, 2011: RCW 43.185B.020 (affordable housing advisory  
22 board).

23        NEW SECTION.    **Sec. 141.** A new section is added to chapter 43.20A  
24 RCW to read as follows:

25        The following acts or parts of acts are each temporarily suspended  
26 until July 1, 2011: RCW 43.20A.685 (council on aging).

27        NEW SECTION.    **Sec. 142.** A new section is added to chapter 70.94  
28 RCW to read as follows:

29        The following acts or parts of acts are each temporarily suspended  
30 until July 1, 2011: RCW 70.94.650(6) (agricultural burning practices  
31 and research task force).

32        NEW SECTION.    **Sec. 143.** A new section is added to chapter 28B.108  
33 RCW to read as follows:



1 The following acts or parts of acts are each temporarily suspended  
2 until July 1, 2011: RCW 28B.108.030 (American Indian endowed  
3 scholarship advisory and selection commission).

4 NEW SECTION. **Sec. 144.** A new section is added to chapter 46.66  
5 RCW to read as follows:

6 The following acts or parts of acts are each temporarily suspended  
7 until July 1, 2011: RCW 46.66.010 (auto theft prevention authority).  
8 During the temporary suspension, the powers, duties, and authority of  
9 the auto theft prevention authority shall be assumed by the executive  
10 board of the Washington association of sheriffs and police chiefs  
11 within the current resources of the association.

12 NEW SECTION. **Sec. 145.** A new section is added to chapter 70.195  
13 RCW to read as follows:

14 The following acts or parts of acts are each temporarily suspended  
15 until July 1, 2011: RCW 70.195.010 (birth-to-six interagency  
16 coordinating council).

17 NEW SECTION. **Sec. 146.** The following act is temporarily suspended  
18 until July 1, 2011: 2007 c 354 s 12 (uncodified) (career and technical  
19 education curricula advisory committee).

20 NEW SECTION. **Sec. 147.** A new section is added to chapter 43.31  
21 RCW to read as follows:

22 The following acts or parts of acts are each temporarily suspended  
23 until July 1, 2011: RCW 43.31.504 (child care facility fund  
24 committee).

25 NEW SECTION. **Sec. 148.** A new section is added to chapter 26.19  
26 RCW to read as follows:

27 The following acts or parts of acts are each temporarily suspended  
28 until July 1, 2011: RCW 26.19.025 (child support guidelines and review  
29 report work group).

30 NEW SECTION. **Sec. 149.** A new section is added to chapter 35.78  
31 RCW to read as follows:

1 The following acts or parts of acts are each temporarily suspended  
2 until July 1, 2011:

- 3 (1) RCW 35.78.020 (city and county design standards); and
- 4 (2) RCW 43.32.010.

5 NEW SECTION. **Sec. 150.** A new section is added to chapter 43.32  
6 RCW to read as follows:

7 The following acts or parts of acts are each temporarily suspended  
8 until July 1, 2011:

- 9 (1) RCW 35.78.020 (city and county design standards); and
- 10 (2) RCW 43.32.010.

11 **Sec. 151.** RCW 18.235.020 and 2009 c 102 s 5 are each amended to  
12 read as follows:

13 (1) This chapter applies only to the director and the boards and  
14 commissions having jurisdiction in relation to the businesses and  
15 professions licensed under the chapters specified in this section.  
16 This chapter does not apply to any business or profession not licensed  
17 under the chapters specified in this section.

18 (2)(a) The director has authority under this chapter in relation to  
19 the following businesses and professions:

- 20 (i) Auctioneers under chapter 18.11 RCW;
- 21 (ii) Bail bond agents and bail bond recovery agents under chapter  
22 18.185 RCW;
- 23 (iii) Camping resorts' operators and salespersons under chapter  
24 19.105 RCW;
- 25 (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- 26 (v) Cosmetologists, barbers, manicurists, and estheticians under  
27 chapter 18.16 RCW;
- 28 (vi) Court reporters under chapter 18.145 RCW;
- 29 (vii) Driver training schools and instructors under chapter 46.82  
30 RCW;
- 31 (viii) Employment agencies under chapter 19.31 RCW;
- 32 (ix) For hire vehicle operators under chapter 46.72 RCW;
- 33 (x) Limousines under chapter 46.72A RCW;
- 34 (xi) Notaries public under chapter 42.44 RCW;
- 35 (xii) Private investigators under chapter 18.165 RCW;

1 (xiii) Professional boxing, martial arts, and wrestling under  
2 chapter 67.08 RCW;

3 (xiv) Real estate appraisers under chapter 18.140 RCW;

4 (xv) Real estate brokers and salespersons under chapters 18.85 and  
5 18.86 RCW;

6 (xvi) Security guards under chapter 18.170 RCW;

7 (xvii) Sellers of travel under chapter 19.138 RCW;

8 (xviii) Timeshares and timeshare salespersons under chapter 64.36  
9 RCW;

10 (xix) Collection agencies under chapter 19.16 RCW;

11 (xx) Whitewater river outfitters under chapter 79A.60 RCW; and

12 ((~~xx~~)) (xxi) Home inspectors under chapter 18.280 RCW.

13 (b) The boards and commissions having authority under this chapter  
14 are as follows:

15 (i) The state board of registration for architects established in  
16 chapter 18.08 RCW;

17 (ii) ~~((The Washington state collection agency board established in~~  
18 ~~chapter 19.16 RCW;~~

19 ~~(iii))~~ The state board of registration for professional engineers  
20 and land surveyors established in chapter 18.43 RCW governing licenses  
21 issued under chapters 18.43 and 18.210 RCW;

22 ~~((iv))~~ (iii) The funeral and cemetery board established in  
23 chapter 18.39 RCW governing licenses issued under chapters 18.39 and  
24 68.05 RCW;

25 ~~((v))~~ (iv) The state board of registration for landscape  
26 architects established in chapter 18.96 RCW; and

27 ~~((vi))~~ (v) The state geologist licensing board established in  
28 chapter 18.220 RCW.

29 (3) In addition to the authority to discipline license holders, the  
30 disciplinary authority may grant or deny licenses based on the  
31 conditions and criteria established in this chapter and the chapters  
32 specified in subsection (2) of this section. This chapter also governs  
33 any investigation, hearing, or proceeding relating to denial of  
34 licensure or issuance of a license conditioned on the applicant's  
35 compliance with an order entered under RCW 18.235.110 by the  
36 disciplinary authority.

1       **Sec. 152.** RCW 19.16.100 and 2003 c 203 s 1 are each amended to  
2 read as follows:

3       Unless a different meaning is plainly required by the context, the  
4 following words and phrases as hereinafter used in this chapter shall  
5 have the following meanings:

6       (1) "Person" includes individual, firm, partnership, trust, joint  
7 venture, association, or corporation.

8       (2) "Collection agency" means and includes:

9       (a) Any person directly or indirectly engaged in soliciting claims  
10 for collection, or collecting or attempting to collect claims owed or  
11 due or asserted to be owed or due another person;

12       (b) Any person who directly or indirectly furnishes or attempts to  
13 furnish, sells, or offers to sell forms represented to be a collection  
14 system or scheme intended or calculated to be used to collect claims  
15 even though the forms direct the debtor to make payment to the creditor  
16 and even though the forms may be or are actually used by the creditor  
17 himself or herself in his or her own name;

18       (c) Any person who in attempting to collect or in collecting his or  
19 her own claim uses a fictitious name or any name other than his or her  
20 own which would indicate to the debtor that a third person is  
21 collecting or attempting to collect such claim.

22       (3) "Collection agency" does not mean and does not include:

23       (a) Any individual engaged in soliciting claims for collection, or  
24 collecting or attempting to collect claims on behalf of a licensee  
25 under this chapter, if said individual is an employee of the licensee;

26       (b) Any individual collecting or attempting to collect claims for  
27 not more than one employer, if all the collection efforts are carried  
28 on in the name of the employer and if the individual is an employee of  
29 the employer;

30       (c) Any person whose collection activities are carried on in his,  
31 her, or its true name and are confined and are directly related to the  
32 operation of a business other than that of a collection agency, such as  
33 but not limited to: Trust companies; savings and loan associations;  
34 building and loan associations; abstract companies doing an escrow  
35 business; real estate brokers; property management companies collecting  
36 assessments, charges, or fines on behalf of condominium unit owners  
37 associations, associations of apartment owners, or homeowners'

1 associations; public officers acting in their official capacities;  
2 persons acting under court order; lawyers; insurance companies; credit  
3 unions; loan or finance companies; mortgage banks; and banks;

4 (d) Any person who on behalf of another person prepares or mails  
5 monthly or periodic statements of accounts due if all payments are made  
6 to that other person and no other collection efforts are made by the  
7 person preparing the statements of account;

8 (e) An "out-of-state collection agency" as defined in this chapter;  
9 or

10 (f) Any person while acting as a debt collector for another person,  
11 both of whom are related by common ownership or affiliated by corporate  
12 control, if the person acting as a debt collector does so only for  
13 persons to whom it is so related or affiliated and if the principal  
14 business of the person is not the collection of debts.

15 (4) "Out-of-state collection agency" means a person whose  
16 activities within this state are limited to collecting debts from  
17 debtors located in this state by means of interstate communications,  
18 including telephone, mail, or facsimile transmission, from the person's  
19 location in another state on behalf of clients located outside of this  
20 state, but does not include any person who is excluded from the  
21 definition of the term "debt collector" under the federal fair debt  
22 collection practices act (15 U.S.C. Sec. 1692a(6)).

23 (5) "Claim" means any obligation for the payment of money or thing  
24 of value arising out of any agreement or contract, express or implied.

25 (6) "Statement of account" means a report setting forth only  
26 amounts billed, invoices, credits allowed, or aged balance due.

27 (7) "Director" means the director of licensing.

28 (8) "Client" or "customer" means any person authorizing or  
29 employing a collection agency to collect a claim.

30 (9) "Licensee" means any person licensed under this chapter.

31 (10) (~~("Board" means the Washington state collection agency board.~~  
32 ~~(11))~~) "Debtor" means any person owing or alleged to owe a claim.

33 (~~(12))~~) (11) "Commercial claim" means any obligation for payment  
34 of money or thing of value arising out of any agreement or contract,  
35 express or implied, where the transaction which is the subject of the  
36 agreement or contract is not primarily for personal, family, or  
37 household purposes.

1       **Sec. 153.** RCW 19.16.420 and 1971 ex.s. c 253 s 33 are each amended  
2 to read as follows:

3       On or about the first day of February in each year, the director  
4 shall cause to be made available at reasonable expense to a licensee a  
5 copy of this chapter, a copy of the current rules and regulations of  
6 the director(~~(, and board,)~~) and such other materials as the director  
7 or board may prescribe.

8       NEW SECTION.   **Sec. 154.** A new section is added to chapter 19.16  
9 RCW to read as follows:

10       The following acts or parts of acts are each temporarily suspended  
11 until July 1, 2011:

12       (1) RCW 19.16.280 (Board created--Composition of board--  
13 Qualification of members) and 1971 ex.s. c 253 s 19;

14       (2) RCW 19.16.290 (Board--Initial members--Terms--Oath--Removal)  
15 and 1971 ex.s. c 253 s 20;

16       (3) RCW 19.16.300 (Board meetings--Quorum--Effect of vacancy) and  
17 1971 ex.s. c 253 s 21;

18       (4) RCW 19.16.310 (Board--Compensation--Reimbursement of travel  
19 expenses) and 1984 c 287 s 54, 1975-'76 2nd ex.s. c 34 s 58, & 1971  
20 ex.s. c 253 s 22;

21       (5) RCW 19.16.320 (Board--Territorial scope of operations) and 1971  
22 ex.s. c 253 s 23;

23       (6) RCW 19.16.330 (Board--Immunity from suit) and 1971 ex.s. c 253  
24 s 24;

25       (7) RCW 19.16.340 (Board--Records) and 1971 ex.s. c 253 s 25;

26       (8) RCW 19.16.351 (Additional powers and duties of board) and 2002  
27 c 86 s 267, 1977 ex.s. c 194 s 2, & 1973 1st ex.s. c 20 s 8;

28       (9) RCW 19.16.410 (Rules, orders, decisions, etc) and 2007 c 256 s  
29 4 & 1971 ex.s. c 253 s 32; and

30       (10) RCW 19.16.420 (Copy of this chapter, rules and regulations  
31 available to licensee) and 1971 ex.s. c 253 s 33.

32       NEW SECTION.   **Sec. 155.** A new section is added to chapter 72.78  
33 RCW to read as follows:

34       The following acts or parts of acts are each temporarily suspended  
35 until July 1, 2011: RCW 72.78.030 (community transition coordination  
36 networks advisory committee).

1        NEW SECTION.    **Sec. 156.**    A new section is added to chapter 70.198  
2    RCW to read as follows:

3        The following acts or parts of acts are each temporarily suspended  
4    until July 1, 2011:    RCW 79.198.020 (deaf and hard of hearing advisory  
5    council).

6        NEW SECTION.    **Sec. 157.**    A new section is added to chapter 28A.175  
7    RCW to read as follows:

8        The following acts or parts of acts are each temporarily suspended  
9    until July 1, 2011:    RCW 28A.175.075 (drop-out prevention state-level  
10   leadership group).

11       NEW SECTION.    **Sec. 158.**    A new section is added to chapter 43.06B  
12   RCW to read as follows:

13       The following acts or parts of acts are each temporarily suspended  
14   until July 1, 2011:    RCW 43.06B.010 (education ombudsman appointment  
15   committee).

16       NEW SECTION.    **Sec. 159.**    A new section is added to chapter 44.39  
17   RCW to read as follows:

18       The following acts or parts of acts are each temporarily suspended  
19   until July 1, 2011:    RCW 44.39.010 (joint committee on energy supply  
20   and energy conservation).

21       NEW SECTION.    **Sec. 160.**    A new section is added to chapter 38.52  
22   RCW to read as follows:

23       The following acts or parts of acts are each temporarily suspended  
24   until July 1, 2011:    RCW 38.52.530 (enhanced 911 advisory committee).

25       NEW SECTION.    **Sec. 161.**    A new section is added to chapter 43.22  
26   RCW to read as follows:

27       The following acts or parts of acts are each temporarily suspended  
28   until July 1, 2011:    RCW 43.22.420 (factory assembled structures  
29   advisory board).

30       NEW SECTION.    **Sec. 162.**    The following act is temporarily suspended  
31   until July 1, 2011:    2007 c 357 s 2 (uncodified) (joint legislative  
32   task force on family leave insurance).

1        NEW SECTION.    **Sec. 163.**    A new section is added to chapter 28A.300  
2    RCW to read as follows:

3        The following acts or parts of acts are each temporarily suspended  
4    until July 1, 2011:    RCW 28A.300.450 (financial literacy public-private  
5    partnership).

6        NEW SECTION.    **Sec. 164.**    A new section is added to chapter 43.31  
7    RCW to read as follows:

8        The following acts or parts of acts are each temporarily suspended  
9    until July 1, 2011:    RCW 43.31.425 (Hanford area economic investment  
10   fund committee).

11       NEW SECTION.    **Sec. 165.**    A new section is added to chapter 70.47A  
12   RCW to read as follows:

13       The following acts or parts of acts are each temporarily suspended  
14   until July 1, 2011:    RCW 70.47A.100 (health insurance partnership  
15   board).

16       NEW SECTION.    **Sec. 166.**    A new section is added to chapter 28B.115  
17   RCW to read as follows:

18       The following acts or parts of acts are each temporarily suspended  
19   until July 1, 2011:    RCW 28B.115.050 (health professional loan  
20   repayment and scholarship advisory committee).

21       NEW SECTION.    **Sec. 167.**    RCW 79A.30.030 (Washington state horse  
22   park authority--Formation--Powers--Articles of incorporation--Board)  
23   and 2000 c 11 s 85 & 1995 c 200 s 4 are each repealed.

24       NEW SECTION.    **Sec. 168.**    A new section is added to chapter 77.85  
25   RCW to read as follows:

26       The following acts or parts of acts are each temporarily suspended  
27   until July 1, 2011:    RCW 77.85.200 (lower Columbia fish recovery  
28   board).

29       NEW SECTION.    **Sec. 169.**    A new section is added to chapter 28A.305  
30   RCW to read as follows:

31       The following acts or parts of acts are each temporarily suspended



1 until July 1, 2011: RCW 28A.305.219 (mathematics advisory panel and  
2 science advisory panel).

3 NEW SECTION. **Sec. 170.** A new section is added to chapter 1.40 RCW  
4 to read as follows:

5 The following acts or parts of acts are each temporarily suspended  
6 until July 1, 2011: RCW 1.40.020 (medal of merit committee).

7 NEW SECTION. **Sec. 171.** A new section is added to chapter 1.60 RCW  
8 to read as follows:

9 The following acts or parts of acts are each temporarily suspended  
10 until July 1, 2011: RCW 1.60.020 (state medal of valor committee).

11 NEW SECTION. **Sec. 172.** A new section is added to chapter 13.60  
12 RCW to read as follows:

13 The following acts or parts of acts are each temporarily suspended  
14 until July 1, 2011: RCW 13.60.120 (missing and exploited children task  
15 force).

16 NEW SECTION. **Sec. 173.** A new section is added to chapter 43.147  
17 RCW to read as follows:

18 The following acts or parts of acts are each temporarily suspended  
19 until July 1, 2011: Chapter 43.147 RCW (Pacific Northwest economic  
20 region delegate council and executive committee).

21 NEW SECTION. **Sec. 174.** A new section is added to chapter 28B.10  
22 RCW to read as follows:

23 The following acts or parts of acts are each temporarily suspended  
24 until July 1, 2011: RCW 28B.10.922 (performance agreement committee).

25 NEW SECTION. **Sec. 175.** A new section is added to chapter 28A.195  
26 RCW to read as follows:

27 The following acts or parts of acts are each temporarily suspended  
28 until July 1, 2011: RCW 28A.195.050 (private school advisory  
29 committee).

30 NEW SECTION. **Sec. 176.** A new section is added to chapter 36.102  
31 RCW to read as follows:

1           The following acts or parts of acts are each temporarily suspended  
2 until July 1, 2011: RCW 36.102.040 (public stadium authority advisory  
3 committee).

4           NEW SECTION.   **Sec. 177.** A new section is added to chapter 41.04  
5 RCW to read as follows:

6           The following acts or parts of acts are each temporarily suspended  
7 until July 1, 2011: RCW 41.04.276 (select committee on pension  
8 policy).

9           NEW SECTION.   **Sec. 178.** The following act is temporarily suspended  
10 until July 1, 2011: 2008 c 195 s 2 (uncodified) (recreation on state  
11 trust lands work group).

12           NEW SECTION.   **Sec. 179.** A new section is added to chapter 74.18  
13 RCW to read as follows:

14           The following acts or parts of acts are each temporarily suspended  
15 until July 1, 2011: RCW 74.18.070 (rehabilitation council for the  
16 department of services for the blind).

17           NEW SECTION.   **Sec. 180.** A new section is added to chapter 28A.600  
18 RCW to read as follows:

19           The following acts or parts of acts are each temporarily suspended  
20 until July 1, 2011: RCW 28A.600.130 (scholars advisory and selection  
21 committee).

22           NEW SECTION.   **Sec. 181.** A new section is added to chapter 28A.160  
23 RCW to read as follows:

24           The following acts or parts of acts are each temporarily suspended  
25 until July 1, 2011: RCW 28A.160.195 (school bus equipment and  
26 specifications committee).

27           NEW SECTION.   **Sec. 182.** The following acts or parts of acts are  
28 each repealed: 2007 c 520 s 6016 (uncodified) (joint legislative task  
29 force on school construction funding); and

30           2007 c 520 s 6025 (uncodified) (study committee on public  
31 infrastructure programs and funding structures).

1        NEW SECTION.    **Sec. 183.**    A new section is added to chapter 28A.525  
2    RCW to read as follows:

3        The following acts or parts of acts are each temporarily suspended  
4    until July 1, 2011:    RCW 28A.525.025 (school facilities citizen  
5    advisory panel).

6        NEW SECTION.    **Sec. 184.**    A new section is added to chapter 43.210  
7    RCW to read as follows:

8        The following acts or parts of acts are each temporarily suspended  
9    until July 1, 2011:    RCW 43.210.030 (small business export finance  
10    assistance center board).

11       NEW SECTION.    **Sec. 185.**    A new section is added to chapter 28A.175  
12    RCW to read as follows:

13       The following acts or parts of acts are each temporarily suspended  
14    until July 1, 2011:    RCW 28A.175.075 (state-level leadership group).

15       NEW SECTION.    **Sec. 186.**    A new section is added to chapter 2.53 RCW  
16    to read as follows:

17       The following acts or parts of acts are each temporarily suspended  
18    until July 1, 2011:    RCW 2.53.040 (task force on statewide protocols  
19    for dissolution cases).

20       NEW SECTION.    **Sec. 187.**    A new section is added to chapter 58.24  
21    RCW to read as follows:

22       The following acts or parts of acts are each temporarily suspended  
23    until July 1, 2011:    RCW 58.24.020 (survey advisory board).

24       NEW SECTION.    **Sec. 188.**    A new section is added to chapter 44.55  
25    RCW to read as follows:

26       The following acts or parts of acts are each temporarily suspended  
27    until July 1, 2011:    RCW 44.55.020 (joint legislative oversight  
28    committee on trade policy).

29       NEW SECTION.    **Sec. 189.**    The following act is temporarily suspended  
30    until July 1, 2011:    2007 c 288    s 2 (uncodified) (joint legislative  
31    task force on underground economy in the construction industry).



1 (6) RCW 46.38.060 (State officers for the filing of documents and  
2 receipt of notices) and 1987 c 330 s 738 & 1963 c 204 s 6;

3 (7) RCW 46.38.070 (Vehicle equipment safety commission to submit  
4 budgets to director of financial management) and 1979 c 151 s 160 &  
5 1963 c 204 s 7;

6 (8) RCW 46.38.080 (State auditor to inspect accounts of vehicle  
7 equipment safety commission) and 1963 c 204 s 8; and

8 (9) RCW 46.38.090 (Withdrawal from compact, "executive head"  
9 defined) and 1963 c 204 s 9.

10 **Western States School Bus Safety Commission**

11 NEW SECTION. **Sec. 195.** The following acts or parts of acts are  
12 each repealed:

13 (1) RCW 46.39.010 (Compact enacted--Provisions) and 1977 ex.s. c 88  
14 s 1; and

15 (2) RCW 46.39.020 (Designation of Washington state commissioners)  
16 and 1984 c 7 s 51 & 1977 ex.s. c 88 s 2.

17 NEW SECTION. **Sec. 196.** The traumatic brain injury grant advisory  
18 board must be dissolved by July 1, 2010. The traumatic brain injury  
19 council shall assume all duties and powers of the traumatic brain  
20 injury grant advisory board necessary to retain any federal grants.

21 **Sec. 197.** RCW 43.60A.010 and 2006 c 343 s 2 are each amended to  
22 read as follows:

23 As used in this chapter the following words and phrases shall have  
24 the following meanings unless the context clearly requires otherwise:

25 (1) "Department" means the department of veterans affairs.

26 (2) "Director" means the director of the department of veterans  
27 affairs.

28 (3) "Committee" means the veterans affairs advisory committee.

29 (~~(4) "Board" means the veterans innovations program board.~~)

30 **Sec. 198.** RCW 43.60A.080 and 1995 c 25 s 1 are each amended to  
31 read as follows:

32 (1) There is hereby created a veterans affairs advisory committee  
33 which shall serve in an advisory capacity to the governor and the

1 director of the department of veterans affairs. The committee shall be  
2 composed of seventeen members to be appointed by the governor, and  
3 shall consist of the following:

4 (a) One representative of the Washington soldiers' home and colony  
5 at Orting and one representative of the Washington veterans' home at  
6 Retsil. Each home's resident council may nominate up to three  
7 individuals whose names are to be forwarded by the director to the  
8 governor. In making the appointments, the governor shall consider  
9 these recommendations or request additional nominations.

10 (b) One representative each from the three congressionally  
11 chartered or nationally recognized veterans service organizations as  
12 listed in the current "Directory of Veterans Service Organizations"  
13 published by the United States department of veterans affairs with the  
14 largest number of active members in the state of Washington as  
15 determined by the director. The organizations' state commanders may  
16 each submit a list of three names to be forwarded to the governor by  
17 the director. In making the appointments, the governor shall consider  
18 these recommendations or request additional nominations.

19 (c) Ten members shall be chosen to represent those congressionally  
20 chartered or nationally recognized veterans service organizations  
21 listed in the directory under (b) of this subsection and having at  
22 least one active chapter within the state of Washington. Up to three  
23 nominations may be forwarded from each organization to the governor by  
24 the director. In making the appointments, the governor shall consider  
25 these recommendations or request additional nominations.

26 (d) Two members shall be veterans at large. Any individual or  
27 organization may nominate a veteran for an at-large position.  
28 Organizational affiliation shall not be a prerequisite for nomination  
29 or appointment. All nominations for the at-large positions shall be  
30 forwarded by the director to the governor.

31 (e) No organization shall have more than one official  
32 representative on the committee at any one time.

33 (f) In making appointments to the committee, care shall be taken to  
34 ensure that members represent all geographical portions of the state  
35 and minority viewpoints, and that the issues and views of concern to  
36 women veterans are represented.

37 (2) All members shall have terms of four years. In the case of a  
38 vacancy, appointment shall be only for the remainder of the unexpired

1 term for which the vacancy occurs. No member may serve more than two  
2 consecutive terms, with vacancy appointments to an unexpired term not  
3 considered as a term. Members appointed before June 11, 1992, shall  
4 continue to serve until the expiration of their current terms; and  
5 then, subject to the conditions contained in this section, are eligible  
6 for reappointment.

7 (3) The committee shall adopt an order of business for conducting  
8 its meetings.

9 (4) The committee shall have the following powers and duties:

10 (a) To serve in an advisory capacity to the governor and the  
11 director on matters pertaining to the department of veterans affairs;

12 (b) To acquaint themselves fully with the operations of the  
13 department and recommend such changes to the governor and the director  
14 as they deem advisable; and

15 (c) To exercise the powers granted under RCW 43.60A.160 through  
16 43.60A.185 related to the competitive grant program.

17 (5) Members of the committee shall receive no compensation for the  
18 performance of their duties but shall receive a per diem allowance and  
19 mileage expense according to the provisions of chapter 43.03 RCW.

20 NEW SECTION. Sec. 199. The following acts or parts of acts are  
21 each repealed:

22 (1) RCW 43.60A.170 (Competitive grant program--Veterans innovations  
23 program board--Travel expenses) and 2006 c 343 s 5;

24 (2) RCW 43.131.405 (Veterans innovations program--Termination) and  
25 2006 c 343 s 10; and

26 (3) RCW 43.131.406 (Veterans innovations program--Repeal) and 2006  
27 c 343 s 11.

28 NEW SECTION. Sec. 200. The HIV policy collaborative established  
29 under RCW 43.70.040 must be dissolved by July 1, 2010. The HIV/AIDS  
30 education program review panel must assume all duties and powers of the  
31 HIV policy collaborative necessary to retain any federal grants.

32 NEW SECTION. Sec. 201. By July 1, 2010, the governor shall  
33 recommend to the legislature which of the boards and commissions,  
34 created either by statute or by action of the executive branch, shall

1 receive state funding, those whose activities shall be suspended, and  
2 those which shall be terminated either by legislative or executive  
3 branch action.

4 NEW SECTION. **Sec. 202.** (1) All documents and papers, equipment,  
5 or other tangible property in the possession of the terminated entity  
6 shall be delivered to the custody of the entity assuming the  
7 responsibilities of the terminated entity or if such responsibilities  
8 have been eliminated, documents and papers shall be delivered to the  
9 state archivist and equipment or other tangible property to the  
10 department of general administration.

11 (2) All funds held by, or other moneys due to, the terminated  
12 entity shall revert to the fund from which they were appropriated, or  
13 if that fund is abolished to the general fund.

14 (3) All contractual rights and duties of an entity shall be  
15 assigned or delegated to the entity assuming the responsibilities of  
16 the terminated entity, or if there is none to such entity as the  
17 governor shall direct.

18 NEW SECTION. **Sec. 203.** Any agency or state or local government  
19 entity that is required by statute to consult with a board or  
20 commission suspended or eliminated by this act shall instead seek  
21 informed opinions from other individuals or groups engaged in similar  
22 activities, as the director or governing body feels is appropriate.

23 NEW SECTION. **Sec. 204.** Section 18 of this act expires June 1,  
24 2013.

25 NEW SECTION. **Sec. 205.** Sections 151 through 153 of this act  
26 expire July 1, 2011.

27 NEW SECTION. **Sec. 206.** Subheadings used in this act are not any  
28 part of the law.

29 NEW SECTION. **Sec. 207.** Sections 2 through 31, 98, 99, 167, 182,  
30 183, 192, 194, 195, 202, and 203 of this act are necessary for the  
31 immediate preservation of the public peace, health, or safety, or



1 support of the state government and its existing public institutions,  
2 and take effect June 30, 2009.

3 NEW SECTION. **Sec. 208.** Sections 32 through 97 and 100 through 137  
4 of this act take effect June 30, 2010."

**SB 5995** - S AMD  
By Senator Pridemore

**ADOPTED AS AMENDED 04/23/2009**

5 On page 1, line 2 of the title, after "2009;" strike the remainder  
6 of the title and insert "amending RCW 18.06.080, 70.128.163, 18.44.011,  
7 18.44.195, 18.44.221, 18.44.251, 19.146.225, 70.149.040, 79A.75.900,  
8 70.14.060, 4.92.130, 18.84.040, 18.84.070, 28B.116.020, 28B.12.040,  
9 28C.18.050, 28C.18.090, 43.03.027, 43.03.028, 34.12.100, 42.17.370,  
10 43.03.040, 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040,  
11 28A.300.520, 43.215.065, 72.09.495, 74.04.800, 74.13.031, 74.15.050,  
12 74.15.060, 41.04.033, 41.04.0331, 41.04.0332, 43.101.380, 43.105.052,  
13 72.23.025, 43.43.930, 43.43.938, 43.43.962, 43.43.934, 38.52.530,  
14 49.26.120, 48.62.061, 48.62.161, 41.05.035, 28B.76.280, 18.280.010,  
15 18.280.030, 18.280.050, 18.280.060, 18.280.070, 18.280.080, 18.280.110,  
16 18.280.120, 18.280.130, 43.330.090, 43.105.020, 43.105.041, 43.105.805,  
17 43.105.820, 16.57.353, 46.09.020, 18.210.010, 18.210.050, 18.210.060,  
18 70.118.110, 43.43.866, 43.10.240, 18.200.010, 18.200.050, 18.200.070,  
19 18.140.010, 18.140.030, 18.140.160, 18.140.170, 77.95.100, 77.95.180,  
20 77.95.190, 82.58.020, 70.95.030, 43.21A.520, 70.105.010, 70.105.160,  
21 70.119A.180, 90.86.030, 18.104.040, 18.104.043, 18.104.049, 18.104.100,  
22 18.104.200, 43.15.020, 18.235.020, 19.16.100, 19.16.420, 43.60A.010,  
23 and 43.60A.080; reenacting and amending RCW 70.105D.030 and 74.15.030;  
24 adding a new section to chapter 34.05 RCW; adding a new section to  
25 chapter 43.185B RCW; adding new sections to chapter 43.20A RCW; adding  
26 a new section to chapter 70.94 RCW; adding a new section to chapter  
27 28B.108 RCW; adding a new section to chapter 46.66 RCW; adding a new  
28 section to chapter 70.195 RCW; adding new sections to chapter 43.31  
29 RCW; adding a new section to chapter 26.19 RCW; adding a new section to

1 chapter 35.78 RCW; adding a new section to chapter 43.32 RCW; adding a  
2 new section to chapter 19.16 RCW; adding a new section to chapter 72.78  
3 RCW; adding a new section to chapter 70.198 RCW; adding new sections to  
4 chapter 28A.175 RCW; adding a new section to chapter 43.06B RCW; adding  
5 a new section to chapter 44.39 RCW; adding a new section to chapter  
6 38.52 RCW; adding a new section to chapter 43.22 RCW; adding a new  
7 section to chapter 28A.300 RCW; adding a new section to chapter 70.47A  
8 RCW; adding a new section to chapter 28B.115 RCW; adding a new section  
9 to chapter 77.85 RCW; adding a new section to chapter 28A.305 RCW;  
10 adding a new section to chapter 1.40 RCW; adding a new section to  
11 chapter 1.60 RCW; adding a new section to chapter 13.60 RCW; adding a  
12 new section to chapter 43.147 RCW; adding a new section to chapter  
13 28B.10 RCW; adding a new section to chapter 28A.195 RCW; adding a new  
14 section to chapter 36.102 RCW; adding a new section to chapter 41.04  
15 RCW; adding a new section to chapter 74.18 RCW; adding a new section to  
16 chapter 28A.600 RCW; adding a new section to chapter 28A.160 RCW;  
17 adding a new section to chapter 28A.525 RCW; adding a new section to  
18 chapter 43.210 RCW; adding a new section to chapter 2.53 RCW; adding a  
19 new section to chapter 58.24 RCW; adding a new section to chapter 44.55  
20 RCW; adding a new section to chapter 90.86 RCW; creating new sections;  
21 repealing RCW 28B.04.085, 70.128.225, 18.20.260, 70.96A.070, 18.44.500,  
22 18.44.510, 79A.25.220, 19.146.280, 4.92.230, 21.20.550, 21.20.560,  
23 21.20.570, 21.20.580, 21.20.590, 43.360.040, 28B.116.040, 18.155.050,  
24 74.32.100, 74.32.110, 74.32.120, 74.32.130, 74.32.140, 74.32.150,  
25 74.32.160, 74.32.170, 74.32.180, 28B.50.254, 18.250.030, 43.63A.068,  
26 43.101.310, 43.101.315, 43.101.320, 43.101.325, 43.101.330, 43.101.335,  
27 43.101.340, 43.101.345, 43.105.055, 70.198.010, 43.43.932, 43.43.936,  
28 70.105E.070, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100, 18.280.040,  
29 10.98.200, 10.98.210, 10.98.220, 10.98.230, 10.98.240, 43.105.800,  
30 43.105.810, 16.57.015, 71.09.320, 46.09.280, 18.210.040, 18.210.070,  
31 70.118.100, 43.43.858, 43.43.860, 43.43.862, 43.43.864, 10.29.030,  
32 10.29.040, 10.29.080, 10.29.090, 18.200.060, 72.09.800, 18.140.230,  
33 18.140.240, 18.140.250, 77.95.110, 77.95.120, 70.95.040, 70.95.050,  
34 70.95.070, 70.105.060, 70.119A.160, 18.104.190, 79A.30.030, 46.38.010,  
35 46.38.020, 46.38.030, 46.38.040, 46.38.050, 46.38.060, 46.38.070,  
36 46.38.080, 46.38.090, 46.39.010, 46.39.020, 43.60A.170, 43.131.405, and  
37 43.131.406; repealing 2008 c 311 s 1 (uncodified); repealing 2008 c 311  
38 s 2 (uncodified); repealing 2008 c 311 s 3 (uncodified); repealing 2008

1 c 311 s 4 (uncodified); repealing 2007 c 520 s 6016 (uncodified);  
2 repealing 2007 c 520 s 6026 (uncodified); providing effective dates;  
3 providing expiration dates; and declaring an emergency."

--- END ---